

**FILED**  
NOV 3 - 2000  
STATE ENGINEER'S OFFICE

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

8 In The Matter of **Application Number 66381** Filed )  
9 by **Applicant Pyramid Lake Paiute Tribe of** )  
10 **Indians c/o John Jackson** To Appropriate The )  
11 Public Waters of the State of Nevada. )

**PROTEST**

12 *Comes Now*, Churchill County, whose post office address is 155 North Taylor  
13 Street, Suite 153, Fallon, Nevada 89406, whose occupation is Political Subdivision of the State  
14 of Nevada, and protests the granting of **Application Number 66381**, filed by the Pyramid Lake  
15 Paiute Tribe of Indians, c/o John Jackson, for the following reasons and on the following  
16 grounds, to wit:

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

24 2) This application, if granted, will tend to adversely affect existing rights  
25 because the diversion will consumptively use water from a groundwater basin which has been  
26 fully appropriated and designated by the State Engineer. Further, records of the State Engineer  
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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.  
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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.  
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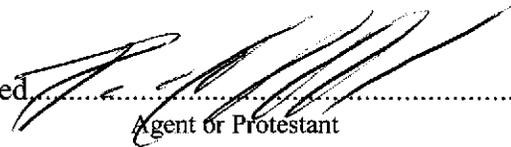
22 5) The application is inconsistent with Pyramid Lake Paiute Tribe's own  
23 objectives as set forth in the Tribe's Protests to Application Nos. 65060 - 65071 and 66555 -  
24 66557 because the application, if granted, will reduce the amount of water that flows to Pyramid  
25 Lake.  
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*Therefore* 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.

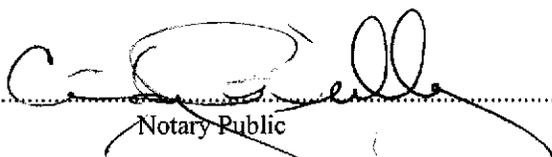
Signed   
Agent or Protestant

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

1 **Certificate of Service**

2 I, the undersigned, declare under penalty of perjury, that I am an employee of  
3 *Campbell & Stone*, that I am over the age of eighteen (18) years, and that I am not a party to,  
4 nor interested in, this action. On this date, I caused to be served a true and correct copy of the  
5 document described herein by the method indicated below, and addressed to the following.  
6

7 **Document Served:** *Protest*

8 **Person(s) Served:**

9 John Jackson \_\_\_\_\_ Hand Deliver  
10 P.O. Box 256 \_\_\_\_\_  U.S. Mail  
11 Nixon, Nevada 89424 \_\_\_\_\_ Overnight Mail  
12 \_\_\_\_\_ Facsimile

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

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

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