

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

IN THE MATTER OF APPLICATION NUMBER 80340  
FILED BY Spring Creek Utilities  
ON December 17, 20 10, TO APPROPRIATE THE  
WATERS OF Permit #45920 NE1/4 SE1/4 Sec. 31, T. 33N, R 57E



PROTEST

**FILED**  
ML  
FEB 07 2011  
STATE ENGINEER'S OFFICE

Comes now Randy and Carol Huether  
Printed or typed name of protestant

whose post office address is 443 Lipparelli Lane #7 Spring Creek, NV 89815  
Street No. or PO Box, City, State and ZIP Code

whose occupation is disabled / office manager-bookkeeper and protests the granting

of Application Number 80340, filed on December 17, 20 10

by Spring Creek Utilities Company to appropriate the

waters of Undergrond 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:

*see attached*

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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 Carol D Huether  
Agent or protestant

Carol D. Huether  
Printed or typed name, if agent

Address 443 Lipparelli Lane #7  
Street No. or PO Box

Spring Creek, NV 89815  
City, State and ZIP Code

775-778-3716  
Phone Number

Subscribed and sworn to before me this 2 day of February, 20 11



Rita Boykin  
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 80340  
Filed by Spring Creek Utilities  
December 17, 2010

We are respectfully requesting the State Engineer deny the application of Spring Creek Utilities to appropriate water as described in the application document because we are extremely concerned our domestic well will be adversely affected by placing a new municipal well in such close proximity to our existing well, and the continued operation of our domestic well will be in jeopardy.

According to 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:*
  - a. *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.*

Spring Creek Utilities already has more than ample water supplies. It is no secret the water they currently pump has arsenic levels that exceed allowable limits. Rather than treating the water they have to bring it within acceptable limits, they seek to divert water from this small aquifer that supplies a number of long-standing domestic wells, to dilute water to acceptable arsenic levels. Although this situation is unfortunate, and may be costly for Spring Creek Utilities, we believe this quasi-municipality needs to pursue treatment options rather than appropriating our water.

Every year we have difficulty with too much sand in our water, even though our well is at the bottom of the aquifer. In the past two years, I've had to replace numerous faucets due to sand, and am currently having a sand trap installed on the main line into the house.

We also have so little water pressure that we are unable to use any "rain-bird" type of sprinkler on our small lawn. Even in the house, I am unable to run more than one faucet, shower, or water-using appliance at a time.

As you can see, our water supply is fragile, and will not take much to render our well useless. We respectfully request the application of Spring Creek Utilities be denied.

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