

**FILED**  
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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 68038** Filed )  
by Applicant **DGD Development Limited** )  
**Partnership** 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 68038**, filed by the Applicant DGD Development Limited Partnership, for the following reasons and on the following grounds, to wit:

1) Application Number 68038 requests a transfer of the full 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 full 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.

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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	<u>  X  </u>	U.S. Mail
Reno, Nevada 89511	_____	Overnight Mail
	_____	Facsimile

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

Executed this 31<sup>st</sup> day of January, 2002, at Reno, Nevada.

