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

IN THE MATTER OF APPLICATION NUMBER 84606
FILED BY Egger Enterprises, LLC
ON December 22, 20 14

PROTEST

FILED
MAR 17 2015
STATE ENGINEER'S OFFICE

Comes now Nils Nilson
Printed or typed name of protestant

whose post office address is 48115 Big Creek Road
Street No. or PO Box, City, State and ZIP Code

whose occupation is Farmer and protests the granting

of Application Number 84606, filed on December 22, 20 14

by Egger Enterprises, LLC for the

waters of Underground source situated in Humboldt
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 [signature]
Agent or protestant

Nils Nilson
Printed or typed name, if agent

Address 48115 Big Creek Road
Street No. or PO Box

Winnemucca, NV 89445
City, State and ZIP Code

Phone Number

E-mail

State of Nevada
County of WASHOE

Subscribed and sworn to before me on 03·17·15
by Nils Nilson

RONI L. SHAFFER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-36517-2 - Expires May 5, 2015

[signature]
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 TO NILSON PROTEST OF APPLICATIONS 84606-84611

1. The applications should be denied because they seek to change portions of existing certificated and permitted water rights that have not irrigated the portions sought to be stripped for over sixteen consecutive years and are forfeited or should be canceled.

2. The proposed change will conflict with existing rights and threaten to prove detrimental to the public interest under NRS 533.370(2) because:

a. Most recent State Engineer crop inventories (2012) for Pine Forest Valley show that groundwater withdrawals already exceed the perennial yield by ***14,784*** acre-feet annually (afa) and is causing a substantial lowering of the static water level (5-10 feet at Applicant's wells between 2014-2015 according to personal communication with State Engineer staff). Granting additional withdrawals based on unused water rights in an over-appropriated and over-pumped basin that is already experiencing substantial water table declines is contrary to the public interest and should be denied;

b. The Applicant proposes to use an additional almost 4,000 afa from four new wells that are less than one mile from Nilson's wells, which will cause an unreasonable lowering of the water table and injure existing senior and junior water rights. The State Engineer has denied similar applications in the Pine Forest Valley due to the proximity of the new wells (See, Ruling 2169, October 15, 1976). Because the proposed new wells are very close to existing wells, the basin is over-appropriated, and the groundwater table is rapidly declining, the State Engineer should protect existing rights that cannot be satisfied by express conditions;

c. Portions of the existing water rights these applications seek to change have not been used for at least five consecutive years, and therefore, they essentially are seeking a new appropriation of water to irrigate additional land, which is prohibited by State Engineer Order 831 (December 1, 1983) (attached);

d. It will be detrimental to the public interest to irrigate more land in Pine Forest Valley based on unused water rights when current groundwater withdrawals already far exceed the perennial yield;

e. The applications will aggravate the groundwater level conditions caused by the Applicant's existing heavily concentrated groundwater pumping and substantially increase the pumping costs of Nilson. Allowing an additional nearly

4,000 afa to be withdrawn from the Pine Forest Valley basin will conflict with existing rights and be detrimental to the public interest;

3. The applications should be denied because the Applicant does not own or have the right to use the proposed place of use and its applications under the Desert Land Act are still pending and subject to protest by the Nilsons and others;

4. Lastly, the Applicant does not have the financial ability and reasonable expectation to construct the works of diversion and apply the water to beneficial use and the applications are speculative, which is contrary to law and the public interest;

5. The State Engineer should deny the applications without a hearing. If a hearing is scheduled, Nilson reserves the right to present expert testimony and reports.

2016 APR 17 PM 2:50
STATE ENGINEERS OFFICE

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

O R D E R

NOTICE OF CURTAILMENT OF WATER
APPROPRIATION WITHIN THE DESIGNATED
PINE FOREST VALLEY GROUND WATER BASIN

The State Engineer designated the Pine Forest Valley Ground Water Basin, as provided under NRS 534.010 to 534.190, inclusive, by Order No. 711 dated May 1, 1978.

Crop and pumpage inventories maintained by the office of the State Engineer indicate that present withdrawals are exceeding the estimated recharge of the Pine Forest Valley Ground Water Basin.

The irrigation of additional land using underground water would threaten to impair the value of existing underground and surface water rights.

In accordance with NRS 534.120, subsection 2, the irrigation of additional land using underground water is not considered to be a preferred use of the limited underground water resource.

NOW THEREFORE, it is ordered that:

All applications filed after December 1, 1983, to appropriate underground water to irrigate additional land within the Designated Pine Forest Valley Ground Water Basin will be denied.

Peter G. Morros
State Engineer

Dated at Carson City, Nevada, this
1st day of December, 1983.

2005 MAR 17 P12:50
STATE ENGINEERS OFFICE

IN THE MATTER OF APPLICATION)
30219 FILED FOR THE WATERS OF)
AN UNDERGROUND SOURCE IN PINE)
FOREST VALLEY, HUMBOLDT COUNTY,)
NEVADA)

R U L I N G

GENERAL:

Application 30219 was filed on May 5, 1976 by Vernon Cannon to appropriate 2.5 cfs of the waters of an underground source to be diverted within the NE¼ SW¼ Section 2, T.41N., R.32E. and to be used for the irrigation of 360 acres within the NW¼ SE¼ and SW¼ Section 2, SE¼ Section 3 T.41N., R.32E.

This application was protested on June 7, 1976 by Jule and Elizabeth DeLong.

An investigation in the matter of application 30219 was made on September 22, 1976.

OPINION:

It is our opinion that the granting of this application is such close proximity of other existing wells would tend to impair the value of existing rights.

RULING:

The protest to the granting of Application 30219 is hereby sustained and the application is hereby denied on the grounds that it would tend to impair the value of existing rights.

Respectfully submitted,

Roland D. Westergard
State Engineer

RDW/TJS/lk

Dated this 15th day

of October, 1976.

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STATE ENGINEERS OFFICE