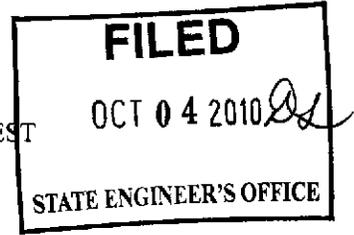


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80123  
FILED BY Spring Creek Utilities  
ON August 31, 20 10, TO APPROPRIATE THE  
WATERS OF underground (Tract 301, Spring Creek, NV)



PROTEST



Comes now Al and/or Teresa Plank

Printed or typed name of protestant

whose post office address is 442 Lipparelli Lane #3, Spring Creek, Nevada 89815

Street No. or PO Box, City, State and ZIP Code

whose occupation is Manager / Monitor

and protests the granting

of Application Number 80123, filed on August 31, 20 10

by Spring Creek Utilities to appropriate the

waters of underground (Tract 301, Spring Creek, NV) situated in Elko

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 attached.

STATE ENGINEER'S OFFICE  
2010 OCT -4 PM 1:04

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

*Teresa Plank*  
Agent or protestant

Printed or typed name, if agent

Address

442 Lipparelli Lane #3

Street No. or PO Box

Spring Creek, Nevada 89815

City, State and ZIP Code

775-753-9627

Phone Number

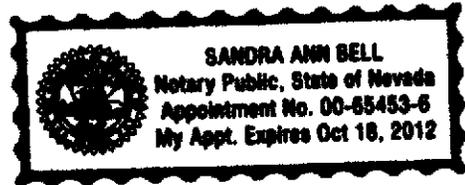
Subscribed and sworn to before me this 28th day of September, 20 10

*Sandra Ann Bell*  
Notary Public

State of Nevada

County of Elko

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



## Attachment to Protest

Protest to Application 80123  
Filed by Spring Creek Utilities  
August 31, 2010

We are protesting the above referenced application to appropriate waters as described in the application document out of concern for the continued operation of our domestic well due to the adverse affects of placing a new municipal well in such close proximity to our existing well.

With legislation passed under SB159, the State has taken a position to protect domestic wells from the impacts of municipal entities:

**NRS 533.024 Legislative declaration.** The Legislature declares that:

*1. It is the policy of this State:*

*(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.*

Available water in this basin has long been a concern and an issue with the continued development of Spring Creek. We have been told by drilling companies that the number of wells in the area that the State will approve is limited because of water table decline. In our own experience, we were forced to drill a new well in 1998 and abandon the failed existing well. The abandoned well drilled in 1989 had a recorded static water level of 10 feet below surface (Log 31691) whereas the static water level recorded for the new well is 38 feet below surface (Log 71910), indicating a significant 19% reduction of our water capacity in 9 years, presumably from the continued development of Spring Creek. If that rate of decline of 3 feet per year has continued, our static water level could be as low as 74 feet below surface today, which represents one half of our total well depth.

Another consideration in this matter that points to the precarious nature of the available water in this immediate area is the reduced flows of observable ground water in both Dry Creek and Stoffer Creek. Before the housing boom and expansion of Spring Creek, ground water was present in both waterways for up to 5 months of the year. Now, the norm seems to be about two months of observable flows. To pump 472 million gallons annually near these drainages will not only impact domestic wells in the area, but also adversely impact the environmental benefit that these drainages provide. There is a wide variety of wildlife that depends on the water of these drainages and adjacent springs for survival. We do not believe that Spring Creek Utilities has recognized this site as environmentally sensitive nor performed an environmental impact assessment.

It is common knowledge that there are several other locations near Spring Creek Utility's existing infrastructure that could be and should be considered outside of our fragile

aquifer that would not present such a threat to so many domestic wells. There are over 20 domestic wells in the immediate vicinity of this proposed well site and several others down stream that have the potential of being adversely affected if this application is approved.