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

IN THE MATTER OF APPLICATION NUMBER.....,
FILED BY Pershing County,
ON.....,20 05, TO APPROPRIATE THE
WATERS OF underground

PROTEST

FILED
AUG 0 4 2005
STATE ENGINEER'S OFFICE

Comes now Pershing County
(Printed or typed name of protestant)
whose post office address is Drawer E, Lovelock, NV 89419
(Street No. Or P.O. Box, City, State and Zip Code)
whose occupation is County Government and protests the granting
of Application Number 72855 filed on May 26 20 05
by AQUA TRAC, LLC to appropriate the
waters of underground situated in Pershing 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:

See attachment "A"

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 [signature]
(Agent or protestant)

Roger Mancebo, Chairman
Pershing Co. Board of Commissioners
(Protestant)

Address Drawer E
(Street No. or P.O. Box No.)

Lovelock, Nevada 89419
(City, State and Zip Code No.)

Subscribed and sworn to before me this 29th day of July 20 05

[signature]
(Notary Public)

CAROLINE A. CATER
Notary Public - State of Nevada
Appointment Recorded in Pershing County
No: 00-64794-15 - Expires September 18, 2008

State of Nevada

County of Pershing

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

Pershing County protests the applications for removal of ground water from basins 078, 079, and 080. Pershing County places all parties on notice that Pershing County as a political subdivision of the State of Nevada and on behalf of the residents and landowners of the County protests this application on the following grounds:

1. The total allocation of groundwater requested for this basin by AQUA TRAC, LLC will exceed the perennial yield for the basin NRS 533.370 and would possibly cause depletions in other basis within the county;
2. The Applicant has failed to justify the need to export the water from this basin to another as required by NRS 533.370;
3. The proposed action is environmentally unsound as it relates to exportation of the water from the basin as set forth in NRS 533.370;
4. The proposed action of exporting water from the basin is not an appropriate long-term use of the water and will unduly limit the future growth and development, including but not limited to agricultural, ranching, and economic use, in the basin as set forth in NRS 533.370;
5. AQUA TRAC, LLC does not own land in the county and would have to acquire significant rights on and across private, federal and state lands to gain access and transport the water;
6. AQUA TRAC, LLC does not have the existing infrastructure to transport the water;
7. The requested allocation of groundwater requested by AQUA TRAC, LLC would negatively impact existing water rights, springs, and other water resources within the basin;
8. The requested allocation of groundwater requested by AQUA TRAC, LLC would transport water over the county line and would constitute a county to county transfer to which Pershing County objects in that it would negatively impact the county as a whole and would not satisfy requirement of the Nevada Revised Statutes for transfers outside of a county;
9. The requested allocation will be against the public interest of the citizenry of Pershing County;
10. The requested allocation will negatively impact future use of the land in the basin;
11. The requested allocation will result in lawsuits to force private landowners to give up easements across their land;
12. The requested allocation will result in depletion of resources from Pershing County to uses which AQUA TRAC, LLC;
13. AQUA TRAC, LLC has not provided evidence of any beneficial use that they can derive from the water; and
14. The requested allocation will remove water from the basis with no reclamation of the water to the basin.

ATTACHMENT "A"
(Pershing County)