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

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IN THE MATTER OF APPLICATION NUMBER 72296}
FILED BY TUFFY RANCH PROPERTIES, LLC of }
SPARKS, NEVADA }
On March 4, 2005 }

PROTEST

FILED
JUN 0 3 2005
STATE ENGINEER'S OFFICE

Comes now, White Pine County, Nevada whose mailing and physical address is 801 Clark Street #4, Ely, Nevada 89301 and whose occupation is County Government and protests the granting of application no. 72296 filed on March 4, 2005 by Tuffy Ranch Properties, LLC of Sparks, Nevada to appropriate the waters of an un-named underground source situated in SE ¼ NW ¼ Section 29, T.6N., R.66E., M.D.B.&M. or at a point from which the E ¼ corner of said Section 29 bears S 65° 19' E a distance of 2,939.30 feet (approx. 25 miles N of Pioche, NV) State of Nevada, for the following reasons and on the following grounds, to-wit:

1. It is unknown what effect these withdrawals will have on White Pine County aquifers.

2. The applicants cannot put the water to beneficial use. The applicants do not possess a Right of Way or an easement to transport water from the underground source to a municipality.

3. The point of diversion for the underground water source is not within proximity of a municipality.

4. The applications appear to be speculative, which is not within the guidelines of Nevada water law.

5. The applications are not in the best public interest for the Basin. Public land resources in the basin which are dependent on the present hydrologic balance would be negatively impacted.

6. The hydrologic balance of the basin would be altered. The applicants would need to transport the water outside of Basin to put it to beneficial use as stated, creating conditions whereby surface waters, including the alluvial aquifer would be depleted to provide a deeper recharge.

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

FILED
JUN 17 2005
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 72296)
FILED BY TUFFY RANCH PROPERTIES, LLC) PROTEST
OF SPARKS, NEVADA, ON MARCH 4, 2005 TO APPROPRIATE)
THE WATERS OF THE STATE OF NEVADA)

Comes now Louis Benezet whose post office address is HC 74 Box 150, Pioche, Nevada 89043, whose occupation is concerned citizen, and protests the granting of Application number 72296 filed on march 4, 2005 by Tuffy Ranch Properties, LLC of Sparks, Nevada, to appropriate the waters of an underground source situated in Lincoln County, State of Nevada, for the following reasons and on the following grounds:

This Application is the first of 54 applications, numbers 72296 through 72349, to change the manner of use and place of use of waters heretofore appropriated. Applicant seeks to change the manner of use from agricultural to municipal, and to transfer the water from Lake Valley in northern Lincoln County to Coyote Springs Valley, a distance of over 100 miles.

These applications are speculative in nature. The applicant cannot put the water to beneficial use. Applicant does not possess a right of way to transfer the water. The amount of water he proposes to transfer is far in excess of the amount applicant has stated he will require to develop his land in Coyote Springs Valley. Applicant has other water rights near the proposed place of use. Applicant has stated that he will not use his own water to develop this property, but will buy water from Lincoln County Water District. Lincoln County Water District is in process of developing adequate water in the Coyote Springs area to serve applicants projected development. For all these reasons the applications must be considered speculative, and not within State guidelines.

The applications are not in the public interest, and would be harmful to other water rights holders and to the environment and socio-economic conditions of the basin of origin. Transfer of agricultural water out of the basin would reduce recharge to the aquifer. The basin is designated fully appropriated by the state. Transfer of the water would negatively affect the hydrologic balance. Effects to the environment would include loss of springs and riparian areas, affecting wildlife and plant communities. Water transfers would impact neighboring ranchers. Municipalities like the town of Pioche would suffer from loss of water supply. Socio-economic impacts would result from the loss of agriculture, which would affect the economy in northern Lincoln County, with loss of employment and increased per capita costs for government services.

THEREFORE the protestant requests that the application be denied, and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Louis Benezet
Louis Benezet
HC74, Box 150
Pioche, Nevada 89043

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Subscribed and sworn before me this 14 day of June, 2005

Teresa M Seevers
Notary Public
Lincoln County,
State of Nevada

TERESA M. SEEVERS
NOTARY PUBLIC • STATE of NEVADA
Lincoln County • Nevada
CERTIFICATE # 04-92091-11
APPT. EXP. OCT. 6, 2008