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

IN THE MATTER OF APPLICATION NUMBER 82572
FILED BY Daniel S. Venturacci
ON February 25, 20 13

PROTEST

FILED
MAY 20 2013
STATE ENGINEER'S OFFICE

Comes now Etcheverry Family Limited Partnership
Printed or typed name of protestant

whose post office address is 7933 Calloway Drive, Bakersfield, CA 93314
Street No. or PO Box, City, State and ZIP Code

whose occupation is Farming and Ranching and protests the granting

of Application Number 82572, filed on February 25, 20 13

by Daniel S. Venturacci for the

waters of an underground source situated in Eureka County
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 1

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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

Therese A. Ure, Schroeder Law Offices, P.C. (Agent)
Printed or typed name, if agent

Address 440 Marsh Avenue
Street No. or PO Box

Reno, NV 89509
City, State and ZIP Code

(775) 786-8800
Phone Number

counsel@water-law.com
E-mail

State of Nevada
County of Washoe

Subscribed and sworn to before me on May 17, 2013

by Ashley L. Robbins

ASHLEY ROBBINS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 01-12-16
Certificate No: 12-6803-2

Signature of Notary Public Required

Notary Stamp or Seal Required

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

In the Matter of Application Number 82572 (Protest)

Attachment 1: Protest Grounds

1. The Application requests water use for irrigation year round from January 1st to December 31st. A year round season of use is inconsistent with irrigation in the proposed location.

2. The Application is deficient because it fails to describe proposed works, including the manner in which water is to be diverted, diversion structure, ditches and flumes, drilled well with a pump and motor, etc.

3. If granted, the Application will conflict with existing water rights of use.

4. If granted, the Application will conflict with protectable interests in existing domestic wells.

5. If granted, the Application will prove detrimental to the public interest.

6. If granted, the Application will cause an unreasonable lowering of the static water level at appropriators' points of diversion.

7. 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.

8. This Application is 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 water resource in this hydrographic basin. *See* State Engineer Designation Order No. 1226, and prior Orders referenced therein.

9. If Application 82570 is granted, the permit must contain express conditions to ensure existing appropriations will be satisfied.

10. Given the designated state of the Diamond Valley hydrographic basin, and the issuance of the new designation Order No. 1226, the State Engineer should not allow any new ground water appropriations in Diamond Valley.

11. The Application seeks to provide supplemental ground water use to replace un-adjudicated vested water claims; however, the application is deficient as it does not state the underlying vested claim number or historical use.

12. The Application does not show that the decline in the ground water table is the cause of the reduction in amount of water available to service the primary vested surface water claims.

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13. The Application is attempting to circumvent the designation orders by first filing new un-adjudicated vested claims for surface water use (filed with the State Engineer in 2013) and then filing for supplemental ground water uses citing to the exception in the designation Order No. 1226 of "Those applications filed to mitigate senior surface water rights that have been impacted by groundwater pumping under junior water rights."

14. The Applications should be denied as the underlying rights are newly filed vested claims and their historical and continued use has not been established or adjudicated.

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