

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

FILED
NOV 12 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 71207
FILED BY Nevada Land + Resource
ON May 11, 2004, TO APPROPRIATE THE
WATERS OF State of Nevada

} PROTEST

Comes now Roderick G. McKenzie
Printed or typed name of protestant

whose post office address is P.O. Box 236 Lund, NV 89317
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is Farmer and protests the granting

of Application Number 71207, filed on May 11, 2004

by Nevada Land + Resource Company, LLC to appropriate the

waters of underground situated in White Pine
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attachment

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Roderick G. McKenzie
Agent or protestant

Printed or typed name, if agent

Address P.O. Box 236
Street No. or P.O. Box No.

Lund, NV 89317
City, State and Zip Code No.

Subscribed and sworn to before me this 4th day of November, 2004

Russ W. Peard
Notary Public

State of Nevada

County of White Pine

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LUND JUSTICE COURT

JUSTICE OF THE PEACE
LUND TOWNSHIP # 2
LUND, NEVADA 89317

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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Attachment to Protest of Application No. 71207
Filed May 11, 2004 by Nevada Land & Resource Company, LLC of Carson City, Nevada

In general, where soil is suitable and ground water abundant, I am in favor of additional development of land for agricultural use in the White River Valley hydro-geologic basin. However, I protest the granting of this application for the following reasons:

1. Indications are that the water table in all or parts of this alluvial basin is declining. If this is true the cause may be weather related or over-pumping or a combination of both. This application, together with the other two ~~adjoining~~ applications (numbers 71205 and 71206) would have significant impacts if the basin is already being over-pumped.
2. White Pine County is in the process of establishing a comprehensive monitoring program of the underground water tables. It is my belief that a reliable database from monitoring should be in place before any significant new development of underground water resources goes forward.
3. As I understand the situation, there are more applications for water permits in this basin than will ever be granted and they pre-date this application. These earlier applications should merit some reservation of available, if any, underground water.
4. This application is in close proximity to the springs used by both the Lund Irrigation and Water Company and the Preston Irrigation Company. A relatively shallow well (300-1000 feet), based on the applicant's resources, could conceivably tap the carbonate aquifer and have significant impact to those springs.
5. According to the latest County Assessor's records, Nevada Land & Resource Co., LLC only own --- 240 acres at this location.

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