

RECEIVED

2007 OCT 30 PM 2:59

STATE ENGINEERS OFFICE

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

IN THE MATTER OF APPLICATION NO. 76303  
FILED BY **AQUA TRAC, LLC**  
ON September 19, 2007, TO APPROPRIATE THE PUBLIC  
WATERS OF THE STATE OF NEVADA

**FILED**  
**PROTEST**  
*OCT 30 2007 BX*  
STATE ENGINEER'S OFFICE

COMES NOW **KUMIVA GROUP, LLC** and **C PUNCH RANCH, INC.**, whose Post Office address is 1612 W. Pico Blvd. Los Angeles, California, 90015, whose occupation is farming and ranching, and protests the granting of Application No. 76303, filed on September 19, 2007 by AQUA TRAC, LLC, to appropriate underground waters of Basin No. 78 situated in Pershing County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attached Exhibit "A"

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: \_\_\_\_\_

*George N. Benesch*  
GEORGE N. BENESCH  
Agent for Protestant  
190 W. Huffaker Lane, Suite 408  
Reno, Nevada 89511  
(775) 827-3100

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF WASHOE    )

SUBSCRIBED and SWORN to before me this 30<sup>th</sup> day of October, 2007.

 **BETTY MELARKEY**  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 89-0049-2 - Expires March 10, 2010

*Betty Melarkey*  
\_\_\_\_\_  
NOTARY PUBLIC

*BX*

## Exhibit "A"

1. There is no unappropriated water in the proposed source to support the subject Application.
2. Granting of the subject Application will conflict with and adversely impact existing rights of the Protestant and rights in and to domestic wells..
3. The proposed diversion and export of water from the source basin is not environmentally sound.
4. Upon information and belief the granting of the subject Application will result in unreasonably lowering of the static water level in the subject basin, adversely affect the quality of remaining groundwater and further threaten springs and seeps which provide water and habitat critical to the survival of wildlife and grazing livestock and other surface area existing use.
5. Use of water under the subject Application is speculative and therefore not in the public interest.
6. Applicant has not justified the need for the water that is the subject of this Application and the actual beneficial use of the water to be made as required by NRS 533.370(6).
7. Granting of the subject Application will unduly limit future growth and development of the basin of origin in violation of NRS 533.370.
8. Applicant does not possess the financial ability for developing and transporting the water to beneficial use with reasonable diligence.