

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

FILED  
AUG 28 1998  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 63881  
FILED BY Five Creek Limited Liability Co. PROTEST  
ON March 2, 1998, TO APPROPRIATE THE  
WATERS OF Unnamed Spring

Comes now Scossa Brothers Ranch  
Printed or typed name of protestant

whose post office address is 676 Foothill Rd. Gardnerville Nevada 89410  
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Ranching and Farming, and protests the granting  
of Application Number 63881, filed on March 2, 1998

by Five Creek Limited Liability Co. to appropriate the  
waters of Unnamed Spring or Beers Creek & Spring situated in Douglas  
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

We and the predecessors in interest in our Ranch have continuously  
used the total flow of this spring and creek since the 1860's. We  
use it for irrigation, and also use it year round for stock watering  
within our corrals, barns and pastures. Under the current  
adjudication process on this spring we filed our proofs of  
appropriation for irrigation and stock water or wildlife purpose  
in March of 1994. Since the total flow is already (cont. on page 2)

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 Scossa Brothers by Russell Scossa  
Agent of protestant

Scossa Brothers Ranch by Russell Scossa  
Printed or typed name, if agent

Address 676 Foothill Rd.  
Street No. or P.O. Box No.

Gardnerville Nevada 89410  
City, State and Zip Code No.

Subscribed and sworn to before me this 28 day of August, 1998



Connie Rosdal-Buda  
Notary Public

State of Nevada

County of Douglas

\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

(2)

being used and put to beneficial use we believe there is no water available to serve this application for appropriation. We also believe even if there was water available that this appropriation should be denied because any diversion above ours would change the natural characteristics of the channel and result in less water being available to us. since this is very sandy ground any diversion that lessens or stops the flow will allow the channel to dry out and then it takes much longer for the water to get through. Any digging or diverting in the natural meadow where the springs are located will adversely affect our flow. Our family has continuously farmed and ranched with this water since 1885 and this ranch has been our only source of income for all those years. Would we allow over 100 acres of our ranch to remain in sagebrush without using any water on it, if there was a surplus of water that we weren't using? The answer is No, and that is why we believe this application should be denied.

Also the amount of water being applied for (1.0 CFS) is more than the total flow of this spring in most years.