FILED
NOV 2 - 2000
STATE ENGINEER'S OFFICE

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

In The Matter Of Application Number 66380 Filed by Applicant Pyramid Lake Paiute Tribe Of Indians To Appropriate The Public Waters Of The State Of Nevada	)	**PROTEST**

COMES NOW THE CITY OF FALLON, a political subdivision of the State of Nevada organized under Chapter 266 of N.R.S., whose address is 55 West Williams Avenue, Fallon, Nevada 89406. with the nondelegable and nondiscretionary responsibility to protect the health, safety and welfare of the residents of the City and to protect and guard against threats to the City's public assets and hereby protests the granting of Application 66877 for the following reasons and on the grounds, to wit:

1) The proposed groundwater appropriation will intercept a portion of the groundwater recharge and will reduce surface flows in the Truckee River. The proposed wells are located in an area of shallow alluvium and consolidated rocks. The amount of water proposed for extraction in the applicant's 7 combined applications (Nos. 66377-66383) exceeds the natural recharge to groundwater in the area. Whether the source of the water reached by the proposed wells is natural recharge, storage or recharge from the Truckee River, the proposed extraction will reduce the base flows of the Truckee River.

2) There is no unappropriated water at the proposed source. In Ruling #4656 the State Engineer has determined that

``the United States Geologic Survey estimates that the perennial yield of the Dodge Flat Ground Water Basin is approximately 2100 acre-feet. The committed ground water resources in the form of permits and certificates issued by the State Engineer's office to appropriate underground water from Dodge Flat Basin currently exceeds 5400 acre-feet.''

3) 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 determined to be fully appropriated by the State Engineer. Further, records of the State Engineer and the United States Geological Service confirm that much of the potential groundwater recharge is rejected to the Truckee River system and does not actually reach the groundwater reservoir. Therefore, any new groundwater appropriation will adversely affect existing Truckee River water right holders, whether upstream or downstream, junior or senior.

4. The application, if granted, would violate Nevada law, because it would have a detrimental affect on the City of Fallon and other owners of existing water rights within the Newlands Reclamation Project, including but not limited to the City's Permit Nos. 19859, 19860, 26168, 40869 and 55507.

5. Because the approval of this application would reduce flows in the Truckee River, the application, if granted, threatens to prove detrimental to the public interest by:

a. adversely affecting water quantity and quality in the Truckee River;

b. threatening to reduce the amount of water available for delivery to the Newlands Project and thereby injuring the City's existing surface water rights and reducing the groundwater recharge upon which the City of Fallon's above stated groundwater

permits rely for its municipal water system supplying drinking water to the City's 8,300 residents;

c. adversely affecting wildlife habitat on the lower Truckee River.

d. adversely affect water delivered and/or available for delivery to the Newlands Project for the reason that additional waters will be necessary for diversion to Pyramid Lake

6. The application is inconsistent, and in conflict with State Engineer Ruling #4656 in that the proposed groundwater appropriations will interrupt a portion of the groundwater recharge and will reduce surface flows in the Truckee River.

7. The application is inconsistent with Pyramid Lake Paiute Tribe's purported objectives as set forth in the Tribe's Protests to Application Nos. 65060-65071 and Applications Nos. 66555-57 because the application if granted would reduce the amount of water that flows to Pyramid Lake.

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.

DATED: This 15 day of November, 2000.

FERN A. LEE
Assistant City Clerk for
the CITY OF FALLON
55 W. Williams Avenue
Fallon, Nevada 89407-1203

STATE OF NEVADA)
: ss.
County of Churchill)

On this 1st day of November, 2000, personally appeared before me, a Notary Public, in and for the county and state aforesaid, FERN A. LEE, Assistant City Clerk of the CITY OF FALLON, known to me to be the person, described in and who executed the above and foregoing instrument; who acknowledged to me that she executes the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above-written.

Mary Pat Church
Notary Public