

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

FILED
OCT 23 2014
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 84311
FILED BY Nevada Cement Company of Fernley
ON September 5th, 20 14

PROTEST

Comes now Lovelock Meadows Water District

Printed or typed name of protestant

whose post office address is PO Box 1021

Lovelock, Nevada 89419

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

whose occupation is Public Water System

and protests the granting

of Application Number 84311

, filed on September 5th

, 20 14

by Nevada Cement Company of Fernley

for the

waters of Underground Source

situated in Pershing

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 Attached Page

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

[Signature]

Agent or protestant

Michael Rory Munns, General Manager

Printed or typed name, if agent

Address

PO Box 1021

Street No. or PO Box

Lovelock, Nevada 89419

City, State and ZIP Code

State of Nevada

County of Pershing

Subscribed and sworn to before me on Oct. 20, 2014

775-273-2387

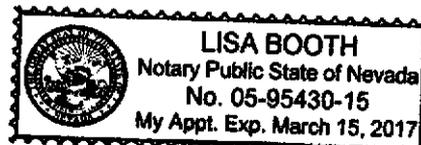
Phone Number

by Michael Rory Munns

rmunns@cityoflovelock.com

E-mail

[Signature]
Signature of Notary Public Required



Notary Stamp or Seal Required

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

The appropriation of water in Nevada is governed by statute, and the State Engineer is authorized to regulate such appropriations. NRS 533.030(1); see NRS 533.370(3). *Pyramid Lake Paiute Tribe of Indians v. Washoe County*, 112 Nev. 743, 747-748, 918 P.2d 697, 700 (1996). Under NRS 533.370(3), the State Engineer must deny applications when there is no un-appropriated water in the proposed source or when the proposed use conflicts with existing rights or is detrimental to the public interest. *Office of State Engineer v. Morris*, 107 Nev. 699, 701, 819 P.2d 203, 204 (1991).

In accordance with the foregoing authorities, the Lovelock Meadows Water District submits this protest in opposition of above designated applications for the following reasons:

- 1) Currently, District wells 5, 7, and 8, located in the southern area of the Oreana basin, are experiencing a year to year drawn down in water. The proposed water right application(s) will unreasonably lower static water levels in the basin and adversely affect the District's existing rights. Therefore, the application(s) must be denied.
- 2) Based upon available hydrological data from the Nevada State Engineer, U.S. Geological Survey, U.S. Bureau of Mines and Humboldt River Basin Studies, the estimated perennial yield of the Oreana basin ground water is 2000 acre-feet per year. The State Engineers Office has issued a total of 4987 acre-feet of underground water rights in this basin. The majority of the allocated acre-feet are coincident with the District's curtailment area, which is the sole source of potable water for the Lovelock Meadows Water District. Therefore, there is no un-appropriated ground water available in the Oreana basin. There are simply too many straws in the drink. As such, the application(s) must be denied.

This reasoning holds true for hydrographic basins 73, 73A (Oreana Basin) and the southern portion of 72, which represent existing or potential sources of water for the District. Due to the fact that these basins are actually or possibly over-appropriated, any additional appropriation harms the District's existing or future interests in hydrographic basins 73, 73A or 72 (southern portion). Further appropriation in these basins is detrimental to the public's interest due to the inevitable increase in capital costs to extract water from a dropping water table. These costs must be passed on the District's constituents. Thus, further appropriation will increase the cost of potable water to the detriment of the public. Along these lines, over-appropriation may lead to water treatment, which substantially increases the cost of water. Accordingly, the application(s) must be rejected.

- 3) The Lovelock Meadows Water District is a 318 entity and provides water services for the entire Lovelock Valley including the City of Lovelock with municipal water. The proposed use and underlying discharge of water for this/these application(s) may very well degrade existing permits owned by the Lovelock Meadow's Water District. The application(s) harms the public interest by potentially requiring an increase in the fee structure for District's remaining constituents in order to compensate for the loss of current or expected revenue. As such, the application(s) is detrimental to the public interest and must be denied.

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