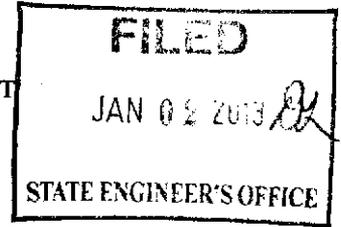


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82268  
FILED BY SADLER RANCH, LLC c/o DOUG FRAZER  
ON NOVEMBER 2, 2012



PROTEST



Comes now EUREKA COUNTY

Printed or typed name of protestant

whose post office address is POST OFFICE BOX 694, EUREKA, NEVADA 89316

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

whose occupation is POLITICAL SUBDIVISION

and protests the granting

of Application Number 82268, filed on NOVEMBER 2, 2012

by SADLER RANCH, LLC c/o DOUG FRAZER for the

waters of BIG SHIPLEY SPRINGS AND TRIBUTARIES COMPLEX situated in EUREKA

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

RECEIVED  
2013 JAN -2 PM 1:19  
STATE ENGINEERS OFFICE

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

*Leonard Fiorenzi*

Agent or protestant

LEONARD FIORENZI, COMMISSION CHAIRMAN

Printed or typed name, if agent

Address

POST OFFICE BOX 694

Street No. or PO Box

EUREKA, NEVADA 89316

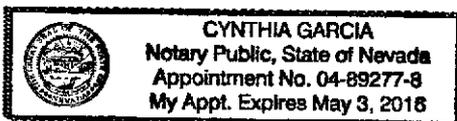
City, State and ZIP Code

(775) 237-5262

Phone Number

E-mail

Subscribed and sworn to before me this 6th day of December, 2012



Notary Public

State of NEVADA

County of EUREKA

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

**Exhibit "A"**  
**Eureka County Protest to Sadler Ranch LLC.**  
**Application No. 82268**

1. Eureka County affirms support for valid vested water rights and the doctrine of prior appropriation as established by state law. This protest does not challenge the existence of vested water rights on the Big Shipley Spring complex. Because a number of questions are raised by Application 82268, in particular the diversion rate and annual duty, this protest is to ensure that Eureka County citizens are informed and any final decision by the State Engineer is based on consideration of all facts and potential issues related to the Application.
2. Application 82268 requests an annual duty that is nearly double the best estimates of the historical annual flow from Big Shipley Springs (7,457.76 af/yr versus Harrill's estimate of 4,900 af/yr). Historical measurements of spring flows for Big Shipley Springs show approximately 7 cfs in the mid-1960s and more than 8 cfs in the mid- to late-1980s (source: Montgomery, *et al.*, 2010). Harrill (1968) provided three discharge measurements (7.19 cfs on 9/22/65, 7.01 cfs on 4/1/66 and 6.20 cfs on 10/19/66) and estimated the annual discharge in the 1965/1966 at 4,900 af/yr. These measurements in Harrill (1968) were made near the beginning of groundwater exploitation by wells in the southern portion of the valley and likely were not influenced by groundwater pumping at that time, so they provide an indication of pre-pumping spring discharge. Eureka County has not been able to find any evidence of historical flows prior to the mid-1960s, much less spring flows to support an annual duty of 7,457.76 af/yr, equivalent to 4.5 acre-feet per acre per year, far in excess of the generally accepted annual evapotranspiration of crops in Diamond Valley.
3. The historical use of water from Big Shipley Springs for irrigation purposes has not been proven through an adjudication of vested water rights in Diamond Valley. Until the resource is adjudicated, the diversion rate and annual duty should be restricted to the current discharge from the spring and the annual duty limited to the amount of water that can realistically be used to irrigate the crops historically grown on the place of use, not unfettered flow from the springs.
4. The "induction" well proposed as the point of diversion for Application 82268 does not serve to induce the infiltration of water from a surface water source into the aquifer. In truth, it represents a well whose purpose is expressly to intercept groundwater flowing toward Big Shipley Springs and the regional groundwater sink at the playa. The water that is to be intercepted by this well is actually groundwater discharge accounted for in the estimate of the perennial yield of Diamond Valley per the USGS mapped groundwater discharge area of Diamond Valley. Thus, these springs will inevitably cease to flow even if the basin were only pumped with a consumptive use at the basin perennial yield of 30,000 acre-feet per year, let alone being over appropriated at more than 134,000 acre-feet per year, with a currently estimated consumptive use of approximately 55,000 af/yr. As a result, increasing groundwater extractions at this site by any amount will exacerbate the problems already associated with over allocation of the resource. Consequently, there is no unappropriated groundwater at the proposed point of diversion. of the groundwater "interceptor" well, the proposed use may conflict with or will impair

RECEIVED  
JAN 2 PM 1:20  
STATE ENGINEERS OFFICE

**Exhibit "A"**  
**Eureka County Protest to Sadler Ranch LLC.**  
**Application No. 82268**

and interfere with existing rights and protectable interests in existing domestic wells, and threatens to prove detrimental to the public interest.

5. Eureka County asks the State Engineer to weigh the granting of Application 82268 in balance with State Engineer Orders within Diamond Valley. This includes, but is not limited to, Order 717, which states that: *"All new applications filed after December 31, 1978 to appropriate ground water for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied."*
6. Eureka County mandates the use of peer-reviewed science in the assessment of impacts related to water resource development. We request copies of the data and information used to determine the potential impacts related to the additional groundwater pumping that would occur under Application 82268 and to justify the amount of groundwater applied for under the Application. This review is consistent with the Water Resource Element of the current Eureka County Master Plan.
7. Should this protest result in hearings before the State Engineer, Eureka County requests that such hearings be held in Eureka to facilitate access by the body of Protestants.

RECEIVED  
2013 JAN -2 PM 1:20  
STATE ENGINEERS OFFICE