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STATE ENGINEERS OFFICE

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

FILED
OCT 30 2007
PROTEST
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NO. 76307
FILED BY **AQUA TRAC, LLC**
ON **September 19, 2007**, TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA

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. 76307, 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
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 30th day of October, 2007.

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

_____
NOTARY PUBLIC

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.