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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 68200** 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 68200**, filed by the Applicant DGD Development Limited Partnership, for the following reasons and on the following grounds, to wit:

1) Application Number 68200 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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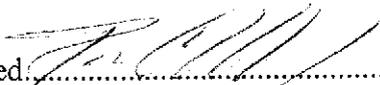
1 2) Because the ultimate use and/or duty of the in-stream flow under this
2 Application is not set forth in the Application, Churchill County is filing this protest in order to
3 preserve its right to participate in any hearings held on this matter. If further information
4 becomes available which indicates that the water transferred under this application will not
5 result in a decrease to Truckee River flows available for diversion at Derby Dam, the protest
6 will be withdrawn.
7

8 3) That if this Application is granted it be subject to the following
9 conditions:

10 (a) The water transferred hereunder upon passing Vista Gorge will be
11 considered return flow and become available for downstream holders of water rights and shall
12 not be claimed as credit for removal of Truckee River return flows; and
13

14 (b) The water rights transferred hereunder may be diverted into the
15 Truckee Canal to satisfy Claim No. 3 of the *Orr Ditch Decree*.
16

17 *Therefore* the Protestant requests that the Application be denied or granted
18 subject to conditions herein, and that an Order be entered for such relief as the State Engineer
19 deems just and proper.

20 Signed: 
21 Agent or Protestant
22 Ryan T. Campbell, Esq.
23 Printed or typed name, if agent
24 Address 4745 Caughlin Parkway, Suite 200
25 Street No. or P.O. Box No.
26 Reno, Nevada 89509
27 City, State and Zip Code No.

28 *Subscribed and Sworn* to before me this 23rd day of January, 2002.

29 
30 Notary Public
31 State of Nevada
32 County of Washoe
33 Notary Public - State of Nevada
34 Appointment Recorded in Washoe County
35 No: 92-1995-2 - Expires January 29, 2004
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Certificate of Service

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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 ^{31st}~~31~~ day of January, 2002, at Reno, Nevada.

