

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

IN THE MATTER OF APPLICATION NUMBER 78240
78240
FILED BY Lincoln County Water District
& Vidler Water Company Inc
ON April 10, 2009, TO APPROPRIATE THE
WATERS OF Underground

FILED
PROTEST JUN 19 2009
STATE ENGINEER OF NEVADA

Comes now Louis Benezet
Printed or typed name of protestant

whose post office address is HC 74 Box 150 Pioche Nevada 89043
Street No. or PO Box, City, State and ZIP Code

whose occupation is State Park staff and protests the granting

of Application Number 78240, filed on April 10, 2009

by Lincoln County Water Dist. & Vidler Water Company Inc to appropriate the

waters of Underground situated in Lincoln
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:

Please see attachment

**DCNR/DWR
RECEIVED**
JUN 19 2009
LAS VEGAS OFFICE

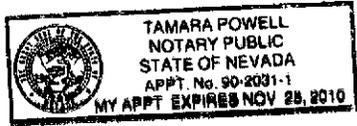
THEREFORE the Protestant requests that the application be Denied

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 Louis Benezet
Agent or protestant

Address HC 74 Box 150
Street No. or PO Box
Pioche Nevada 89043
City, State and ZIP Code
775-962-5844
Phone Number



Subscribed and sworn to before me this 10th day of JUNE, 2009

Tamara Powell
Notary Public
State of NEVADA
County of CLARK

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

OK

ATTACHMENT TO LOUIS BENEZET'S PROTESTS OF APPLICATIONS NO. 78239 AND 78240 FILED APRIL 10, 2009 BY LINCOLN COUNTY WATER DISTRICT AND VIDLER WATER COMPANY, INC.

Lincoln County Water District and Vidler Water Company have filed applications No. 78239 and 78240 to appropriate ground water in Dry Lake Valley. The protestant, Louis Benezet, is a resident of Prince Mine in the adjacent hydrological basin who depends on spring water from the Highland Range, which is the divide between the valleys. The protestant would be significantly and adversely affected by the applicant's proposed appropriation. Therefore, Louis Benezet asks the State Engineer to deny Applications No. 78239 and 78240 on the following grounds:

The groundwater in Dry Lake Valley is fully appropriated. See ruling 5993.

Over appropriation of the groundwater in the valley would affect the interbasin flow to neighboring valleys and conflict with existing water rights in these valleys.

Over appropriation of groundwater would affect springs in Dry Lake and neighboring valleys. State and federal wildlife management areas in Pahrnagat Valley could be affected.

These applications are speculative in nature. Vidler Water Company And Lincoln County Water District are seeking water for interbasin transfer south for sale for profit to developers for municipal and industrial use. They are attempting to acquire this water by pretending they need the water for local agricultural use. The State Engineer should deny Applications No. 78239 and 78240 on the grounds that they are not in good faith and speculative in violation of Nevada water law.

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L.B.

