

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

IN THE MATTER OF APPLICATION NUMBER 82202  
FILED BY Keith E. Carson, Trustee, Keith E. Carson Living Trust  
ON October 17, 2012



FILED  
DEC 13 2012  
STATE ENGINEER'S OFFICE

PROTEST

Comes now the Ely Municipal Water Department

Printed or typed name of protestant

whose post office address is 501 Mill Street, Ely, NV 893201

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

whose occupation is Wholesale Water Purveyor

and protests the granting

of Application Number 82202

, filed on October 17

, 2012

by Keith E. Carson, Trustee of the Keith E. Carson Living Trust dated March 23, 1995

for the

waters of Murry Creek

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:

Please see attached Exhibit A.

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.

RECEIVED  
2012 DEC 13 PM 12:30  
STATE ENGINEERS OFFICE

Signed

*[Handwritten Signature]*

Agent or protestant

Emil W. Almberg, Jr., P.E./P.L.S.; Contract City of Ely Engineer

Printed or typed name, if agent

Address

501 Mill Street

Street No. or PO Box

Ely, NV 89301

City, State and ZIP Code

(775) 289-2430

Phone Number

almberg@basineng.com

E-mail

Subscribed and sworn to before me this

3rd

day of

December, 2012



S.R. CESSFORD  
NOTARY PUBLIC • STATE OF NEVADA  
White Pine County • Nevada  
CERTIFICATE # • 12-6670-17  
APPT. EXP. DECEMBER 22, 2015

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**

### **Ely Municipal Water Department's Protest of Application No. 82202**

This water right application should be denied based on the following grounds:

1. Murry Creek is currently dry and the only water regularly flowing in Murry Creek is waters that are being pumped under Ely Municipal Water Department Permit Nos. 79837, 79839, and 79841. The Ely Municipal Water Department does not want to be obligated to pump water into Murry Creek to provide water for any application that may be granted.
2. The Ely Municipal Water Department is the downstream user of Murry Creek surface waters under Certificates 7946 and 1085 and would be detrimentally affected by the issuance of this application.
3. The applicant has not demonstrated that the rate of flow of Murry Creek is sufficient to support the use under this application without the pumping of the aforementioned water rights.