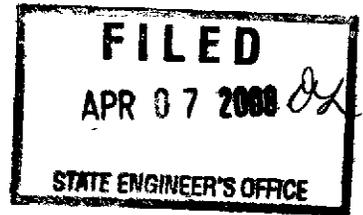


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 76773
FILED BY City of EIKO
ON 20.08, TO APPROPRIATE THE
WATERS OF Permit No. 56588



PROTEST



Comes now Lawrence A. Sharp
Printed or typed name of protestant
whose post office address is PO Box 5404, EIKO, NV 89802
Street No. Or P.O. Box, City, State and Zip Code
whose occupation is HVAC Tech - Land owner and protests the granting
of Application Number 76773, filed on March, 2008
by City of EIK 1751 College AVE., EIKO, NV 89801 to appropriate the
waters of Permit No. 56588 situated in EIKO
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:

There has been no guarantee made to the land owner in the affected Area that the Quality and/or water supply (as in Depth of water) will not be made unusable in their existing wells, by the operation of this new well. If damaged does happen to water Quality and/or supply who will cover the cost of the solution to the problem.

THEREFORE the Protestant requests that the application be Denied or issued subject to prior rights.
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.

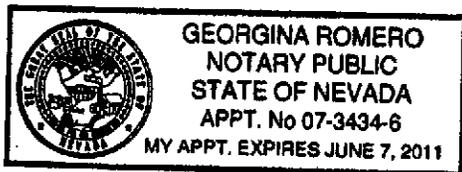
Signed Lawrence A. Sharp
Agent or protestant

Lawrence A. Sharp
Printed or typed name, if agent

Address PO Box 5404
Street No. or P.O. Box No.

EIKO, NV 89802
City, State and Zip Code No.

Subscribed and sworn to before me this 5th day of April, 2008



Georgina Romero
Notary Public

State of Nevada

County of EIKO

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

Handwritten initials

To: State Of Nevada
Dept. of Conservation and Natural Resources
Division Of Water Resources
Tracy Taylor
901 South Stewart St.
Suite 2002
Carson City, Nevada 89701

Our names are Sherri and Lawrence Sharp, We live at 3441 Mohican Ave., Elko County, Nevada. We have received the notice of the Application for Permission to Change Point of Diversion, Manner of Use and Place of use of the Public Water of The State of Nevada Heretofore Appropriated for new Water Well #43 for the city of Elko, Nevada; Application No. 76773 also Application No. 76773T. Although we do not want to slow up the Elko City Development of a new Well, we do have some concerns.

1.) Will the new Well #43 pumping up to approximately 1200 gallons per minutes, cause our Well at 3441 Mohican Ave. (MVR#4 Block 25 Lot 8), Elko County; to go dry? This would make us have to drill a new well or drill our Well (160 plus feet) deeper. Either case would be at a great cost to us.

2.) Will the new Well #43 Pumping at approximately 1200 per minutes cause a change in the Water Quality of our Well at 3441 Mohican Ave. (MVR#4 Block 25 Lot 8), Elko County making it unusable?

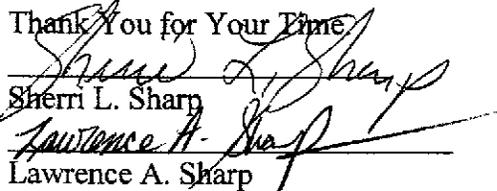
As we see this, it is the responsibility of the Developer (The City of Elko), to guarantee these problems are addressed and will not happen. The common sense solution is for the City of Elko to Guarantee the land owners in this area, that any problems with their Well that is related to the development and operation of the new Well #43 will be address at full cost to the city. If a solution can not be found, water will be supplied to the Residents and Lots by the City of Elko with full cost of this paid for by the City of Elko.

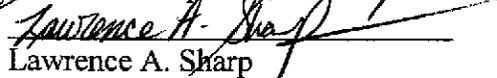
At this point we feel the City of Elko needs to give us, the Land Owners a few Things:

1.) At Elko City Expense Sample and Measure, all Wells in the effected area being documented by a State Approved person with one document copy going to the Land Owner and another document copy going on Public Record at the City of Elko or State.

