

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

FILED
AUG 24 1998
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 63882
FILED BY FIVE CREEK LLC
ON MAY 18, 1998, TO APPROPRIATE THE
WATERS OF BARBER CREEK

PROTEST

Comes now Dennis R Buckley
Printed or typed name of protestant
whose post office address is P.O. Box 1208, GARDNERVILLE, NV 89410
Street No. or P.O. Box, City, State and Zip Code
whose occupation is RANCHER / PRESIDENT: V.M. DESIGNS and protests the granting
of Application Number 63882, filed on MAY 18, 1998
by FIVE CREEK LLC to appropriate the
waters of BARBER CREEK 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:

SEE ATTACHED SNAPT

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 Dennis R Buckley
Agent or protestant
Dennis R. Buckley
Printed or typed name, if agent
Address P.O. Box 1208
Street No. or P.O. Box No.
GARDNERVILLE, NV 89410
City, State and Zip Code No.

 TERESA JO ORTEGA
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No: 97-4388-5 - Expires September 12, 2001

Subscribed and sworn to before me this 22nd day of August, 1998.
Teresa Jo Ortega
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.

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BASIS FOR PROTEST OF APPLICATION 63882

The proposed change conflicts with the Protestants existing water rights in Barber Creek.

The proposed change will effect water flows and delivery quantity to beneficial users due to proposed place of use which have historically never been irrigated or cultivated.

The proposed change will increase the amount of debris and sediment loads on to cultivated lands which are off site to in relation to the proposed place of use.

The proposed change diverts waters from previously adjudicated creeks to new area's which are presently undergoing adjudication review and strips decreed users of existing rights.

The proposed change does not show how intended use is tied to area's located in the north west sector of the property. This new area leads to property which is not owned by the applicant and is presently designated as undeveloped land.

The applicant has filed on new sources of previously decreed water even though they have acknowledged in previous correspondence that the property in question has no surface water rights and that they would not seek to infringe on any existing rights of beneficial users.

The applicant received permits for underground water to service the development. These permits were issued without protest based on the claim that these services would satisfy all requirements needed to complete the development of the property in question.