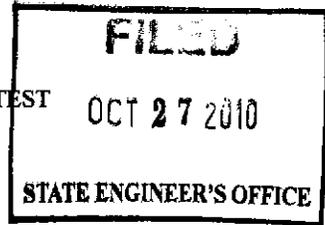


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80123
FILED BY Spring Creek Utilities Company
ON August 31, 20 10, TO APPROPRIATE THE
WATERS OF permit #49877 at NE1/4 NE1/4 Sec.36, T33N, R56E



Comes now John Hamilton

Printed or typed name of protestant

whose post office address is 972 Tobiano Rd Spring Creek NV. 89815

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

whose occupation is Police Officer

and protests the granting

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

by Spring Creek Utilities Company to appropriate the

waters of Underground Basin - 048 - Dixie Creek/Tenmile Creek area 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:

As noted at 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 protective 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." The amount of water proposed for municipal use (2.0 cfs/471.81mga) to provide additional water to the Spring Creek Association residents could potentially have an adverse affect on our existing well (log# 49877). Consequently, the proposed point of diversion will be up-gradient of and in the same aquifer as our domestic well. We believe the Spring Creek Utilities Company has other well location options that would be less likely to adversely impact groundwater intersected by our well. The adverse impacts, if realized, could require us to lower our pumps, deepen or re-drill our wells, all of which would cost significant amounts of money and reduce property values. A more detailed account of considerations and requested mitigation measures are attached.

THEREFORE the Protestant requests that the application be Denied OR Issued subject to mitigation recommendations attached

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 John Hamilton
Agent or protestant
John Hamilton
Printed or typed name, if agent
Address 972 Tobiano Rd.
Street No. or PO Box
Spring Creek, NV 89815
City, State and ZIP Code
775-778-6908
Phone Number

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



Becki Stankus
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.

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

We, the undersigned, owning property described as 972 Tobiano Rd. Spring Creek NV. 89815, and with mailing address of 972 Tobiano Rd Spring Creek NV 89815, respectfully request review of Application Number 80123, filed by Spring Creek Utilities Company on August 31, 2010, to appropriate the waters of NE1/4 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 Ruby Mountain Estates (subdivision). The subdivision is divided into 31 parcels, consisting of approximately 10 acres each, which, by covenant, cannot be further subdivided. The subdivision, located in the south one-half of section 23, Township 33 North, Range 56 East, MDB&M, is bordered on the north and east by property within the Spring Creek Association (Association); properties within the Association are serviced by Spring Creek Utilities Company. Ruby Mountain Estates has been in existence since the early 1970's and each parcel owner has a domestic well which provides the residents with all of their current household and property water. We wish to express our concern that the amount of water proposed for municipal use (2.0 cfs/471.81mga) to provide additional water to the Spring Creek Association residents will have an adverse affect on our existing wells. We believe the Spring Creek Utilities Company has other well location options within the 23.4 square mile Spring Creek Housing area which would be less likely to adversely impact groundwater intersected by our wells. These adverse impacts could require us to lower our pumps, deepen or re-drill our wells.

The hydrologic reasons for our concerns, and our proposed mitigation measures should the point of diversion change be approved, are attached.

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. As noted at 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 protective 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."

Hydrologic background and review

The proposed well, in the NE ¼ NE ¼ section 36 T33N R56E, is within one quarter mile of the main stem of Butterfield Creek. The wells at Ruby Mountain Estates (south ½ section 23 T33N R56E) are also generally within one quarter mile of the same stem of Butterfield Creek. The proposed well will be within 9,000 feet of the nearest domestic well in Ruby Mountain Estates.

If we assume that the shallow groundwater gradient more or less mimics the surface drainage, the Ruby Mountain Estates wells are down-gradient of the proposed well. This well, if constructed, will have a permitted duty of 2 cfs, or 900 gpm.

Since 2000, Butterfield Creek has only flowed through Ruby Mountain Estates in 2005 and 2006 (89 days in 2005, and 138 days in 2006). Historical precipitation data are not available for the immediate vicinity of Ruby Mountain Estates, and an attempt to find data that would accurately reflect the precipitation received within the subdivision proved fruitless. Anecdotal evidence suggests that Butterfield Creek flowed through Ruby Mountain Estates annually between April and September through 1999. The observed lack of surface flow in Butterfield Creek in the subdivision through all but two years of the period 2000 – 2010 suggests that water levels in the shallow aquifer are in a general state of decline. It is highly likely that the same condition exists in the domestic wells that are owned by the property owners in Ruby Mountain Estates.

