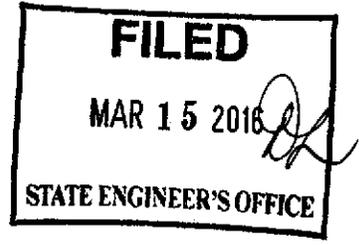


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85902
FILED BY Rodney St. Clair
ON January 29, 2016



PROTEST



Comes now John DeLong of DeLong Ranches, Inc.
Printed or typed name of protestant

whose post office address is 4005 South Bottle Creek Road Winnemucca, Nevada 89445
Street No. or PO Box, City, State and ZIP Code

whose occupation is Rancher and protests the granting

of Application Number 85902, filed on January 29, 2016

by Rodney St. Clair 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:

Please see Attachment 1

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THEREFORE the Protestant requests that the application be DENIED

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

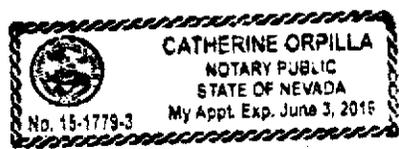
Signed [Signature] Agent or protestant
Sam E. Monteleone, agent for DeLong Ranches, Inc.
Printed or typed name, if agent

Address 2426 Haida Court
Street No. or PO Box
Reno, Nevada 89506-9118
City, State and ZIP Code

Subscribed and sworn to before me on March 15, 2016
775-843-4419
Phone Number

by Sam E. Monteleone
oldnevadanwater@gmail.com
E-mail

[Signature of Catherine Orpilla]
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 1**

The Protestant of this Application owns several water rights in the neighboring Black Rock Desert and Desert Valley Hydrographic basins and is concerned that an underground water withdrawal of the magnitude proposed under Applications 85901 and 85902 would eventually cause irreparable damage to their land and water right holdings. The new Applications seek to appropriate 14,000 acre-feet of water from the Mud Meadows ground water basin and transfer it to the Fernley Area and Churchill Valley basins approximately 100 airline miles to the south. According to the Applications, the Applicant plans to construct a pipeline originating from land north of the Black Rock Desert, across said desert, and thence across lands controlled by the U. S. Bureau of Land Management, Pyramid Lake Indian Tribal lands, and other private lands. A detailed plan of how this pipeline would be built, maintained, and paid for was not addressed in the Application. This Protest will concentrate on concerns of the DeLong Family.

The proposed use threatens to prove detrimental not only to the DeLong Family, but also to the public interest, as described in NRS 533.371 (6). The Applicant has not cited a specific "Project" for utilizing water for Municipal Purposes under this Application. The Applicant is not a Public Entity, nor an authorized purveyor of water services, under Nevada Statutes.

The Applicant has not provided evidence of financial wherewithal to construct a pipeline of sufficient size and length to move 14,000 acre-feet of water over the distance to the Proposed Place of Use. Please refer to NRS 533.370 1 (c), (1) and (2), 2 and 3 (a), (b), (c), (d) & (e). Under NRS 533.370 4 (h), the Applicant does not have authorized entry permission from governmental agencies to move water via pipeline across public lands. Because the Point of Diversion of Applications 85901 and 85902 lie within the Black Rock National Conservation area, special use permits may be required from the U. S. Bureau of Land Management or other governmental agencies before approval of this Application. All Statutes under NRS 533.364 must be strictly followed. In addition, if this Application is approved, it would be subject to all the provisions under NRS 533.438.

The approval of Applications 85901 and 85902 and the subsequent pipeline building activities, would cause irreparable damage to the DeLong family operations in the Black Rock Desert and Desert Valley basins and the Black Rock Desert Conservation area.

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