

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

IN THE MATTER OF APPLICATION NUMBER 66961

FILED BY INTERMOUNTAIN PIPELINE, LTD.

ON NOVEMBER 22, 2000, TO APPROPRIATE THE

WATERS OF AN UNDERGROUND SOURCE

PROTEST

Comes now Washoe County
Printed or typed name of protestant

whose post office address is P.O. Box 11130, Reno, NV 89520-0027
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting

of Application Number 66961, filed on November 22, 2000

by Intermountain Pipeline, Ltd. to appropriate the

waters of an underground source situated in Washoe
Underground or name of stream, lake, spring, or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please refer to attached Exhibit "A".

THEREFORE the protestant requests that the application be denied or conditionally approved
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [Signature]
Agent or Protestant

Vahid Behmaram, Water Rights Tech Supervisor
Printed or typed name, if agent

Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.

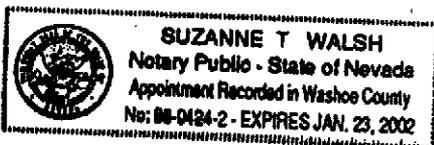
P.O. Box 11130, Reno, NV 89520-0027
City, State, and Zip Code No.

Subscribed and sworn to before me this 30th day of February January, 2001.

[Signature]
Notary Public

State of Nevada

County of Washoe



\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Exhibit "A"
Protest to Application 66961

Intermountain Pipeline, Ltd. filed Application 66961 on November 22, 2000, to appropriate 2.76 cfs and 2000.00 acre-feet of the ground water resources of Dry Valley, Nevada.

The applicant has previously filed Applications 64977, 64978, and 66400 for a total combined diversion rate of 6.14 cfs and a total combined duty of 3000.00 acre-feet annually. Application 66400 is the subject of an informal protest by Washoe County submitted simultaneously with this protest.

This protest is in opposition to granting of Application 66961 because it is Washoe County's contention that approval of such application is contrary to public interest and there is no unappropriated water in the source when this application is considered together with the applicant's three applications referenced above.

United States Geological Survey Reconnaissance Report Number 43 estimates the perennial yield of Dry Valley at 1000.00 acre-feet. Application 66961 requests a duty of 2000.00 acre-feet, which is clearly beyond the safe yield of this basin when considered in addition to Applications 64977, 64978, and 66400. All the above referenced applications propose to divert and convey the water to the Lemmon Valley area for municipal use. Washoe County Development Code, Article PSF.1.10 prohibits long-term mining of ground water resources within the County boundaries. Furthermore, Washoe County Development Code, Article PSF.1.10.2 states, "The Washoe County Board of County Commissioners shall not approve land development activities dependent upon groundwater supplies which will cause the groundwater basin(s) to fall below self-sustaining levels as a result of the project's water consumption or effluent discharge method." Based on the information available, Application 66961 represents mining of the ground water resources of Dry Valley when considered together with Applications 64977, 64978, and 66400. Thus it may be considered an unsustainable resource. To allow any commercial, industrial, or residential development based on this resource would be contrary to public interest.

Therefore, Washoe County hereby requests the State Engineer to do one of the following:

- 1) Deny said application;
- 2) Limit its duty to that requested under Applications 64977 and 64978 by limiting the total combined duty of Applications 64977, 64978, 66400, and 66961 to that requested under Applications 64977 and 64978;
- 3) Limit the total combined duty of all four applications to the safe yield of Dry Valley Hydrographic Basin, which is currently estimated at 1000 acre-feet annually;

- 4) Approve Applications 64977 and 64978 for a very conservative duty of 500 to 700 acre-feet to satisfy the applicants' immediate needs. Hold any action on Applications 66400 and 66961 until Washoe County completes their groundwater model and determination of a perennial yield estimate for Dry Valley Hydrographic Basin. Upon completion of said yield analysis, the State Engineer can take appropriate action on the remaining applications (66400 and 66961).