

FILED
JUL 13 2001
STATE ENGINEER'S OFFICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In The Matter of **Application Number 66526** Filed)
by **Applicant Falcon Capital, LLC,**)
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 66526**, filed by the Applicant Falcon Capital, LLC, for the following reasons and on the following grounds, to wit:

1) Application Number 66526 requests a transfer of the fully duty, however, these water rights are not always fully available for diversion and are not backed up by upstream storage. Data for determining the flows are also not readily available. In addition, the statement that the water will be considered as return flow upon passing the Vista Gauge is not clear as to whether the fully duty will be credited to in-stream flow or the 50% which traditionally represents return flow. Therefore, if the transfer receives a full duty credit it could result in less water being available for diversion at Derby Dam and prove detrimental to the public interest.

2) Because the ultimate use and/or duty of the in-stream flow under this Application is not set forth in the Application, Churchill County is filing this protest in order to preserve its right to participate in any hearings held on this matter. If further information

160

1 becomes available which indicates that the water transferred under this application will not result
2 in a decrease to Truckee River flows, the protest will be withdrawn.

3 *Therefore* the Protestant requests that the Application be denied and that an
4 Order be entered for such relief as the State Engineer deems just and proper.
5

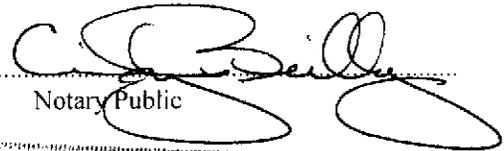
6
7 Signed 
Agent or Protestant

8
9 Ryan T. Campbell, Esq.
Printed or typed name, if agent

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

11
12 Reno, Nevada 89509
City, State and Zip Code No.

13
14 *Subscribed and Sworn* to before me this 13th day of July, 2001.

15
16 
Notary Public

17 State of Nevada CINDY KELLY
18 County of Washoe Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-1395-2 - Expires January 29, 2004
19
20
21
22
23
24
25
26
27
28

Certificate of Service

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:

Gregory M. Bilyeu	_____	Hand Deliver
500 Damonte Ranch Parkway, #1056	_____ <input checked="" type="checkbox"/> _____	U.S. Mail
Reno, Nevada 89511	_____	Overnight Mail
	_____	Facsimile

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

Executed this 13th day of July, 2001, at Reno, Nevada.

