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

FILED
NOV 08 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 71207,
FILED BY NEVADA LAND & RESOURCE Co
ON MAY 11, 2004, TO APPROPRIATE THE
WATERS OF STATE OF NEVADA

PROTEST

Comes now Roy G. & Rozena C. Horsley
Printed or typed name of protestant

whose post office address is P.O. Box 298 LUND NV 89317
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is RETIRED and protests the granting

of Application Number 71207, filed on MAY 11, 2004

by NEVADA LAND & RESOURCE Co. to appropriate the

waters of STATE OF NEVADA situated in WHITE PINE COUNTY
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:

WE OWN LAND AND A WELL IN DIRECT LINE OF THE WELLS LISTED ABOVE. THESE WELLS COULD HAVE SERIOUS NEGATIVE IMPACT BY LOWERING WATER TABLE. THIS LAND & WELL THAT WE OWN IS OUR DOMESTIC RESIDENCE. WATER IS CRUCIAL. WE DO NOT BELIEVE THE APPLICANT CAN PROVE BENEFICIAL USE THAT FOR THE FEW ACRES AND POSSIBLY WILL SELL THE WATER

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 Roy G Horsley Rozena C. Horsley
Agent or protestant

Roy G. Horsley ROZENA C. HORSLEY
Printed or typed name, if agent

Address 900 N 85 E P.O. Box 298
Street No. or P.O. Box No.

Lund Nevada 89317
City, State and Zip Code No.

RECEIVED
04 NOV -8 AM 11:01
STATE ENGINEERS OFFICE

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

Russel W. Pincock
Notary Public

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

State of Nevada

County of White Pine

FILED
NOV 04 2004
LUND JUSTICE COURT

✚ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to Protest of Application No. 76207
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 76205 and 76206) 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 owns 240 acres at this location.