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

IN THE MATTER OF APPLICATION NUMBER 73228,

FILED BY AQUA TRAC, LLC **PROTEST**

ON SEPTEMBER 07, 20 05, TO APPROPRIATE THE

WATERS OF UNDERGROUND

FILED
DEC 23 2005
STATE ENGINEER'S OFFICE

Comes now Washoe County
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting

of Application Number 73228, filed on SEPTEMBER 07, 20 05,

by AQUA TRAC, LLC to appropriate the

waters of underground situated in ~~Washoe~~ Pershing
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 refer to attached Exhibit "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.

RECEIVED 2005 DEC 23 PM 1:5 STATE ENGINEER

Signed
Agent or Protestant

Vahid Behmaram, Water Rights Manager
Printed or typed name, if agent

Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.

4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 22nd day of DECEMBER, 20 05.

Notary Public

LAURA M. ROSE
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 93-4557-2 - Expires July 23, 2009

State of Nevada

County of Washoe

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

Exhibit "A"

Applications 73226 through 73231 and 73385 through 73388

The above referenced applications request to appropriate 3.0 cfs and 5.0 cfs respectively with a total combined duty of 13,000 acre-feet from Winnemucca Lake Valley (Basin 80). The proposed place of use of these applications is basins 76 & 83, a portion being within Washoe County.

USGS Open File Report 76-768 estimates the perennial yield of this basin at 3,300 acre-feet. Preliminary data from the State Engineer's Office records indicate existing appropriations of 305 acre-feet. Pending applications 71452 and 71453 also attempt to appropriate 4,000 acre-feet of water from this basin.

Furthermore the applicant has previously filed applications 72463 through 72476, 72479 and 72480 in this basin.

Therefore, based on the foregoing:

1) There is no un-appropriated water in the source,
2) Granting of the applications would conflict with existing rights,
3) and could prove detrimental to public interest

RECEIVED
2005 DEC 23 PM 1:54
STATE ENGINEER'S OFFICE