

AFFIDAVIT OF JOHN S. LAMPROSE *JS*

1. I am the duly elected Chairman of the White Pine County, Board of County Commissioners.
2. This Affidavit is made in support of the attached Protest.
3. Assertions made in the attached Protest are based on information and belief, and are believed to be true.

DATED this 26th day of July, 2012.

JS

AFFIANT

SUBSCRIBED AND SWORN to before me
this 26th day of July, 2012.

Dahn S. Puckett

NOTARY PUBLIC



RECEIVED
2012 JUL 27 PM 3:45
STATE ENGINEERS OFFICE

WHITE PINE COUNTY DISTRICT ATTORNEY
801 Clark Street, Suite 3 • Ely, Nevada 89301
TEL: 775-293-6565 • FAX: 775-289-1559



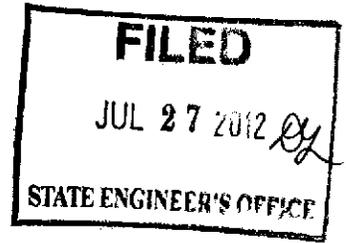
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IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 81909
FILED BY Southern Nevada Water Authority
ON May 17th, 2012



PROTEST



Comes now White Pine County

Printed or typed name of protestant

whose post office address is 801 Clark St., Ste#3, Ely, NV. 89301

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

whose occupation is Political Subdivision of the State of Nevada and protests the granting

of Application Number 81909, filed on May 17th, 2012

by Southern Nevada Water Authority for the

waters of a stream (Bastian Creek) source - Spring Valley Basin 184 situated in White Pine

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" Application # 81909 attached.

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

Agent or protestant

John E. Lampros

Printed or typed name, if agent

Address

801 Clark St., Suite 3

Street No. or PO Box

Ely Nevada 89301

City, State and ZIP Code

775-293-6561

Phone Number

wp.commission@mwpower.net

E-mail

RECEIVED
2012 JUL 27 PM 3:45
STATE ENGINEERS OFFICE

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



Notary Public

State of Nevada

County of White Pine

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

EXHIBIT "A" Application # 81909

Associated Application For Permit #10703 requires a substantial weir be installed and maintained to facilitate the measurement of water as a condition of approval. A field investigation must be conducted to prove such improvements still exist. The flow of the stream has been diverted around a storage reservoir that is not shown on the map and appears to have dried out that reservoir. The map submitted per application #10703 designates the continuous flow of Bastion (Bastian) Creek downstream to meet the requirements of NRS 533.060(1), 533.080(1) and 533.100(3)(a). Per current conditions, creek flow has been diverted entirely into a 12" concrete pipe with no further flow allowed downstream. No new map was provided that clearly distinguishes between past improvements, existing storage reservoirs dried up and requested improvements to be approved, while showing the creek to continue its flow downstream to support wildlife habitation and natural vegetation growth.

Secondly, upon information and belief, the proposed change in place of use and point of diversion is designed to facilitate and support SNWA's planned groundwater development and inter-basin transfer project and there is no genuine need for the water at the move-to location or reason for a change in point of diversion. The proposed groundwater development project would conflict with existing rights, would be detrimental to the public interest, would be environmentally unsound, and would unduly limit economic growth and development in the basin of origin."

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office MAY 17 2012

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 24 2012 under 81908

The applicant Southern Nevada Water Authority
1001 S. Valley View Blvd., MS #485 of Las Vegas
Street Address or PO Box City or Town
Nevada 89153 hereby make(s) application for permission to change the
State and ZIP Code

- Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Vested Proof Serial No. 01216

1. The source of water is Bastian Creek.
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 171.4 afa.
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for irrigation.
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
4. The water heretofore used for irrigation.
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
Within the SE 1/4 NE 1/4 of Section 23, T.15N., R.66E., M.D.M., or at a point from which the NE corner of Section 24, T.15N., R.66E., M.D.M., bears N, 69 deg. 27' 46" E., a distance of 6,496.85 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
Within the SE 1/4 NE 1/4 of Section 23, T.15N., R.66E., M.D.M., at a Point "A" from which the NE corner of Section 24, T.15N., R.66E., M.D.M., bears N. 68 deg. 40' E., a distance of 5,965 feet; and
Within the NE 1/4 SW 1/4 of Section 24, T.15N., R.66E., M.D.M., at two Points "B" and "C" from which the NE corner of Section 24, T.15N., R.66E., M.D.M., bears for Point "B" N. 51 deg. 30' E., a distance of 4,535 feet and bears for Point "C" N. 44 deg. 55' E., a distance of 4,370 feet.

