

FILED
NOV 3 - 2000
STATE ENGINEER'S OFFICE

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**Before The State Engineer, State of Nevada
Department Of Conservation and Natural Resources
Division of Water Resources**

In The Matter of **Application Number 66379** Filed)
by **Applicant Pyramid Lake Paiute Tribe of**)
Indians c/o John Jackson To Appropriate The)
Public Waters of the State of Nevada.)

PROTEST

Comes Now, Churchill County, whose post office address is 155 North Taylor Street, Suite 153, Fallon, Nevada 89406, whose occupation is Political Subdivision of the State of Nevada, and protests the granting of **Application Number 66379**, filed by the Pyramid Lake Paiute Tribe of Indians, c/o John Jackson, for the following reasons and on the following grounds, to wit:

1) There is no unappropriated water at the proposed source. The United States Geological Survey ("USGS") has estimated the potential recharge for the Dodge Flat groundwater basin to be 2,100 acre-feet per year. The State Engineer has issued underground permits and certificates for the Dodge Flat Basin which approach 5,400 acre feet annually, therefore, the application, if granted, will represent an additional appropriation of underground water within a groundwater basin when the committed groundwater resource exceeds the groundwater basin's perennial yield.

2) This application, if granted, will tend to adversely affect existing rights because the diversion will consumptively use water from a groundwater basin which has been fully appropriated and designated by the State Engineer. Further, records of the State Engineer

cab

1 and the USGS indicate that much of the potential groundwater recharge is rejected to the
2 surface system (Truckee River) and does not actually reach the groundwater reservoir.
3 Therefore, any new groundwater appropriation will adversely affect existing Truckee River
4 water right holders as the groundwater gradient throughout Dodge Flat is toward the Truckee
5 River and the approval of this application will result in the interception of groundwater which
6 provides base flow for the Truckee River.
7

8 3) Because the approval of this application will reduce flows in the Truckee
9 River, the application, if granted, threatens to prove detrimental to the public interest by:

- 10 a. adversely affecting water quantity and quality in the Truckee
11 River;
- 12 b. threatening to reduce the amount of water delivered to the
13 Newlands Project and thereby reducing groundwater recharge
14 upon which many residents of Churchill County rely for domestic
15 water; and
- 16 c. adversely affecting wildlife habitat on the lower Truckee River.
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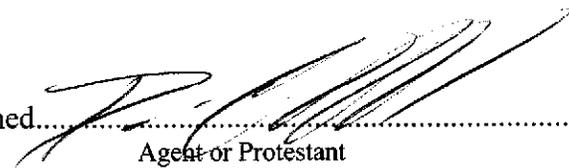
18 4) The application is inconsistent, and in conflict with State Engineer Ruling
19 #4656 in that the proposed ground water appropriation will interrupt a portion of the ground
20 water recharge and will reduce surface flows in the Truckee River.
21

22 5) The application is inconsistent with Pyramid Lake Paiute Tribe's own
23 objectives as set forth in the Tribe's Protests to Application Nos. 65060 - 65071 and 66555 -
24 66557 because the application, if granted, will reduce the amount of water that flows to
25 Pyramid Lake.
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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.

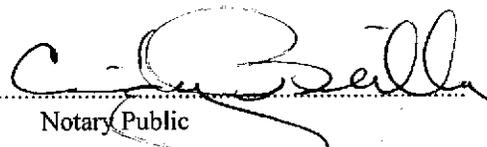
Signed.....
Agent or Protestant

Ryan T. Campbell, Esq.
Printed or typed name, if agent

Address 4745 Caughlin Parkway, Suite 200
Street No. or P.O. Box No.

Reno, Nevada 89509
City, State and Zip Code No.

Subscribed and Sworn to before me this 3rd day of November, 2000.

.....
Notary Public

State of Nevada CINDY REILLY
County of Washoe Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 92-1995-2 - Expires January 29, 2004

Certificate of Service

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I, the undersigned, declare under penalty of perjury, that I am an employee of *Campbell & Stone*, that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the document described herein by the method indicated below, and addressed to the following.

Document Served: *Protest*

Person(s) Served:

John Jackson	_____	Hand Deliver
P.O. Box 256	_____ <i>X</i> _____	U.S. Mail
Nixon, Nevada 89424	_____	Overnight Mail
	_____	Facsimile

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of November, 2000, at Reno, Nevada.

