

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

FILED
NOV 18 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 71207
FILED BY Nev. Lund + Resource Co. LLC of Carson City, NV
ON May 11, 2004, TO APPROPRIATE THE
WATERS OF State of NV underground
White Pine County, NV

} PROTEST

Comes now Timothy G. McGowan
Printed or typed name of protestant

whose post office address is Po Box 125 Lund, NV 89317
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is Mechanic and protests the granting

of Application Number 71207, filed on May 11, 2004

by Nevada Lund + Resource Co. LLC Carson City, NV to appropriate the

waters of underground White River Valley 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:

Please see attachments

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 Timothy G. McGowan
Agent or protestant

Timothy G. McGowan
Printed or typed name, if agent

Address P.O. Box 125
Street No. or P.O. Box No.

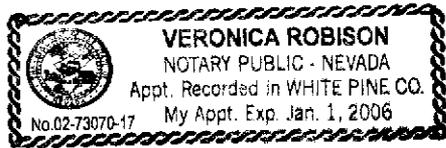
Lund, NV 89317
City, State and Zip Code No.

Subscribed and sworn to before me this 17 day of November, 2004

Veronica Robison
Notary Public

State of Nevada

County of White Pine



+ \$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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Attachment to protest of Application No. 71207

Nevada Land & Resource Co. is requesting 8.4 CFS of water. This is enough water to fill a container which measures 8.4 feet wide by 8.4 feet deep by 8.4 feet high, and a container this size would be filled EVERY SECOND! I understand that existing water allotments allow ONLY ONE TENTH of this amount and it is generally sufficient for a typical alfalfa operation such as exists at present in the White River Valley. Alfalfa growing is ostensibly what N L & R Co.'s stated purpose is. This begs the question, that if N L & R Co.'s intention is to raise alfalfa, why are they requesting water resources that are so grossly in excess of what is usual and required for such an operation? Another question then arises. Considering what is currently transpiring in Southern Nevada regarding water, might N L & R Co. have other planned uses for this water that they have chosen not to make public, for whatever nefarious reasons, and therefore the agricultural use stated in their application might be a merely a front?

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