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

IN THE MATTER OF APPLICATION NUMBER.....,
FILED BY Pershing County,
ON....., 2007, TO APPROPRIATE THE
WATERS OF underground

PROTEST

FILED
NOV 13 2007
STATE ENGINEER'S OFFICE

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 76304 filed on September 19 20 07
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 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.

Signed [signature]
(Agent or Protestant)

Darin Bloyed
(Printed or typed name)
Pershing Co. Board of Commissioners
Address P. O. Drawer E
(Street No. or P.O. Box No.)
Lovelock, NV 89419
(City, State and Zip Code No.)

Subscribed and sworn to before me this 29th day of October 20 07

[signature]
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Pershing
JACQUELYN LINDBURG
No: 01-70330-15
My Appointment Expires Aug. 23, 2009

State of Nevada
County of Pershing

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

EXHIBIT "A"

Pershing County protests the applications for transfer of ground water from basin 078, for AQUA TRAC, LLC. Pershing County places all parties on notice that Pershing as a political subdivision of the State of Nevada and on behalf of the residents and landowners of the County protests these applications on the following grounds:

1. The total allocation of groundwater requested for this basin by AQUA TRAC, LLC will cause depletions within this basin and would cause depletions in 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 related 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 will unduly limit the future growth and development, including bu not limited to agriculture, 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. The requested allocation of groundwater requested by AQUA TRAC, LLC would negatively impact existing water rights, springs, and other water resources within the basin;
7. 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;
8. The requested allocation will be against the public interest of the citizens of Pershing County;
9. The requested allocation will negatively impact future use of the land in the basin;
10. The requested allocation will result in lawsuits to force private landowners to give up easements across their land;
11. AQUA TRAC, LLC has not provided evidence of any beneficial use that they can derive from the water; and
12. The requested allocation will remove water from the basin with no reclamation of the water to the basin.

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