An existing well owned by Spring Creek Utilities Company is located down-gradient of the Ruby Mountain Estates wells, and is within the Butterfield Creek drainage. This well is in the NE ¼ NE ¼ section 22 T33N R56E, and is within one half mile of the nearest domestic well in Ruby Mountain Estates. The permitted duty on this well is 4 cfs, or 1795 gpm. We have not been able to locate any pumping records for this well, drilled in 1972, which has a total cased depth of 500 feet, and is screened from 160 to 500 feet. When the well was drilled and tested, it produced 470 gpm with 128 feet of drawdown from an original static water level of 38 feet below grade (for a pumping water level of 166' below grade).

Current groundwater monitoring points in the vicinity of the proposed well and Ruby Mountain Estates are located as follows:

1. Up-gradient, in Stoffer Creek drainage, NW ¼ NW ¼ section 30 T33N R57E.
2. Down-gradient, in the drainage of a tributary to Tenmile Creek, either SE ¼ SE ¼ section 14 T33N R56E or SW ¼ SW ¼ section 13 T33N R56E (map from Spring Creek Utilities Company suggests the monitor point is on the section line).

Well Driller's Log - General Report

3 October 2010

Basin	County	Twn	Rng	Sec	Quarters	Current Owner	Date Complete	Log No.	Drillers lic. no.	Total Depth	Water Lvl	Casing Dia.	Assessor's Parcel no.	Work type	Prop use	App/Permit
048	EL	N33	E56	23		SW SW RANGER, SHEILA	08-24-95	49431	1584	150	51.00	6.00	79-002-12-7	N	H	
048	EL	N33	E56	23		SE NW CANDELARIA, RUBEN	10-27-80	22096	115	150	39.00	8.00		N	H	
048	EL	N33	E56	23		NW SE SILVA, JOHN	06-21-95	49194	1689	100	30.00	6.62	79-001-04	N	H	
048	EL	N33	E56	23		NE SW WILSON, MICHAEL	06-16-97	67623	1438	160	63.00	6.00	79-001-11-1	N	H	
048	EL	N33	E56	23		SW SE OLIVER, JEFF	11-08-95	49874	1584	112	30.00	6.00	79-002-07-7	N	H	
048	EL	N33	E56	23		NE SE PINION HOMES	11-02-95	49875	1998	120	30.00	6.62	79-002-03	N	H	
048	EL	N33	E56	23		SW SE PINION HOMES	11-01-95	49876	1998	120	23.00	6.62	79-002-06	N	H	
048	EL	N33	E56	23		SW SE HAMILTON, JOHN	09-04-95	49877	1584	110	47.00	6.00	79-002-79-3	N	H	
048	EL	N33	E56	23		SW SE MORALES, JOSE	09-02-95	49878	1584	110	48.00	6.00	79-001-05-3	N	H	
048	EL	N33	E56	23		NW SW CAIN, RONALD	08-30-95	49879	1584	100	47.00	6.00	79-003-03-4	N	H	
048	EL	N33	E56	23		SE SW BERRY, SHARON E	11-14-95	49881	1584	126	32.00	6.00	79-002-11-9	N	H	
048	EL	N33	E56	23		NE SW LAKE, WALT	07-27-95	48564	1654	150	8.00	6.62	79-001-07	N	H	
048	EL	N33	E56	23		SW SE DAVIS, SONNIE	09-09-97	69323	1584	120	40.00	6.62	79-002-008	N	H	
048	EL	N33	E56	23		NW SE MCKINNEY, SCOTT	07-05-00	80444	1689	100	30.00	6.63	79-001-003	N	H	
048	EL	N33	E56	23		NW SE CLEMENTS, DAVID	12-01-82	24269	1166	90	16.00	0.00		N	H	
048	EL	N33	E56	23		NW SE COLE, DONALD R	10-20-82	24282	1166	114	20.00	6.63		N	H	
048	EL	N33	E56	23		SW SW PAYN, JOHN	03-27-96	64656	1654	140	81.00	6.62	79-003-01	N	H	
048	EL	N33	E56	23		NW NE STERLING, H ROSS	08-03-82	24031	632	177	12.00	6.63		N	H	
048	EL	N33	E56	23		NE SE SCOTT, JIM	06-21-95	48214	1120	100	30.00	6.62	79-002-02	N	H	
048	EL	N33	E56	23		NW SW KIZZIAR, JERRY	04-11-06	99485	1166	140	37.00	6.63	079-001-013	N	H	