184-147

THE STATE OF NEVADA

01216

PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Boston Creek Name of natural water source

Through Ditch and channel Name of ditch, flume, or pipe line

W.D. McNeil the undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Adam McNeil are full and correct to the best of his knowledge and belief.

owner of the interest If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant Adam McNeil Address Ely County of White Pine State of Nevada

(2) The means of diversion employed dam & ditch Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was about 30 years ago

(4) The construction of the ditch or other works was begun about 30 years ago and completed 30 years ago

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom Boston creek feet, width on top feet, depth feet, on a grade of feet per thousand feet. Sufficient to carry all

(6) The conduit has (has not) been enlarged. a necessary NOTE-If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom feet, width on top feet, depth feet, on a grade of feet per thousand feet.

(9) The claimant is (is not) an owner in the above-described conduit. one half interest If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is Patented

(11) Crops of Corn grain & vegetables Potatoes have been grown upon the land irrigated.

(12) The water has been used for irrigation from the entire year for the past ten years of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or grantors in the year 30 years ago when 24 acres were irrigated in a portion of Sec. 24 of T. 14 N. 46 E. R. E. See map.

(14) The additional number of acres first irrigated in subsequent years was as follows:

.....	acres in the	of Sec.....	T.....	R.....	E.....
Year					
.....	acres in the	of Sec.....	T.....	R.....	E.....
.....	acres in the	of Sec.....	T.....	R.....	E.....
.....	acres in the	of Sec.....	T.....	R.....	E.....
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.....	acres in the	of Sec.....	T.....	R.....	E.....
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.....	acres in the	of Sec.....	T.....	R.....	E.....

Remarks:
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was about 200 acres.

(16) The water claimed has ~~(has not)~~ been used for irrigation each and every year since the right was initiated.
Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were none.
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (was not) recorded in the office of the County Recorder of County, said record being at page..... of Book..... of, and being a claim for..... of water for the irrigation of.....

acres of land in the following legal subdivisions:

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation:.....

(21) Remarks: The above is the Boston Creek ranch a part of the Cleveland ranch. all of the water of Boston Creek are used for beneficial purposes and there are no adverse claims.

W. J. Macie

Subscribed and sworn to before me this 23rd day of January, 1913

Notary Public in and for the County of White Pine

My commission expires March 2nd 1914

This part of form to be left blank by claimant

Filing Serial No. **01216**

STATE OF NEVADA
Proof of Appropriation of
Water for Irrigation

Water Source.....

Through.....

Claimant.....

