

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**  
*7 Nov 13 2007*  
STATE ENGINEER'S OFFICE

Comes now, Pershing County  
whose post office address is P. O. Drawer E, Lovelock, NV 89419  
whose occupation is County Government and protests the granting  
of Application Number 76308 filed on September 19, 2007  
by AQUA TRAC, LLC to appropriate the  
waters of underground situated in Pershing County

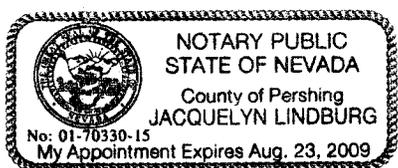
County, State of Nevada, for the following reasons and on the following grounds, to wit:  
See Attachment Exhibit "A"

THEREFORE the Protestant requests that the application be Denied  
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed *Darin Bloyed*  
Agent protestant

Darin Bloyed  
Pershing Co. Board of Commissioners  
P. O. Drawer E  
Address Lovelock, NV 89419

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 2007



*Jacquelyn Lindburg*  
Notary Public  
State of Nevada  
County of Pershing

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

STATE ENGINEER'S OFFICE  
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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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PERSHING COUNTY