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

FILED
JAN 30 2009
STATE ENGINEER'S OFFICE

2009 JAN 30 PM 1:17
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 77793,
FILED BY COYOTE VALLEY RANCH LLC,
ON JAN 15, 20 09, TO APPROPRIATE THE
WATERS OF UNDERGROUND BASIN # 179

PROTEST

Comes now THE ELY SHOSHONE TRIBE
Printed or typed name of protestant
whose post office address is # 16 SHOSHONE CIRCLE ELY NV 89301
Street No. Or P.O. Box, City, State and Zip Code.
whose occupation is TRIBAL GOVERNMENT and protests the granting
of Application Number 77793, filed on JAN 15, 20 09
by COYOTE VALLEY RANCH LLC to appropriate the
waters of UNDERGROUND BASIN # 179 situated in WHITE PINE
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 EXHIBIT 1 - ATTACHED

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 Diana Buckner
Agent or protestant

Diana Buckner
Printed or typed name, if agent

Address 400-B Newe View
Street No. or P.O. Box No.

Ely, NV 89301
City, State and Zip Code No.

Subscribed and sworn to before me this 27th day of January, 20 09

Rae Jean Morrill
Notary Public

State of Nevada

County of White Pine

RAEJEAN MORRILL
NOTARY PUBLIC-STATE of NEVADA
White Pine County • Nevada
CERTIFICATE # 03-79546-17
APPT. EXP. JANUARY 16, 2011

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

EXHIBIT 1

Protest grounds

A parcel of Tribal land comprising approximately two sections exists in Township 20 North, Range 64 East, M.D.B.M. including all of Section 28 and the Western one/half of Sections 22 and 27. Former applications by the applicant, Coyote Valley Ranch LLC, namely application numbers 24315, 24814, 30258,32119, 33205,48702, 48703 and 63634 {WDR} were approved without our knowledge and are immediately contiguous to our parcel boundary. Now this protest application, number, as well as four others, are currently being proposed, again in close proximity to our Parcel boundary. The Ely Shoshone Tribe intends to develop this property in an un-disclosed commercial venture in the near future. With the on going mining of the Tribe's groundwater hydrologic conditions may already exist or will begin to that will preclude our economic development of our groundwater resources. To further add to conditions when groundwater is mined, a portion of the aquifer(s) collapse and can never rebound. With the extent, amount, amount over time and dispersion of the existing wells significant irreparable damage to the aquifer under our parcel may have already occurred. With the approval of this application, not to mention the other pending four, the cumulative effects cannot help but to be significant. The Tribe is aware of our Winters Doctrine rights, effective through the Ruby Valley Treaty of 1873. The water underlying our Parcel falls under that domain. The preceding facts are presented to set the stage for the issues as follows;

A study is needed to ascertain the existing hydrologic and geo-hydrologic conditions as they exist today. This means test wells need to be bored that are capable of measuring the static, dynamic conditions, the aquifers permeability and porosity. The fluid dynamics of this specific area was not discussed in depth in the BARCASS Study nor the re-charge basin specifics been investigated. The applicant must provide factual evidence that can be entered into the record that addresses these concerns. Recourse for prior ground water mining by the Applicant may not be reversible but future damage is preventable. Interesting to note is the cumulative amount of water withdrawal. Discussions with irrigation companies shows that the quantity of water withdrawn exceeds the amount needed solely for irrigation. We do not want our water mined and sold to power plants or Las Vegas. If a clandestine attempt to do this exists, it must be stopped right now. Also, serious questions exists regarding the establishment of a subdivision or mini- hobby ranches on this adjoining property. One term and condition of approval could be the imposition that the water withdrawn be used in perpetuity on the subject parcels and strictly be prohibiting the sale of these waters for any other purpose.

Other tangential issues exist with the down slope effects on the riparian and avian communities that lie in the bottom lands. With Pumping the capillary fringe will sink deeper causing a alteration of plant life, food and cover for animal life. This will occur. Yet another result occurs with pumping, the aquifer collapses over time with concentric collapse features occurring around the well head and pore space collapse underground. As you will note, the cumulative effect of this application, it's implications on the natural environment , the potential legal ramifications, and economic costs of pumping water from an ever increasing depth and water quality issues to the above ground intermittent fluvial recharge channels are to many effects to ignore. A major study and review of this project is demanded prior to any decision being made. There is not enough evidence in the record to warrant a decision based on the information set forth in this application.