

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

FILED
JAN 30 2018
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 87492
FILED BY US Water & Land, LLC
ON November 21, 20 17



PROTEST

Comes now Humboldt County Printed or typed name of protestant

whose post office address is 50 West 5th Street Street No. or PO Box, City, State and ZIP Code

whose occupation is County Government and protests the granting

of Application Number 87492, filed on November 21, 20 17

by US Water & Land, LLC for the

waters of Unappropriated flood waters of the Humboldt River 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:
"See Attached"

THEREFORE the Protestant requests that the application be "See Attached"

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

Dave Mendiola, County Manager Printed or typed name, if agent

Address 50 W 5th Street Street No. or PO Box
Winnemucca, NV 89445 City, State and ZIP Code

State of Nevada
County of Humboldt
Subscribed and sworn to before me on January 29, 2018 775-623-6300 Phone Number

by Dave Mendiola, Humboldt County Mgr Print name of Permittee or Protestant signing form dave.mendiola@hcnv.us E-mail



BETTY LAWRENCE
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 99-38002-9 - Expires June 23, 2020

[Signature] Betty Lawrence
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.

Humboldt County, Nevada
Protest Reasons for Application 87492
Filed by US Water and Land, LLC on
Unappropriated Flood Waters of the Humboldt River

Humboldt County, Nevada (the County) would submit that Application 87492 filed by US Water and Land, LLC fails to provide adequate detail and information for a project of such magnitude. This application could have profound consequences to existing natural resources and future water management within the County as well as its customs, culture and economy. While the County isn't opposed to the concept of aquifer storage and recharge, Application 87492 in its current form raises more questions than it answers.

Humboldt County would request that the State Engineer either deny the application as submitted or hold it in abeyance while requiring the applicant to provide data, studies and supporting information to address the concerns expressed in this Protest.

This application requests a substantial amount of water. Its approval could have a significant impact on Humboldt County, the City of Winnemucca, and the Humboldt River Basin. Much more detail and technical information from the applicant will be required to adequately demonstrate that there is unappropriated water in the source, that there will be no adverse impact on existing rights, and that permitting this application would be in the public interest, particularly of Humboldt County.

The County would ask that the State Engineer request additional information to supplement the current application, based on the following items:

- The application indicates that the water is to be used for Irrigation; however, there is no information in regard to the number of acres to be irrigated, or if stored water would be primary or supplemental in nature based on existing rights within the same proposed place of use.
- The applicant offers no detail in terms of how diversions would be designed and constructed to route high volumes of flood water in a manner that doesn't exacerbate flooding, particularly for surrounding private properties and the City of Winnemucca.
- There is minimal information provided in terms of the infrastructure required to move flood flows from the proposed points of diversion to the proposed place of use.
- There is no information offered in terms of how much of the recharge water could be recovered and put to beneficial use, and how such beneficial use relates to existing water rights.
- There is no information offered in terms of the soil and groundwater characteristics, quality, and potential contaminants within the proposed place of use.
- There is no information offered in terms of how injection or infiltration would be accomplished in a manner that does not result in contamination or degradation of soils and ground water.
- There is no information to demonstrate that this application would conform to, or meet the criteria of, the Humboldt County Water Plan.

The following concerns are those identified by the County, which may be outside of the State Engineer's purview, yet are of critical importance to the wellbeing and economic health of the County:

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- The proposed place of use appears to be on lands currently under irrigation, primarily by pivots, and in agricultural production. Some of this land would need to be retired from agricultural production in order to construct aquifer recharge facilities such as rapid infiltration basins (RIBs). Such a conversion is likely to create an economic loss to the County based on revenue derived and stimulated by agricultural production.
- Additionally, how the vegetation in and around RIBs and other infrastructure is managed is important as the County is concerned about establishment of noxious and invasive weed species, subsequent fire threats, and the potential for fugitive dust and loss of top soil.
- The County desires a great deal more detail in terms of the baseline condition of the proposed place of use, proposed infrastructure, operations plan, and proposed measures / protocols that would ensure continued integrity of the groundwater resource, soils, vegetation and related natural resources that may be impacted by the actions proposed in this application.

The above list represents the key points of interest and/or concern by the County based on the current application. This list is likely to grow and adapt as new information and detail is provided.