

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

FILED
OCT 07 2010
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 80123
FILED BY Spring Creek Utilities
ON 8-31, 2010, TO APPROPRIATE THE
WATERS OF Underground (Tract 301)

PROTEST

Comes now JACOB A. REED
Printed or typed name of protestant

whose post office address is 864 Abeuta Dr Spring Creek, NV 89815
Street No. or PO Box, City, State and ZIP Code

whose occupation is Sales manager and protests the granting

of Application Number 80123, filed on August 31, 2010

by Spring Creek Utilities Company to appropriate the

waters of NE 1/4 NE 1/4 Section 36, T.33N, R.50E, m.d.m. situated in County of Elko, Nevada
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 Attached:

STATE ENGINEER'S OFFICE
2010 OCT -7 7:11:48
RECORDS

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 Jacob A. Reed
Agent or protestant

Jacob A. Reed
Printed or typed name, if agent

Address 864 Abeuta Dr
Street No. or PO Box

Spring Creek, NV 89815
City, State and ZIP Code

775-934-2372
Phone Number

Subscribed and sworn to before me this 5th day of October, 2010



Sara L. Millis
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

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.

NRS 534.110 refers to thresholds of .5 cubic feet per second of diversion and a radius of 2,500 feet from a proposed well. This application is for 2 cubic feet per second, four times greater than the threshold, and our domestic well is located well within the 2,500 foot radius of this proposed well. These thresholds were established no doubt from historical data and the adverse effect of this proposed well on our domestic well based on the proximity and pumping rates is a certainty.

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.

LETTER OF PROTEST/CONCERN TO STATE ENGINEER NEVADA DIVISION OF WATER RESOURCES

We, the undersigned, respectfully request review of Application Number 80123 filed by Spring Creek Utilities Company on August 31, 2010, to appropriate the waters of NE¼ NE¼ Section 36, T.33N, R.56E., M.D.M. from which the NE corner of said section bears N54'44'E., 171.47 ft. distant, situated in the County of Elko, State of Nevada. We first received notification of this application on or about September 8, 2010. Last date of publication is scheduled for September 30, 2010.

We own property in the area commonly referred to as Lipparelli "Estates" or Subdivision. The subdivision is divided into 26 parcels, consisting of approximately 10 acres or more each, which, by covenant, cannot be further subdivided. The subdivision, located in Township 33 North, Range 57 East, MDB&M, Section 30, is sandwiched between the Spring Creek Housing Tracts, which are serviced by the Spring Creek Utilities [Water] Company. The Lipparelli Subdivision has been in existence since the 1970's and each parcel owner has a domestic well which provides the residents with all of their current household and property water. In addition, two property owners also have agricultural wells and a large number of the parcel owners are able to enjoy the benefits of having a year round creek (Stoffer) and an ephemeral (Dry Creek) run through a portion of their property. We wish to express our concern the amount of water proposed for municipal use (2.0 cfs/ 471.81 mga) to provide additional water to the Spring Creek Association residents will have an adverse affect on our existing wells, springs, and surface flows. We believe the Spring Creek Utility Company has other well location options within the 23.4 square mile Spring Creek Housing areas which would be less likely to harm our existing water tables requiring deepening or re-drilling our wells, reduce surface, and subterranean water flows.

We, the concerned protestants signed below, respectfully request the Office of the State Engineer of the State of Nevada Division of Water Resources to deny the issuance of the application to change the point of diversion requested by the Spring Creek Utilities Company in Application No 80123. Per NRS 533.024, "the legislature declares that it is the policy of this state to recognize the importance of domestic wells as appurtenances to private homes, to create a protectible interest in such wells and to protect their supply of water from unreasonable adverse affects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated."

Thank you for your consideration and assistance.

Respectfully submitted this 30th day of September of 2010.

cc: Spring Creek Utilities/ Chilton Engineering