

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

FILED
ML
JAN 19 2011
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 80340
FILED BY Spring Creek Utilities Company
ON December 17, 2010, TO APPROPRIATE THE
WATERS OF permit #45920 at NE1/4 SE1/4 Sec.31, T33N, R57E



PROTEST

Comes now Elias D Goicoechea
Printed or typed name of protestant
whose post office address is 960 Tobiano Rd Spring Creek, NV 89815
Street No. or PO Box, City, State and ZIP Code
whose occupation is State Trooper and protests the granting
of Application Number 80340, filed on December 17, 2010
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 (2.5 cfs/589,765 mgd) to provide additional water to the Spring Creek Association residents could potentially have an adverse affect on my existing well (log#69323). The proposed point of diversion will be up-gradient of and in the same aquifer as my domestic well. This proposed point of diversion, combined with the well proposed in Application 80123, is likely to have cumulative impacts to the shallow aquifer when both pumped. The potential for these cumulative impacts has not been investigated by the Applicant. I believe the Spring Creek Utilities Company has other well location options that would be less likely to adversely impact groundwater intersected by my well. At the least, an in-depth hydrologic investigation is warranted.

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 Elias D Goicoechea
Agent or protestant
Elias D Goicoechea
Printed or typed name, if agent
Address 960 Tobiano Rd
Street No. or PO Box
Spring Creek, NV 89815
City, State and ZIP Code
775-738-2226
Phone Number

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2011 JAN 19 AM 11:18
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 18th day of January, 2011



Julie Kendall-Maynard
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.

Elias D Goicoechea
960 Tobiano Rd
Spring Creek, NV 89815

775-738-2226
choch@frontiernet.net

Application # 80123 response from SCUC

Dear Division of Water Resources:

This letter is in response to the Spring Creek Utilities proposal for a new well, application # 80340. This proposed well is up-gradient to my domestic well located in the Ruby Mtn. Estates (south half of section 23 T33N R56E). As stated in the previous protest of application # 80123 and the response from SCUC there is great reason to believe that my domestic well as well as all other domestic wells in the Ruby Mtn. Estates and the Lipparelli Estates could have drastic adverse effects from such a large volume of water being pumped to alternative locations in the Spring Creek area.

The Spring Creek Utilities Company has procrastinated for the last eight years or so and now they are up against a deadline. This is not the fault of the Ruby Mtn Estates or the Lipparelli Estates domestic well users. There is no reason I should suffer any adverse effects from the SCUC over pumping of the immediate area without protection of my domestic well. I feel that the SCUC would not have any remorse if my domestic well was to dry up and would not assist with re drilling or replacing the pump if necessary. If the SCUC were being up front with their proposed new well sites and intentions, I believe they should have contacted all the Domestic Well users in the Ruby Mtn Estates and the Lipparelli Estates and informed them of their intentions. I believe the SCUC attempted to push this application through quietly with little or no

opposition from domestic well users in the immediate area. I believe this is completely for their own agenda which is unknown to all interested parties. This is clearly sneaky and unprofessional on their part.

It is clear to me that SCUC has done little or no due diligence in ascertaining any information of the water tables or draw downs in the area of the proposed well. If they, SCUC, had completed their due diligence in this matter they would have generously provided me and all the other domestic well applicants in both Ruby Mtn Estates and Lipparelli Estates with a copy of the research. This research should have had all the necessary information with any and all technical data gathered.

This research has not been completed to my knowledge. With SCUC changing the location of the new application # 80340 this is quite upsetting. What is the real interest of the SCUC in changing the location to just outside the 2500" mark? Would this be so they are not bound by law to notify domestic well users of their intentions? If they were confident about the quantity and quality of the water source as stated by Mr. Bowcock, why change the location of the current application # 80123. There does not seem to be any logic for the new application except what the SCUC is not divulging to the domestic well users in Ruby Mtn Estates and Lipparelli Estates.

I concur with Bob St. Louis with his response in this matter.