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 81328
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 81328, filed on November 16, 20 11

by Gary Snow Livestock and Grain for the

waters of Airport Well 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 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 [signature]
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

[signature]
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. 81328
Applicant – Gary Snow Livestock and Grain

Gary Snow Livestock and Grain, under Application No. 81328 proposes to utilize groundwater in the amount of 0.1 cubic feet per second (cfs) of water from Airport Well for stock watering for seven (7) months of the year from the Ralston Valley Hydrographic Groundwater Basin No. 141.

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:

1. The State Water Engineer issued a Notice of Curtailment of Water Appropriation and Designation of Preferred Use of Ground Water on August 15, 1980, and also issued Ruling 5243 on May 9, 2003, with regard to the Ralston Valley Ground Water Basin.

2. The Town of Tonopah Wellhead Protection Program established in May 2005 as required by Nevada Department of Environmental Protection.

3. 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 WITHIN RALSTON VALLEY:

The following is a summary of the active municipal water rights owned by the Town of Tonopah/Tonopah Public Utilities within Ralston Valley Hydrographic Basin No. 141.

Permit No.

45148	45151	69156
45149	45221	69157
45150	54929	69158