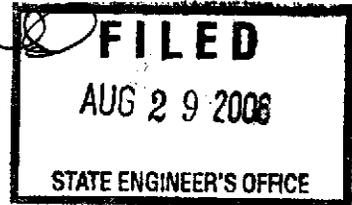


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER.....
FILED BY Pershing County
ON....., 2006, TO APPROPRIATE THE
WATERS OF underground



PROTEST



Comes now Pershing County
Printed or typed name of protestant
whose post office address is P. O. 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 74409 filed on June 26, 2006
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 right, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Darin Bloyed
Agent or protestant

Darin Bloyed
Pershing County Board of Commissioners
P.O. Drawer E
Address Lovelock, NV 89419
City, State and Zip Code

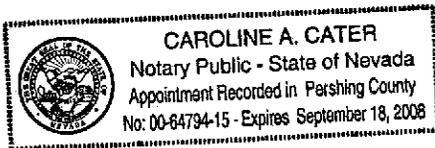
Subscribed and sworn to before me this 28th day of August, 2006

Caroline A. Cater
Notary Public

State of Nevada

County of Pershing

RECEIVED
2006 AUG 29 AM 11:04
STATE ENGINEERS OFFICE



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

Handwritten mark resembling a stylized 'd' or '0'.

Attachment "A"

Pershing County protects 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 basins 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 basin with no reclamation of the water to the basin.

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