

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

FILED
JAN 13 2012
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 81325
FILED BY GARY SNOW LIVESTOCK AND GRAIN
ON NOVEMBER 16, 20 11



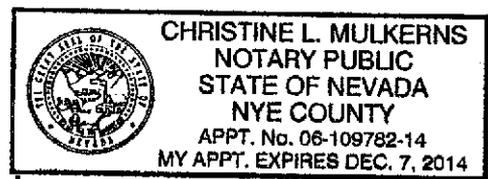
PROTEST

Comes now TONOPAH PUBLIC UTILITIES c/o Joseph Westerlund
Printed or typed name of protestant
whose post office address is P.O. Box 151, Tonopah, Nevada, 89049
Street No. or PO Box, City, State and ZIP Code
whose occupation is Maintenance Utility Supervisor and protests the granting
of Application Number 81325, filed on November 16, 20 11
by Gary Snow Livestock and Grain for the
waters of Well No. 2 situated in Nye
an underground source 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 Exhibit A, attached hereto.

THEREFORE the Protester 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 JK Westerlund
Agent or protestant
JOSEPH WESTERLUND
Printed or typed name, if agent
Address P.O. BOX 151
Street No. or PO Box
TONOPAH, NV 89049
City, State and ZIP Code
775-482-6643
Phone Number
tpu@frontiernet.net
E-mail

Subscribed and sworn to before me this 10th day of January, 20 12



Christine L. Mulkerens
Notary Public
State of Nevada
County of Nye

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Exhibit "A"
Formal Protest Requesting Denial of Application No. 81325
Applicant – Gary Snow Livestock and Grain

Gary Snow Livestock and Grain, under Application No. 81325 proposes to utilize groundwater in the amount of 0.1 cubic feet per second (cfs) of water from Well No. 2 for stock watering for seven (7) months of the year from the Ralston Valley Hydrographic Groundwater Basin No. 149.

A request for denial is based on the following concerns:

Nye County and the Town of Tonopah have always been active in groundwater and surface water management issues regarding the Ralston Valley Hydrographic Basin and surrounding basins. At this time, the only municipal water source for the Town of Tonopah is supplied from a well field located in the Ralston Valley Hydrographic Basin.

The Town of Tonopah/Tonopah Public Utilities, a water right owner within Ralston Valley Basin 141, protests this application for the following reasons:

The Town of Tonopah/Tonopah Public Utilities believes that when one entity or individual, is granted or has been granted a water right by the State Water Engineer, and then develops that right, then that individual or entity owns that right until they forfeit, sell, or relinquish the right. When another entity or individual who desires to use that right and all of the associated improvements such as: wells, pipes, pumps, right of ways, etc., that entity must have the permission from the original grantee or the existing water right holder. If the State Water Engineer grants water rights to an applicant who only has to file over existing improvements in order to use those existing improvements or infrastructure for their gain, the Town of Tonopah believes that its investment in developing water rights and infrastructure to provide safe and reliable drinking water to the Town of Tonopah, could be filed on by any entity or individual and then used by any entity or individual without the Town's permission. The Town of Tonopah believes this sets a dangerous precedence for the State of Nevada.

WATER RIGHTS OWNED BY THE TOWN OF TONOPAH/TONOPAH PUBLIC UTILITIES:

The following is a summary of the active municipal water rights owned by the Town of Tonopah/Tonopah Public Utilities that could be impacted.

Permit No.

45148	45151	69156
45149	45221	69157
45150	54929	69158

STATE ENGINEER
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