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

IN THE MATTER OF APPLICATION NUMBER 47786
FILED BY Stillwater Farms, Inc.
ON October 8, 1984, 20

PROTEST

FILED
OCT 19 2012
STATE ENGINEER'S OFFICE

Comes now Timothy David Mayer, Agent for U.S. Fish and Wildlife Service
Printed or typed name of protestant

whose post office address is 911 NE 11th Ave, Portland, Oregon 97232
Street No. or PO Box, City, State and ZIP Code

whose occupation is Chief, Water Resources Branch and protests the granting

of Application Number 47786, filed on October 8, 1984, 20

by Stillwater Farms, Inc. for the

waters of Stillwater Slough Drain Water (Newlands Reclamation Project) situated in Churchill
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: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Application 47786.

THEREFORE the Protestant requests that the application be 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 Timothy D Mayer
Agent or protestant

Timothy David Mayer
Printed or typed name, if agent

Address 911 NE 11th Ave
Street No. or PO Box

Portland, OR 97232
City, State and ZIP Code

503 231-6145
Phone Number

tim_mayer@fws.gov
E-mail

RECEIVED
2012 OCT 19 AM 11:04
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 15TH day of OCTOBER, 20 12

OFFICIAL SEAL
CHARLES SHELTON PARROTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 455957
MY COMMISSION EXPIRES FEBRUARY 13, 2015

Notary Public

State of OREGON

County of MULTNOMAH

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATION 47786

Application No. 47786 was filed by the Stillwater Farms, Inc. on October 8, 1984, requesting a diversion rate of 25 cubic feet per second (18,095 ac-ft annually) from Stillwater Slough Drain Water, a waste water source in the Carson Desert, Groundwater Basin 101. The purpose of the proposed application is wildlife use.

The U.S. Fish and Wildlife Service (Service) requests that the application be denied because:

1. The applicant does not have legal access to the point of diversion.

2. This application is for drain water from the Stillwater Slough and drain water from irrigation ditches within in the Newlands Reclamation Project. This water is already fully appropriated to the United States, is under the control of the Secretary of the Interior for the benefit of the Newlands Reclamation Project and is not available for further appropriation under state law.

3. Water within a Federal Reclamation Project is not subject to further appropriation under Federal law. The water within the Newlands Reclamation Project is not subject to appropriation.

4. Under current project operations, there is no water of any type available at the point of diversion. Operational spills, irrigation waste water, excess water and drain water are being diverted through an existing water control structure to wetlands at Stillwater National Wildlife Refuge, not to Stillwater Slough.

5. This application is inconsistent with Nevada law for the appropriation of irrigation waste water, excess water and drain water.

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2012 NOV 19 AM 11:00
STATE ENGINEERS OFFICE

United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
FWS/R1/ABA-EN

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2012 ... 19 AM 10: 5
STATE ENGINEERS OFFICE

Jason King, State Engineer
Nevada Department of Conservation & Natural Resources
Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701

October 15, 2012

Dear Mr. King,

Subject: Protests of App Nos 47786 and 48476

Enclosed are protests of Application Numbers 47786 and 48476, filed by Stillwater Farms, Inc., for water from Stillwater Slough Drain in Groundwater Basin 101. Also enclosed is a check for $50 to cover the protest fees.

Please contact Tim Mayer, Supervisory Hydrologist, at (503) 231-2395 or Richard Grimes, Supervisory Realty Specialist, at (775) 423-5128 x 225, with any questions or if you need further information.

Sincerely,

Tim Mayer
Water Resources Branch Chief