

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

IN THE MATTER OF APPLICATION NUMBER 85457
FILED BY Desert Badger, LLC & Breaking Badger, LLC
ON September 25, 20 15



PROTEST

DCNR/DWR/SNBO RECEIVED
NOV 25 2015
FILED
NOV 25 2015
STATE ENGINEER'S OFFICE

Comes now B-PVL2, LLC

Printed or typed name of protestant

whose post office address is 3455 Cliff Shadows Pkwy., Ste. 220, Las Vegas, NV 89129

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

whose occupation is Real Property Ownership

and protests the granting

of Application Number 85457, filed on September 25, 20 15

by Desert Badger, LLC (169.6583 afa) and Breaking Badger, LLC (53.592 afa)

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:

Pahrump Utility Company, Inc. (PUCI) is the owner of water rights that were previously dedicated to PUCI by B-PVL2, LLC, for use on property owned by B-PVL2, LLC, within PUCI's service territory. Applications 85457, 85458 and 85459 propose to move a significant quantity of water rights to a point of diversion located outside of PUCI's service territory in the southwest quarter of Section 11, T. 21S, R. 54E, which is in relatively close proximity and, in most cases, directly up-gradient of PUCI's wells, which will result in the interception of groundwater flow in a groundwater basin (the Manse Fan) that has been analyzed (the Lumos Report) and determined to be over-appropriated. Without the ability of PUCI to manage the water and concur with an acceptable point(s) of diversion, the application will have an adverse affect on PUCI's wells, its service territory and existing water rights and should be denied.

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

Handwritten signature of Lenny Badger

Agent or protestant

Lenny Badger

Printed or typed name, if agent

Address

3455 Cliff Shadows Pkwy., Ste. 220

Street No. or PO Box

State of Nevada

County of Clark

Las Vegas, NV 89129

City, State and ZIP Code

Subscribed and sworn to before me on Nov. 25, 2015

(702) 242-4949

Phone Number

by Lenny Badger

lbadger@fcglv.com

E-mail

2015 DEC -1 AM 10:05
RECEIVED
STATE ENGINEER'S OFFICE

Handwritten signature of Katie Schumacher
Signature of Notary Public Required



Katie Schumacher
Notary Public
State of Nevada
My Commission Expires: 04-25-16
Certificate No. 087614

Notary Seal or Stamp Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.