Filed in the Office of the State Engineer on

February 1, 191*3*

W. M. Ramsey
State Engineer

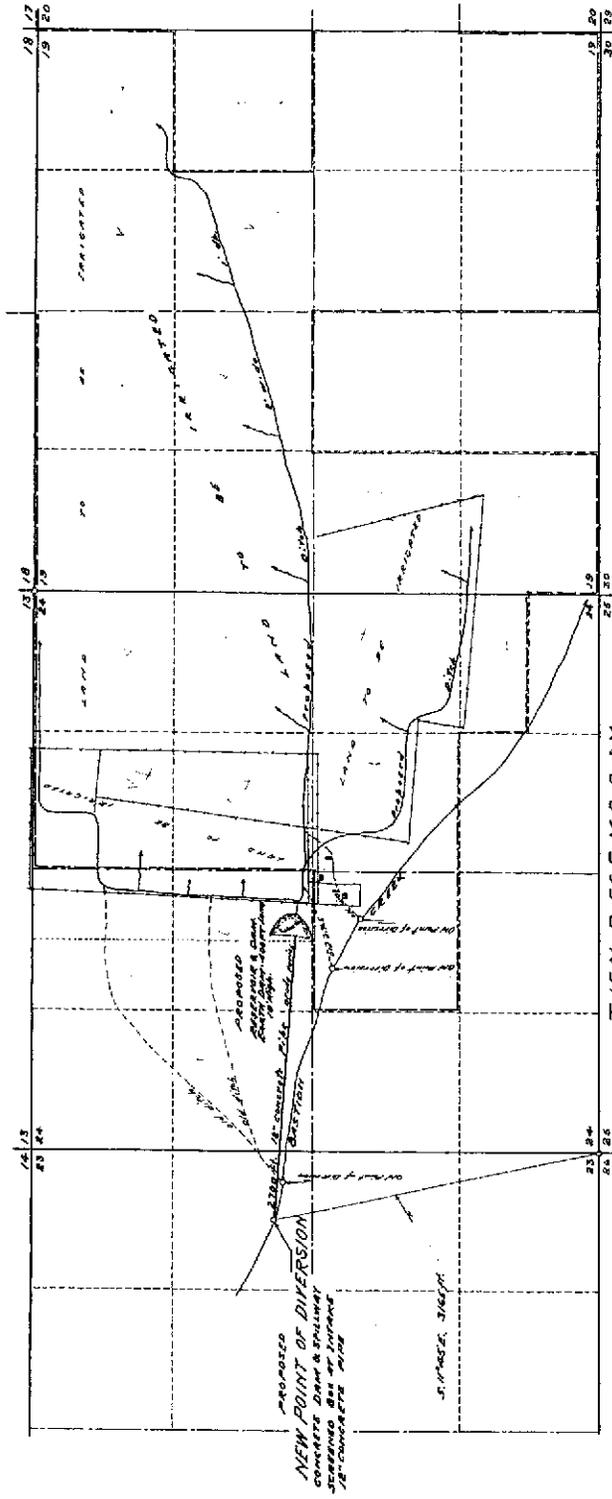
Certificate No. issued hereunder

....., 191.....

Form No. 8
3000-7-17-11



4276



STATE OF NEVADA }
 County of Washoe } ss.

I, F. M. Mollard, being duly sworn, depose and say that this map, consisting of one sheet, has been correctly drawn to the designated scale from field notes of a survey, made by me between the 11th and 13th days of June, 1941; that it truly and correctly represents the proposed location and extent of the works used to divert water from BASTION CREEK in Washoe County by J. P. JOHANSEN and LOLA HECKETHORN for irrigation purposes. That the proposed point of diversion, the approximate location and size of the diverting conduit, all reservoir or basins, the location and names of all other works which will cross or connect with the proposed works, and the boundary of all lands, showing by no-one subdivisions the areas proposed to be irrigated, are fully and correctly designated thereon.

Subscribed and sworn to before me this 20th day of June, 1941.
 Notary Public in and for Washoe County, Nevada.

F. M. Mollard
 State Notary Public - Washoe County, Nevada.

MAP TO ACCOMPANY
 APPLICATION
 TO APPROPRIATE WATER
 FOR IRRIGATION
 BY J. P. JOHANSEN & LOLA HECKETHORN
 FROM BASTION CREEK
 SURVEYED June 15, 1941. BY F. M. MOLLARD & SON
 CIVIL ENGINEERS

September 2, 1941

10703

Exhibit "A"



All Bastian Creek water is being captured and diverted into an exclusive use concrete box. Notice the sand bags on the right of the photo that block off flow downstream as naturally intended.



Notice the reservoir being dried up due to the redirection of water flow prior to entering into the reservoir.

APPLICATION FOR WATER NO. 61909

NOTICE IS HEREBY GIVEN that on the 17th day of May 2012 Southern Nevada Water Authority of Las Vegas Nevada made application to the State Engineer of Nevada for permission to change the point of diversion and place of use of 171.4 acre feet annually of water heretofore appropriated under Proof V01216. Water will be diverted from Bastian Creek at a point located within the SE 1/4 NE 1/4 of Section 23, T15N, R66E MDM or at a point from which the NE corner of Section 24, T15N, R66E MDM, bears N 69 degrees 27 minutes 46 seconds E a distance of 6,496.85 feet (approx. 9 miles NE of Majors Place, NV). Water will be used for irrigation purposes from January 1st to December 31st of each year.

The existing points of diversion were located within SE 1/4 NE 1/4 Section 23, T15N, R66E MDM, or at a point from which the NE corner of Section 24, T15N, R66E MDM bears N 68 degrees 40 minutes E, a distance of 5,965 feet, the NE 1/4 SW 1/4 Section 24, T15N, R66E MDM, or at points from which the NE corner of said Section 24 bears N 51 degrees 30 minutes E, a distance of 4,535 feet and N 44 degrees 55 minutes E a distance of 4,370 feet. Water was used for irrigation purposes from January 1st to December 31st of each year.

Jason King, P.E.
State Engineer

Publish: The Ely Times, Jun 8, 15, 22, 29, 2012