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

IN THE MATTER OF APPLICATION NUMBER 84886
FILED BY Calvin Murton Bowman and Carole Bowman
ON March 2, , 20 15

PROTEST

FILED
MAY 14 2015
STATE ENGINEER'S OFFICE

Comes now UTILITIES INC. OF CENTRAL NEVADA
Printed or typed name of protestant

whose post office address is 1240 E. State St., Ste. 115 Pahrump, NV 89048
Street No. or PO Box, City, State and ZIP Code

whose occupation is PUBLIC UTILITY and protests the granting

of Application Number 84886, filed on MAY 12, 20 15

by CALVIN MURTON BOWMAN and CAROLE BOWMAN for the

waters of UNDERGROUND situated in NYE
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

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 Bill Coates
Agent or protestant

Bill Coates, UICN Area Manager
Printed or typed name, if agent

Address 1240 E. State St., #115
Street No. or PO Box

Pahrump, NV 89048
City, State and ZIP Code

775-727-5575
Phone Number

bhcoates@uiwater.com
E-mail

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2015 MAY 14 PM 3:05
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State of Nevada
County of NYE

Subscribed and sworn to before me on MAY 13, 2015

by Bill Coates

JUDITH E. GILLMORE
Notary Public-State of Nevada
APPT. NO 09-11536-14
My App. Expires September 18, 2017

Judith E. Gillmore
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.

ATTACHMENT A

RECEIVED
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Utilities Inc. of Central Nevada's Protest to:

Murton and Carole Bowman's Change Applications, Numbered 84884 and 84886, which request a Change in the Point of Diversion of Water from the Floor to the Manse Fan

1. Utilities, Inc. of Central Nevada (UICN) is a public utility, regulated by the Public Utilities Commission of Nevada, which provides water service to its customers located in its certificated service area. As a regulated public utility, UICN "shall render reasonably continuous and adequate service to the public within its service area and in pursuance of the authority granted" under its Certificates of Public Convenience and Necessity issued by the Public Utilities Commission of Nevada. The requested change in the point of diversion is adjacent to the UICN service area.

2. Applications 84884 (Base Permit #14291, Certificate 6554) and 84886 (Base Permit #21183, Certificate 8242) seek a change in the Point of Diversion of 746.9 AFA of water rights owned by Murton and Carole Bowman. The 746.9 AFA currently have points of diversions in the floor. The existing point of diversion of these permits 14291 and 21183 is a well in the NE corner of the NE ¼ of the SE ¼ of Sec. 6, T. 21 S, R.54 E, M.D.B & M. The proposed point of diversion is to a well in the SE ¼ of the NW ¼ of Sec. 3, T. 21 S, R 54 E, M.D.B & M. This proposed new point of diversion is in the middle of UICN's well field that supplies water to its customers.

3. UICN is filing protests to Change Applications 84884 and 84886 on the basis that granting the requested change in Point of Diversion would be contrary to Nevada Revised Statute (NRS) 533.370(2) because there is no water available in the source, the proposed change conflicts with existing rights and threatens to prove detrimental to the public interest. Granting this change will have a direct and adverse impact on the existing water rights and their priority dates owned by UICN and a detrimental impact on UICN's ability to serve its customer base (the Public).

4. The Pahrump Fan and Manse Fan are separate sub-basins of the Pahrump Valley Hydrographic Basin and have been identified as such by the State Engineer in the past. The Manse Fan sub-basin is over-appropriated and the existing wells are capable of pumping more than the perennial yield of the sub-basin. When this occurred in past years it caused a significant decrease in the water levels of existing wells.

5. There are no unappropriated water rights in the proposed source of supply, the Manse Fan. Historical records, including records contained in the State Engineer's Office, have shown that increased concentrated pumping in the Manse Fan directly impacts existing wells in the area. When agricultural pumping was high in the 1960's and 1970's, it caused the water level in the Bowman Clock Well to decrease approximately 80 feet. As agricultural pumping has decreased, the water levels in this monitoring well has increased, showing the direct impact of concentrated localized pumping on the Manse Fan. Adding 746.9 AFA to the Manse Fan only exacerbates the over-appropriation problem and would most likely put UICN in a position of being unable to "continuously and adequately" serve its customer water commitments.

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6. It is also important to understand that the water rights UICN is diverting from its wells are in a number of cases Junior in priority to the base water rights of the subject Change Applications. Increased pumping in the location proposed by these Change Applications would impact and conflict with the existing water rights of UICN. Because the Change Applications propose to increase localized pumping, the proposed changes will be detrimental to the public interest as it will impact UICN's ability to provide municipal water service to its customer base and the developments in its service territory.

7. Because many of the water rights in UICN's wells on the Manse Fan are Junior in priority to the base water rights the subject of the Change Applications, UICN is concerned that it would lose its ability to serve some of its municipal customers if the State Engineer should initiate a curtailment program in the Pahrump Valley. UICN's higher use of water, for municipal purposes, would be most severely affected and it would be extremely difficult to terminate water service for residential and commercial uses. Notwithstanding Order 1252, the State Engineer should deny these Change Applications, which constitute new appropriations on the already over-appropriated Manse Fan, because they would subordinate existing municipal water rights in the Manse Fan to irrigation floor water rights that have a non-preferred use in the already over-appropriated Manse Fan area. If Floor water rights with a senior priority date are allowed to move to the Manse Fan area, as is proposed with these Change Applications, that would cause existing Manse Fan water rights holders to lose the right to pump some or all of the full duty of their water rights when there is an inadequate supply of water to serve all water rights holders. This would have a huge detrimental effect on existing water rights holders, including UICN.

8. Critically, the irrigation water rights in these Change Applications would not be subject to the dedication rates the utility companies and the State Engineer have agreed upon, (approximately 3 to 1 use to dedication), to deal with the existing over allocation on the Manse Fan.

9. The base rights of Change Applications 84884 and 84886 are supplemental to one another and possibly to the base rights of Change Applications 84883 and 84885, and additional acreage cannot be added to the place of use by these Change Applications.

10. The base rights of Change Applications 84884 and 84886 are currently in good standing with certain extensions. If the base rights are not in good standing at the time a decision is made on these Change Applications, the Change Applications should be denied.

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