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

IN THE MATTER OF APPLICATION NUMBER 78430,

FILED BY H & M PROPERTIES, LLC **PROTEST**

ON MAY 1ST, 20 09, TO APPROPRIATE THE

WATERS OF UNDERGROUND

FILED
JUL 02 2009
STATE ENGINEER'S OFFICE

2009 JUL -2 PM 2:24

Comes now Washoe County
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting

of Application Number 78430, filed on MAY 1ST, 20 09,

by H & M PROPERTIES, LLC to appropriate the

waters of UNDERGROUND situated in Washoe
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 refer to attached Exhibit "A".

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
Agent or Protestant

Vahid Behmaram, Water Rights Manager
Printed or typed name, if agent

Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.

4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 29TH day of JUNE, 20 09.

LaVonne Scheffler
Notary Public

LaVONNE SCHEFFLER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-39223-2 - Expires January 10, 2012

State of Nevada

County of Washoe

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

Exhibit "A"

Applications 78429 through 78432

The above referenced applications propose to appropriate ground water from the Antelope Valley Hydro-graphic Basin.

United States Geologic Survey (USGS) Reconnaissance Report # 43 estimates the sustainable yield of this basin at 150 acre-feet annually.

Existing appropriations against the ground water resources of this basin consists of approximately 60 acre-feet in the form of permits and certificates appropriated by the Nevada State Engineer. Furthermore, the Washoe County Assessors data indicates 321 existing parcels within this basin, of which approximately 205 have drilled a domestic well and the remaining parcels have the perpetual right to drill a domestic well.

NRS 533.370 (5) states that:

> *The State Engineer is prohibited by law from granting an application to appropriate the public waters of State of Nevada where:*
>
> *A. There is no unappropriated water at the proposed source;*
>
> *B. The proposed use or change conflicts with existing rights;*
>
> *C. The proposed use or change conflicts with protectible interests in the existing domestic wells as set forth in NRS 533.024; or*
>
> *D. The proposed use or change threatens to prove detrimental to the public interest.*

Therefore, based on the foregoing Washoe County request that these applications be denied as granting them would be contrary to all the provisions of NRS 533.370 (5) listed above.