FILED
SEP 03 1998
STATE ENGINEER'S OFFICE

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

IN THE MATTER OF APPLICATION NO. 63994 FILED BY **WASHOE COUNTY** ON **March 27, 1998**, TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA	**PROTEST**

COMES NOW LASSEN COUNTY and MODOC COUNTY, whose Post Office address is 707 Nevada Street, Room 236, Susanville, California, 96130, whose occupations are political subdivisions of the State of California, and protests the granting of Application No. 63994, filed on March 27, 1998 by Washoe County, to appropriate underground waters of the State of Nevada situated in Washoe County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attached Exhibit "A"

THEREFORE: the Protestant requests that the Application be **denied** and that an Order be entered for such relief as the State Engineer deems just and proper.

Signed: _____

GEORGE N. BENESCH
Agent for Protestants
P.O. Box 3498
Reno, Nevada 89505
(702) 786-5828

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

SUBSCRIBED and SWORN to before me this 3rd day of September, 1998.

Betty Melarkey
NOTARY PUBLIC

BETTY MELARKEY
NOTARY PUBLIC
STATE OF NEVADA
WASHOE COUNTY
89-0049-2 My Appnt. Expires Mar. 10, 2002

EXHIBIT "A"

GROUNDS OF PROTEST

1. Approval of the subject applications will adversely impact existing rights, including but not limited to, rights of residents of Lassen and Modoc Counties.

2. Approval of the subject applications, particularly when considered together with Applications Nos 63992-99 and 64000-09 will result in the drying up of springs ,seeps and areas that are presently sub-irrigated.

3. Approval of the subject applications, particularly when considered together with Applications Nos. 63992-63999 and 64000-64009, will result in the dewatering of the subject basins such that the economic viability of existing operations will be severely jeopardized.

4. On information and belief approval of the subject applications, particularly when considered together with Applications Nos. 63992-63999 and 64000- 64009 will result in the drying up of domestic and stock water wells with no alternative source of supply.

5. Approval of the subject applications, particularly when considered together with Applications Nos. 63992-63999 and 64000-64009, will dewater the subject basins resulting in dust and other environmental hazards.

6. The subject applications should be denied on the basis that there is no unappropriated water in the proposed source.

7. The subject applications should be denied on the basis that the applicant, through its past conduct in seeking to appropriate the same and similar water under Applications Nos. 50191-50194, 5019950236 and 40241, has demonstrated the subject applications, particularly when considered with Applications Nos. 63992-63999 and 64000-64009, have inappropriately been filed to preclude the legitimate use of the limited resource by others.

8. The subject applications should be denied "on the grounds that it would be detrimental to the public interest to grant permits for a project the applicant no longer considers a viable source for municipal supply and for which the applicant has no definite plans formulate pursuant to which the water would be put to beneficial use."

9. The subject applications should be summarily denied without further process on the grounds set forth herein above in the preceding paragraph and in the January 26, 1998 Ruling of the State Engineer No. 4599.