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

IN THE MATTER OF APPLICATION NUMBER 82573
FILED BY Daniel S. Venturacci
ON February 25, 20 13

PROTEST

FILED
MAY 23 2013
STATE ENGINEER'S OFFICE

Comes now Diamond Natural Resources Protection and Conservation Association (DNRPCA)
Printed or typed name of protestant

whose post office address is P.O. Box 13, Eureka, Nevada 89316
Street No. or PO Box, City, State and ZIP Code

whose occupation is Conservation Association and protests the granting

of Application Number 82573, 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 A, attached hereto:

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 Mark S Moyle
Agent or protestant

Mark S. Moyle
Printed or typed name, if agent

Address P.O. Box 13
Street No. or PO Box

Eureka Nevada 89316
City, State and ZIP Code

(775) 761 4725
Phone Number

nhc.moyle@gmail.com
E-mail

State of Nevada
County of Carson City

Subscribed and sworn to before me on May 23, 2013

by Mark S. Moyle

Susan Cox
Signature of Notary Public Required

SUSAN COX
NOTARY PUBLIC
STATE OF NEVADA
No. 05-95399-12 My Appt. Exp. April 11, 2017

Notary Stamp or Seal Required

STATE ENGINEERS OFFICE
2013 MAY 23 AM 9:53
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+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

EXHIBIT "A" to Protest of Diamond Natural Resources Protection and Conservation Association (DNRPCA)
To
Application No. 82573

1. Application No. 82573 seeks to appropriate large quantities of groundwater from the Diamond Valley Hydrographic Basin (Basin No. 153). The Protestants, DNRPCA Members and affiliated entities, own numerous groundwater rights within Basin 153. The proposed use of water under Application No. 82573 would conflict with Protestants use of water under its numerous existing groundwater rights in Basin No. 153.

2. Nevada State Law does not allow for a surface water right to be converted to a groundwater right.

3. There is no unappropriated water in Basin No. 153.

4. The granting of Application No. 82573 would be detrimental to the public interest.

5. Application No. 82573 seeks to appropriate large quantities of groundwater for irrigation purposes. Granting the applications would violate previous orders entered by the State Engineer including, but not necessarily limited to Order No. 717. That order provides, among other things, that all "applications filed after December 31, 1978 to appropriate groundwater for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied."

6. The historic acreage of land irrigated may be insufficient to support the quantity of water sought to be appropriated under Application No. 82573.

7. The historic flow of water from Judd Canyon has always only been seasonal, intermittent, snow- melt runoff that only happens in the spring. The flow rate varies depending on snow pack and melting rate. There does not exist any other spring complex in the area that comes from an underground source outside of the Taft, or Thompson spring.

8. The Protestant requests that the State Engineer conduct and adjudication of the surface water rights in Basin No. 153.

9. The Protestant requests that the State Engineer postpone action on Application No. 82573 until an adjudication of vested and all other surface water rights in Basin No. 153 has been completed.

10. The Protestant requests that water rights, if any, granted under Application No. 82573 are conditioned on the implementation of a monitoring program approved by the State Engineer. If impacts to existing rights or public interest are demonstrated

by the monitoring program, the Applicant should be required to mitigate those impacts to the satisfaction of the State Engineer and the affected party.

11. Application No. 82573 requests a Duty of 2.0 cfs when the State Engineer has determined that a Duty of 1.7 acre-feet is sufficient for irrigating meadow hay.

12. Application No. 82573 requests water to irrigate 190.59 acres of land. There is no evidence or Proof of Beneficial Use (PBU) to support that 190.59 acres of land was irrigated.

13 Application No. 82573 requests water from January 1st- December 31st annually. If this water is to be used for irrigation purposes, it should be appropriated from April 1st- October 31st annually. This time period represents the irrigation season.

14. The Application No. 82573 is attempting to circumvent the designation orders by first filing new un-adjudicated vested claims for surface water use 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".

15. The Application should be denied as the rights are newly filed vested CLAIMS and their historical and continued use has not been established or adjudicated.

16. The Protestant reserves the right to supplement this protest as additional information becomes available concerning Application No. 82573.