

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

IN THE MATTER OF APPLICATION NUMBER.....71725.....  
FILED BY..... LINCOLN COUNTY AND VIDLER WATER CO., INC.,  
ON... SEP. 22....., 2004....., TO APPROPRIATE THE  
WATERS OF .....NEVADA BASIN 208



PROTEST



Comes now the United States Department of Interior, Bureau of Land Management, whose post office address is 702 N. Industrial Way, HC 33 Box 33500 Ely, NV 89301 and whose occupation is public land management, to protest the granting of Application Number 71725, filed on September 22, 2004 by Lincoln Co. and Vidler Water Co., Inc to appropriate the waters of an underground source situated in SE/4 SE/4 Section 31, T1S, R62E, MDB&M or at a point from which the S/4 corner of Section 34, T1N, R62E MDB&M bears N 28 deg., 58 min. E a distance of 35,511 ft., Lincoln County, State of Nevada, for the following reasons and on the following grounds, to wit See attached

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.

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Signed ..... *Peter McFadden* .....  
Agent or protestant

Peter McFadden, AFM Renewable Resources  
HC 33 Box 33500  
Ely, Nevada 89301

Subscribed and sworn to before me this... *30<sup>th</sup>* ... day of... *March* ... 20... *05* ...



..... *Alicia Hankins* .....  
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.

*PH*



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Ely Field Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408



### ATTACHMENT FOR PROTEST OF APPLICATION 71725

1. The point of diversion for the underground water source is not within proximity of a municipality.
2. The applicant(s) cannot put the water to beneficial use. The applicant(s) do not possess a Right of Way or an easement to transport water from the underground source to a municipality.
3. The hydrologic balance of the basin would be altered. The applicant(s) would need to transport the water outside of Basin 208 to put it to beneficial use as stated, creating conditions whereby surface waters (including the alluvial aquifer) would be depleted to provide deeper recharge.
4. The applications are not in the public interest for Basin 208. Public land resources in the basin which are dependant on the present hydrologic balance would be negatively affected.
5. The applications appear to be speculative, which is not in accordance with the letter and spirit of Nevada water law.

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