

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

FILED
JUN 28 2012
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 81825
FILED BY Daniel S. Venturacci
ON April 26, 2012



PROTEST

Comes now Etochevery Family Ltd. Partnership, Diamond Cattle Co., and Kenneth Benson

Printed or typed name of protestant

whose post office address is See Attachment 1

Street No. or PO Box, City, State and ZIP Code

whose occupation is Farming and Ranching

and protests the granting

of Application Number 81825, filed on April 26, 2012

by Daniel S. Venturacci for the

waters of an underground source situated in Diamond Valley

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 Attachment 2

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

Therese A. Ure

Agent or protestant

Therese A. Ure, Schroeder Law Offices, P.C. (Agent)

Printed or typed name, if agent

Address

440 Marsh Ave.

Street No. or PO Box

Reno, Nevada 89509

City, State and ZIP Code

775-786-8800

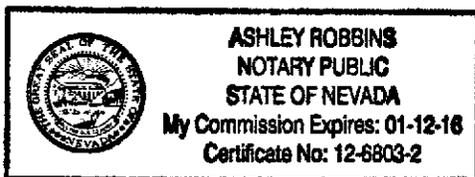
Phone Number

counsel@water-law.com

E-mail

RECEIVED
2012 JUN 28 AM 11:21
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 26th day of June, 2012



Ashley Robbins
Notary Public

State of Nevada

County of Washoe

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

In re Protest to Application 81825

Attachment 1: Protestant Addresses

Etcheverry Family Ltd. Partnership
7933 Calloway Dr.
Bakersfield, CA 93314

Diamond Cattle Co.
7933 Calloway Dr.
Bakersfield, CA 93314

Kenneth Benson
P.O. Box 158
Eureka, NV 89316

RECEIVED
2012 JUN 28 AM 11: 21
STATE ENGINEERS OFFICE

Attachment 2: Protest Grounds

1. The applications request water use for irrigation year round, from January 1 to December 31. A year round season of use is inconsistent with irrigation in the proposed location. Any permits issued on these applications should be limited to the applicable irrigation season of use.
2. The application seeks water from an aquifer that it admittedly acknowledges is being excessively pumped. See Application #12. The requested water is not available.
3. Given the state of the Diamond Valley hydrographic basin, the State Engineer should require a study prior to granting additional withdrawals from this stressed aquifer.
4. If the use is granted, this use will adversely affect the cost of water use for other holders of water in the hydrographic basin including the likelihood of increased pumping from lowered water table access depths.
5. These applications are in conflict with and will be detrimental to the public interest as this stressed ground water table will suffer further draw down causing a strain on the over subscribed water resource in this hydrographic basin.
6. If granted for the uses proposed, the proposed application will be in conflict with existing water rights as well as existing domestic wells.
7. There is no unappropriated water in the Diamond Valley hydrographic basin and thus the applications should be denied.
9. The additional wells would cause undue interference with existing wells (including possible cone of depression affect) in the already designated ground water basin.

10. The proposed use violates an order of the State Engineer designating the basin. See Order 815.

11. The type and place of use listed in the applications, is already subject to regulation by the State Engineer Order of designation and curtailment.

12. No water is available from the underground source except to exceed the perennial yield or safe yield that would create an aquifer mining situation.

RECEIVED
2012 JUN 28 AM 11: 21
STATE ENGINEERS OFFICE