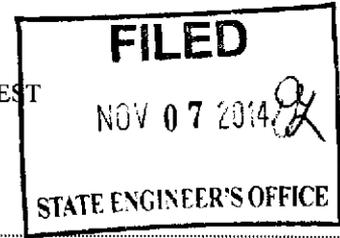


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84405
FILED BY Bingo G. and Karen T. Wesner
ON October 2nd, 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 84405, filed on October 2nd, 20 14
by Bingo G. and Karen T. Wesner 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

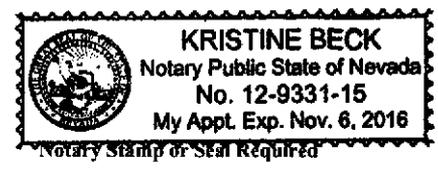
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THEREFORE the Protestant requests that the application be DENIED
Denied, issued subject to prior rights, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [Signature]
Agent or protestant
Michael Rory Munns, General Manager
Printed or typed name, if agent

State of Nevada
County of Pershing
Address PO Box 1021
Street No. or PO Box
Lovelock, Nevada 89419
City, State and ZIP Code
Subscribed and sworn to before me on November 3, 2014
775-273-2387
Phone Number
by Michael Rory Munns
rmunns@cityoflovelock.com
E-mail

[Signature]
Signature of Notary Public Required



+ \$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 possibility 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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