

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

IN THE MATTER OF APPLICATION NUMBER 48476
FILED BY Stillwater Farms, Inc.
ON October 8, 1984, 20



FILED
OCT 19 2012
STATE ENGINEER'S OFFICE

PROTEST

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 48476, filed on October 8, 1984, 20
by Stillwater Farms, Inc. for the

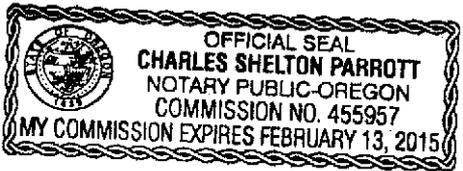
waters of Stillwater Slough Drain Water (Newlands Reclamation Project) situated in Churchill
an underground source or name of stream, lake, spring or other source
County, State of Nevada, for the following reasons and on the following grounds, to wit:
Please see Attachment: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Application 48476.

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 David 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
OCT 19 AM 11:00
STATE ENGINEER'S OFFICE

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



[Signature]
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 48476**

Application No. 48476 was filed by the Stillwater Farms, Inc. on October 8, 1984, requesting a diversion rate of 35 cubic feet per second (25,339 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. This application is for drain water from the Stillwater Slough and drain water from irrigation ditches within 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.
2. Water within a Federal Reclamation Project is not subject to further appropriation under Federal law. This water within the Newlands Reclamation Project is not subject to appropriation, nor is there sufficient water available for appropriation at this point of diversion to support the application.
3. This application is inconsistent with Nevada law for the appropriation of irrigation waste water, excess water and drain water.

RECEIVED
2012 OCT 19 AM 11:00
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