2.) The City of Elko, should Guarantee in a Legal and Binding Document that the City of Elko will not Damage the Domestic Wells already in existence within the 2500 feet of the Proposed Well #43. Those Damages being: Changing Water Depths and/or Water Quality to Non-potable and/or Unusable state. If effected, all costs to supply Potable and/or Usable water to the effected Residents and/or Lots will be incurred by The City of Elko.

Thank You for Your Time


Sherri L. Sharp


Lawrence A. Sharp

P.O. Box 5404

Elko, NV. 89802

Phone Number 775-934-9601

E-mail: sharp1elko@yahoo.com

RECEIVED
MAY 17 2010



City of Elko Utilities Department
1755 College Avenue
Elko, NV 89801
PHONE: (775) 777-7212
FAX: (775) 777-7219

March 14, 2008

Lawrence A. and Sherri L. Sharp
PO Box 5404
Elko, NV 89802

RE: Notice of New Municipal Water Well

To Whom It May Concern:

The purpose of this correspondence is to notify domestic well owners located within 2500' that the City of Elko intends to drill a municipal water well on property located directly adjacent to Frontage Road 454 (formerly U.S. 40). The well site will be located approximately 3500' northeast of the existing Ruby Dome Construction yard, directly off of the frontage road.

In accordance with NRS 533.360, the City of Elko is required to notify all domestic well owners located within 2500' of this proposed well location. Your location has been deemed to be located within this 2500' area. The City of Elko has water rights for the drilling of this well and has filed an application with the State of Nevada Division of Water Resources for approval to drill such well. A copy of that application has been attached and included for your review.

This letter and attached documents serve as the required notice per NRS 533.360.

Should you have any questions or wish to discuss this project, please feel free to contact me.

Sincerely,

Ryan Limberg
Utilities Director

Encl: Application # 76773

CC: Antonio Mendive, Water Superintendent
Ferron Konakis, Konakis Engineering
Robert Morley, High Desert Engineering
File

2008-03-14 10:10 AM
01/21/08 10:10 AM

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office _____

Returned to applicant for correction _____

Corrected application filed _____ Map filed _____

The applicant City of Elko

1751 College Avenue of Elko
Street Address or P.O. Box City or Town

Nevada 89801, hereby make(s) application for permission to change the
State and Zip Code

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree)

Permit No. 56588

1. The source of water is Underground (Well 43)
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 2.6666 c.f.s., 1929.85 afa
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for municipal and domestic
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.

4. The water heretofore used for municipal and domestic
If for stock state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

NE1/4 NE1/4 of Section 30, T.35 N., R.56 E., M.D.B.& M., at a point from which the Northeast
Corner of said Section 30 bears N 40° 53' 45" E, 1476.71 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer)

SE1/4 NE1/4 of Section 10, T.34 N., R.55 E., M.D.B.& M., at a point from which the Northeast
Corner of said Section 10 bears N 19° 30' 00" E, 2250.00 feet.

RECEIVED

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
All of Sections 25 & 36, T.35 N., R.55 E., M.D.B.& M., all of Sections 30 & 31, T.35 N., R.56 E., M.
D.B.& M., all of Section 6, T.34 N., R.56 E., M.D.B.& M., all of Sections 1 through 5, Sections 8
through 17 and Sections 20 through 24, all in T.34 N., R.55 E., M.D.B.& M.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
All of Sections 25 & 36, T.35 N., R.55 E., M.D.B.& M., all of Sections 30 & 31, T.35 N., R.56 E., M.
D.B.& M., all of Section 6, T.34 N., R.56 E., M.D.B.& M., all of Sections 1 through 5, Sections 8
through 17 and Sections 20 through 24, all in T.34 N., R.55 E., M.D.B.& M.

9. Use will be from January 1st to December 31st of each year.
Month and Day Month and Day

10. Use permitted from January 1st to December 31st of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump, and motor, etc.)
a drilled & cased well equipped with a motor, pump & pipeline to the place of use.

12. Estimated cost of works \$200,000.00

13. Estimated time required to construct works 3 years
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing)

The annual consumptive use will be 1929.85 afa. Water from this well will be delivered to the tank and distribution system that serves the City of Elko.

16. Miscellaneous remarks:

(775) 738-4053
Phone No.

remorley@frontiernet.net
E-mail

By Robert E. Morley
Print or type name clearly

Robert E. Morley
Signature, applicant or agent

High Desert Engineering, LLC
Company Name

640 Idaho Street
Street address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION