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STATE ENGINEER'S OFFICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO. 78800 FILED BY GRANITE PEAK PROPERTIES LC ON AUGUST 10, 2009 TO CHANGE UNDERGROUND WATER

AFFIDAVIT OF PROTEST

FILED
OCT 16 2009
STATE ENGINEER'S OFFICE

STATE OF UTAH)
: ss.
COUNTY OF MILLARD)

COMES NOW, the Board of County Commissioners of Millard County, State of Utah, ("Board"), by and through Kathy Y. Walker, Chairperson, of 50 South Main, Fillmore, Utah and hereby protest the above referenced application to change water situated in White Pine County, State of Nevada, for the following reasons:

1. Millard County, Utah is a body corporate and politic and a political subdivision of the State of Utah.

2. The above application, together with other similar applications, seek to change underground water in Basin No. 195.

3. Granting the change application will deplete and diminish the water resources, specifically groundwater, which is available to Millard County and its businesses and residents.

4. It is the opinion of the Board that Granite Peak Properties' proposed change(s) will have a negative impact on the citizens of Millard County, Utah by depletion of the underground water aquifers and natural surface waters. Specifically, due to the drought conditions throughout west Millard County, there is reduced recharge to the aquifers in this area and reduced surface water accumulations.

5. Granite Peak Properties' proposed changes to concentrate its use of water will also lower the water table to such an extent that it will substantially reduce groundwater-dependent vegetation, which will destabilize soils and contribute to blowing dust resulting in reduced air quality in Millard County and northward into other Utah counties. Air quality is specifically impacted by the alkali nature of the soils in the area resulting in public health impacts and other social costs.

6. As a result, the proposed change(s) will also have a negative impact on grazing, natural habitat, scenery, and general aesthetics.

7. The interconnectivity of the hydrogeologic structures in the Great Basin as identified by the USGS BARCASS report and other such investigations and reports, indicate that the impact of this type of change may have long-term detrimental effects on other ground water resources and flows in other parts of Millard county and other Utah counties. This could also have detrimental effects on the agricultural industry of Millard County.

8. The changes sought in the above application, and other applications filed contemporaneously therewith, will lower the static water level in the area of Millard County in the vicinity of the proposed underground pumping. Such changes will adversely affect the quality of the remaining ground water and will further threaten springs, seeps, and phreatophytes which provide water and habitat critical to the use and survival of wildlife, livestock grazing, and other existing uses in Millard County.

9. Millard County will also be harmed by, but not limited to, potential loss of taxes in the area and by damage to and the inability of its agricultural interests to develop and expand

in the area of the proposed underground pumping under the application(s).

WHEREFORE, Protestant respectfully requests that the State Engineer of the State of Nevada:

1. Deny the referenced application.

2. If the application is not denied outright, undertake comprehensive studies of groundwater resources in the area and limit ground water pumping to levels that will not damage the groundwater resources of Millard County.

3. SET A TIME AND PLACE FOR A HEARING TO BE HELD ON SAID APPLICATION at which applicant and protestant can present evidence in support of their respective positions and that following said hearing, said application to change be denied.

BOARD OF COUNTY COMMISSIONERS OF
MILLARD COUNTY, UTAH

By: _____
KATHY Y. WALKER, Chairperson
50 South Main
Fillmore, UT 84631
(435) 864-3901

SUBSCRIBED AND SWORN TO before me this 14th day of October, 2009.

LEANN HEPWORTH
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 576736
COMM. EXP. 09-19-2012

Leann Hepworth
Notary Public