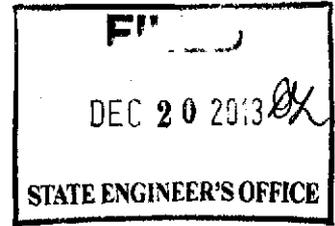


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

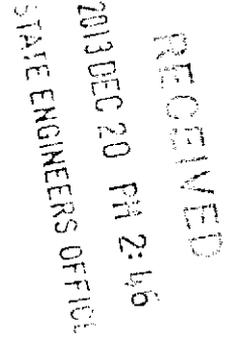
IN THE MATTER OF APPLICATION NUMBER 83159
FILED BY Jeffrey A. Lynn and Laura M. Dorris
ON October 11, 2013



PROTEST



Comes now Eureka County
Printed or typed name of protestant
whose post office address is Post Office Box 694, Eureka County, Nevada 89316
Street No. or PO Box, City, State and ZIP Code
whose occupation is Political Subdivision and protests the granting
of Application Number 83159, filed on October 11, 2013
by Jeffrey A. Lynn and Laura M. Dorris for the
waters of Underground 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



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
J. J. Goicoechea, 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

State of Nevada
County of Eureka
Subscribed and sworn to before me on 12/20/13
by J. J. Goicoechea

Signature of Notary Public Required



Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Exhibit "A"

Eureka County Protest to Application No. 83159

Filed by Jeffrey A. Lynn and Laura M. Dorris

1. There may be no unappropriated groundwater at the proposed source of supply, the proposed use may conflict with or impair and interfere with existing rights and protectable interests in existing domestic wells and may threaten to prove detrimental to the public interest. The proposed diversion of groundwater may impact water rights adjudicated under the Humboldt River Decree. The owners of these rights contribute to the long-term economic viability of Eureka County's communities; therefore, impacts to these rights will prove detrimental to the health and welfare of Eureka County.
2. The current estimate of the perennial yield of the Pine Valley Hydrographic Area is 20,000 acre-feet per year. The Basin Summary for Pine Valley prepared by the office of the Nevada State Engineer shows 16,324.38 acre-feet per year of committed underground rights. Applications with a more senior priority date to Application 83159 have been filed for all the unappropriated groundwater in the basin. Additionally, there are numerous undetermined claims to vested use of water in Pine Valley. Therefore, there may not be any unappropriated water in Pine Valley to satisfy the amount of groundwater requested by Application 83159.
3. The proposed point of diversion is located in an area of Pine Valley where Pine Creek is an effluent stream; that is, surface water flow in the stream originates as groundwater discharge in northern Pine Valley. Pine Creek is a tributary to the Humboldt River. The flow of the Humboldt River and its principal tributaries has been adjudicated under the Humboldt River Decree. A well at the proposed point of diversion will intercept groundwater that is the source of the flow of Pine Creek. Therefore, the proposed use will conflict with or impair and interfere with existing decreed surface water rights.
4. The works necessary to achieve beneficial use of the subject water rights are substantial and costly. The Applicants estimated the cost to construct the works comprising a "[d]rilled well, pipelines and sprinkler system" to be \$10,000. It appears as if the Applicants do not fully appreciate the cost to drill and equip an irrigation well capable of pumping 1.00 cfs, the cost of pipelines to distribute the water, and the cost of a sprinkler system to efficiently irrigate the land depicted on the map which shows the proposed place of use for Applications 83159 and 83160. Based on the Applicants' unrealistic expectations, Eureka County is concerned (1) that the applications are water speculation for future uses other than agriculture and (2) whether or not there is a reasonable expectation that the water, if granted, could or will be put to beneficial use for irrigation. Eureka requests the opportunity to satisfy its concerns regarding the Applicants' financial ability and intent to put the water to beneficial use for irrigation.
5. There is no information or analysis provided by the Applicants on file with the office of the Nevada State Engineer that addresses the potential impact to existing water rights. The Eureka County Code 9.060.C "mandates the use of peer-reviewed science in the assessment of impacts related to water resource development." In the absence of such analysis and, based on Eureka County's

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Exhibit "A"
Eureka County Protest to Application No. 83159
Filed by Jeffrey A. Lynn and Laura M. Dorris

current understanding of the water resources of Pine Valley, it is Eureka County's position that the proposed use will conflict with or impair and interfere with existing decreed surface water rights.

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