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

FILED
FEB 02 2018
STATE ENGINEER'S OFFICE

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

} PROTEST

Comes now Humboldt River Basin Water Authority
Printed or typed name of protestant

whose post office address is 400 Bunker Hill Drive, Carson City, NV 89703
Street No. or PO Box, City, State and ZIP Code

whose occupation is Regional Government and protests the granting

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

by US Water and Land, LLC for the

waters of the Humboldt River situated in Humboldt County
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 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 Jeffrey Fontaine
Agent or protestant

Jeffrey Fontaine
Printed or typed name, if agent

Address 400 Bunker Hill Drive
Street No. or PO Box

Carson City, NV 89703
City, State and ZIP Code

775-443-7667
Phone Number

ccjfontaine@gmail.com
E-mail

State of Nevada
County of Carson City

Subscribed and sworn to before me on Feb. 2, 2018

by Jeffrey Fontaine
Print name of Permittee or Protestant signing form

Catherine Orpilla
Signature of Notary Public Required

CATHERINE ORPILLA
NOTARY PUBLIC
STATE OF NEVADA
No. 15-1779-3 My Appt. Exp. June 3, 2019

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

This Application is for a substantial amount of water which, if approved, could have a significant impact on the future management of water in the Humboldt River Basin as well as the economy, environment and way of life of the counties that make up the Humboldt River Basin Water Authority.

The applicant has not demonstrated the financial ability to place water to beneficial use or to construct the project, nor has the applicant demonstrated a reasonable expectation that the project will actually be constructed with the intention to place water to beneficial use. The Application does not include a preliminary engineering or cost analysis to support the feasibility of constructing such a project.

The Application does not include sufficient detail and technical information 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.

There is no unappropriated water. Also, most of the groundwater basins within the Humboldt River System are over appropriated, and the use of this flood water will conflict with natural recharge of these already over appropriated groundwater basins.

The Application is insufficient to explain the project, including but not limited to a) how will the water quality be monitored to ensure the water injected into the aquifer does not contaminate the groundwater, b) how and where will water be injected into the groundwater aquifer, c) how and where will the water be pulled from the underground aquifer, d) will all the water injected be allowed to be removed, or will only a portion be allowed to be recovered, e) where is the recovery well in location to the POD for surface water, the POD for the injection site, and the place of use, f) if easements are needed for any POD or to cross any land to the POU (including the railroad), then such easements should be in place before the project is permitted, and if there are easements required to cross public lands then any NEPA compliance should be completed prior to any permit issuance; g) the Application states it is being filed "in conjunction with an Aquifer Storage permit", however Protestant was unable to locate such permit. Given the lack of information, Protestant reserves the rights to amend or otherwise add protest points.

The points of diversion appear to be in Basin 71 while the place of use appear to be in Basin 69, given that water is being moved artificially from one hydro graphic basin to another and the use of groundwater is involved, the State Engineer should analyze this permit akin to an interbasin transfer under NRS 533.364.

The cubic feet per second listed on the Application is a calculation at 365 days of the year, yet the Application proposes only to pull water when the system is in flood stage and all other water appropriations are fulfilled, thus the rate is not reflective of the Application.

The Application is deficient as the stated use is for irrigation, however no quantification of the number of acres to be irrigated is provided.

Protestant reserves the rights to amend its Protest to include the lack of meeting requirements of NRS 534.250, NRS 534.260, NRS 534.290, which are specifically incorporated herein by reference.