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

FILED HL
JAN 18 2011
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 80340
FILED BY Spring Creek Utilities Company
ON December 17, 20 10, TO APPROPRIATE THE
WATERS OF permit #45920 at NE1/4 SE1/4 Sec.31, T33N, R57E

PROTEST

Comes now Robert M. St. Louis
Printed or typed name of protestant

whose post office address is 115 Dingo Lane, Spring Creek, NV 89815
Street No. or PO Box, City, State and ZIP Code

whose occupation is Chief Mine Engineer and protests the granting

of Application Number 80340, filed on December 17, 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 (2.5 cfs/589.765 mga) to provide additional water to the Spring Creek Association residents could potentially have an adverse affect on my existing well (log#49876). 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 [signature]
Agent or protestant

Robert M. St. Louis
Printed or typed name, if agent

Address 115 Dingo Lane
Street No. or PO Box

Spring Creek, NV 89815
City, State and ZIP Code

775-753-7513
Phone Number

RECEIVED
2011 JAN 18 AM 11:25
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 14th day of January, 20 11

[signature]
Notary Public

Notary Public • State of Nevada
COUNTY OF ELKO
MARTHA LUNA
No. 03-83528-6 My Appointment Expires Aug. 14, 2011

State of Nevada
County of Elko

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Mitigation Measures Proposed if Application 80340 is Approved

- Require installation of a reasonably robust groundwater monitoring network should the Applicant's change in point of diversion be granted. I have modified the measures suggested by several of us in our initial protests of Application 80123, and now recommend that five locations should, at minimum, be reviewed by the State Engineer's office and modified as appropriate to allow DWR, SCUC and domestic well owners to gain the data required to take appropriate actions to protect domestic water well rights against unforeseen and unmitigated impacts. The suggested locations for piezometers are:
    - NE ¼ section 25 T33N R56E
    - SW ¼ section 25 T33N R56E
    - NE ¼ section 26 T33N R56E
    - SW ¼ section 30 T33N R57E
    - NW ¼ section 31 T33N R57E
- Piezometers should be installed to measure heads at 50, 100, 200, and 500 feet below grade at each location. In addition, agreements should be made with several domestic well owners in both Ruby Mountain and Lipparelli Estates for installation of pressure transducers in private domestic wells for additional piezometric data collection. It is strongly suggested that dataloggers be installed on all transducers so that accurate, systematic data can be collected.
- Transducers should be installed in the new well to record pumping water levels. In addition, records of pumping cycles, including duration and average pumping rate during each cycle, should be maintained.
- Data collection should be done by a third-party that is knowledgeable in groundwater monitoring methods, and the data provided to both SCUC and domestic well owners. SCUC should be willing to pay the costs of this third-party's services. Reporting of data from piezometers and pumping wells should be at least on a quarterly basis, with readings taken on a frequency that is hydrologically sound.
- In the event that the data suggest that private domestic wells will be adversely impacted by the proposed wells, SCUC must be held financially responsible for any mitigation measures, including:
    - Costs associated with lowering of domestic pumps;
    - Costs associated with purchase and installation of new pumping equipment required to maintain the viability of domestic wells;
    - Costs associated with deepening or replacement of domestic wells to ensure their continued viability; and
    - SCUC must supply potable water to all persons while their domestic wells are inoperable due to lowering of pumping equipment or deepening of those wells.