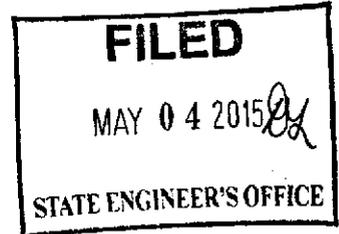


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85017  
FILED BY NICHOLAS G. PERCHETTI  
ON MARCH 30, 20 15



PROTEST



Comes now TONOPAH PUBLIC UTILITIES c/o Joseph Westerlund

Printed or typed name of protestant

whose post office address is P.O. Box 151, Tonopah, NV 89049

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

whose occupation is Maintenance Utility Supervisor and protests the granting

of Application Number 85017, filed on March 30, 20 15

by Nicholas G. Perchetti 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 Exhibit A, attached hereto.

THEREFORE the Protestant requests that the application be Denied or issued subject to prior rights

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

Joseph Westerlund

Printed or typed name, if agent

Address P.O. Box 151

Street No. or PO Box

State of Nevada

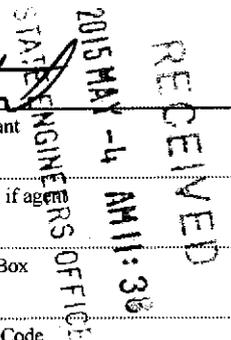
County of Nye Tonopah, NV 89049

City, State and ZIP Code

Subscribed and sworn to before me on April 20, 2015 775.482.6643

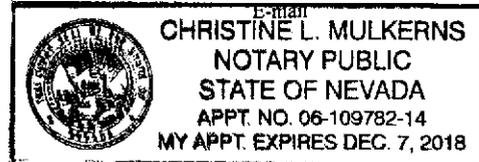
Phone Number

by Joseph Westerlund tpu@frontiernet.net



[Signature of Christine L. Mulkerens]

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"  
Protest of Tonopah Public Utilities to  
NICHOLAS G. PERCHETTI APPLICATION 85017

Nicholas G. Perchetti ("PERCHETTI") under Application 85017 proposes to utilize ground water from the Ralston Valley Hydrographic Groundwater Basin No. 141 for irrigation and domestic purposes for twelve (12) months of each year.

A request for denial or issued subject to prior rights, is based on the following concerns:

The Town of Tonopah and Tonopah Public Utilities ("TONOPAH"), water right owners within Ralston Valley located within the vicinity of Application 85017, is concerned that continued increase of groundwater pumpage will harm their existing municipal water supplies.

Ralston Valley is a designated basin. The State Engineer issued a Notice of Curtailment of Water Appropriation and Designation of Preferred Use of Ground Water with regard to the Ralston Valley Ground Water Basin on August 15, 1980. Thirty-four (34) years has passed since this designation. A comprehensive perennial yield and recharge analysis should be required by the Nevada State Engineer of the entire Ralston Valley Hydrographic Basin No. 141 before new appropriations can be considered.

The Notice of Curtailment further provides:

Most of the available ground water of suitable chemical quality for municipal purposes occurs in the alluvium in the above described area and ground water pumped from said area is used by the Town of Tonopah for a municipal supply. The safeguarding of the aforementioned limited water supply necessitates and demands that municipal use be declared a preferred use of the ground water resource of the above described area and that no additional permits be granted within the restricted area to appropriate ground water.

In Application No. 85017, PERCHETTI seeks to appropriate additional water in the Ralston Valley Basin in the amount of 0.223 cubic feet per second (cfs) of water from an underground source to be used for irrigation and domestic purposes. Thus, granting the application will impact existing rights held by TONOPAH i.e., Permit Nos. 45148, 45159, 45150, 45151, 45221, 54929, 81425, 81426, 81427 and 81428.

In Ruling No. 5004, the State Engineer denied an application to appropriate water where there was no reasonable expectation of beneficial use for the municipal purposes of TONOPAH under the application. At this time, the same circumstances exist here with regard to Application 85017 filed by PERCHETTI. Application 85017 should be denied on the basis TONOPAH provides water service to the Tonopah Town site and the Tonopah Airport property and this application seeks to use water from Basin 141 that conflicts with the intent of the Notice of Curtailment.

TONOPAH does not desire to hinder PERCHETTI's irrigation and domestic watering efforts. However, TONOPAH's prior existing rights used to provide a municipal water supply and its water system must not be detrimentally impacted by PERCHETTI's efforts. If PERCHETTI can show that impacts associated with his proposed irrigation and domestic watering uses will not impact existing rights and an agreement can be reached with TONOPAH's service territory in conformance with TONOPAH's municipal and water resource growth plans, this protest may be withdrawn.

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