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

IN THE MATTER OF APPLICATION NUMBER 80767
FILED BY Isaiah Water Company, LLC
ON June 6, 20 11, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

FILED
JUN 06 2011
STATE ENGINEER'S OFFICE

Comes now Lincoln County Water District and Vidler Water Company Inc.
Printed or typed name of protestant

whose post office address is P.O. Box 206, Pioche NV 89043
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 80767, filed on April 8, 20 11

by Isaiah Water Company, LLC to appropriate the

waters of Underground situated in Dry Lake Valley in Lincoln
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:

Please 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 LeAnn Brandt
Agent ~~or protestant~~

LeAnn Brandt
Printed or typed name, if agent

Address 3480 GS Richards Blvd. Suite 101
Street No. or PO Box

Carson City, NV 89703
City, State and ZIP Code

775-885-5000 ext. 106
Phone Number

Subscribed and sworn to before me this 6th day of June, 20 11

DANIELLE BETTRIDGE
NOTARY PUBLIC
STATE OF NEVADA
No.99-59300-5 My Appt. Exp. Nov. 4, 2011

Danielle Bettridge
Notary Public

State of Nevada

County of Douglas

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to Protests of
Lincoln County Water District and Vidler Water Company, Inc.
to Applications 80766 and 80767

1. The Protestants, Lincoln County Water District ("LCWD") and Vidler Water Company, Inc. ("Vidler"), have water permits and applications filed to appropriate water for irrigation purposes in the Dry Lake Valley (181). The Protestants have drilled a well and commenced in basin agricultural activities on property owned by Vidler pursuant to the terms of their existing permits 77722 and 77723. In Ruling 5993, the State Engineer awarded the remaining unappropriated water to the next senior applicants in the basin, LCWD and Vidler. According to Ruling 5993, there is no unapporpriated water remaining in the basin. Thus, there is no water available from the proposed source of supply for appropriation by the Applicant without exceeding the perennial yield or safe yield of the water source. In addition, the proposed use conflicts with existing rights and the proposed use threatens to prove detrimental to the public interest.

2. The BLM is reviewing the development of 59,000 acres in the Dry Lake Valley Basin for future solar energy projects under the Solar Programmatic Environmental Impact Statement. The 59,000 acres are adjacent to the Southwest Intertie Project (SWIP) right-of-way. The Protestants believe that solar projects would benefit the citizens of Lincoln County. The Applicant intends to export the water it seeks to appropriate out of the Dry Lake Valley Basin, impairing future use of water in the basin. Granting the subject applications would be detrimental to the public interest.

3. The granting of these applications would unduly impair the LCWD and Vidler senior permitted water rights and recent applications.

4. The proposed points of diversion for these applications lie in Basin 181, while the proposed place of use includes Dry Lake Valley, Delamar Valley, Coyote Springs Valley, Pahroc Valley, and Pahranagat Valley. The applications call for a transfer of ground water out of the basin of origin for use in another basin. Applicant cannot show compliance with the requirements of the interbasin transfer statute, NRS 533.370(6).

5. The only studies available to support the applications are reconnaissance level studies and estimates. The applications seeking appropriations are not based upon basin specific data showing recharge and/or discharge to adequately determine perennial yield available. The State Engineer should require the Applicants to provide a comprehensive hydrologic study or studies showing there is recharge and/or discharge available to appropriate, the hydrologic properties of the proposed points of diversion, and impacts associated with the Applicant's proposed pumping. Until such studies are performed, impacts associated with sustained pumping of substantial water rights at the proposed points of diversion for

Applicant's project are not known and may impact existing rights and protectable interests.

6. The Protestants, Lincoln County Water District ("LCWD") and Vidler Water Company, Inc. ("Vidler"), request that the subject applications be denied.

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