

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

IN THE MATTER OF APPLICATION NUMBER 85458
FILED BY Desert Badger, LLC & Breaking Badger, LLC
ON September 25, 2015

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 85458, filed on September 25, 2015

by Desert Badger, LLC (22.575 afa) and Breaking Badger, LLC (7.131 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

Lenny Badger (handwritten signature)

Agent of 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



Katie Schumacher
Notary Public
State of Nevada
My Commission Expires: 04-25-16
Certificate No: 08-7614-1

Notary Stamp or Seal Required

Katie Schumacher (handwritten signature)
Signature of Notary Public Required

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