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JUN 24 2002
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 68542**)
Filed by **Applicants Archie and Hazel Jackson,**)
Trustees of the Jackson Trust To Change The)
Place Of Use Of The Waters Of The Truckee River)

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, with the nondelegable and nondiscretionary responsibility to protect the health, safety and welfare of the residents of the County and to protect and guard against threats to the County's public assets and protests the granting of **Application Number 68542**, filed on March 6, 2002, by Archie and Hazel Jackson, Trustees of the Jackson Trust, to change the place of use of appropriate waters of the Truckee River situated in the State of Nevada, for the following reasons and on the following grounds, to wit:

1. The application, if granted, would violate federal reclamation law, 43 U.S.C. §389, in several respects including, but not limited to: i) the detrimental effect on existing water rights within the Newlands Reclamation Project; and, ii) violation of the trust and contract obligations of the United States of America to all owners of Newlands Project water rights including Churchill County.

2. The application, if granted, would violate the Alpine Decree and the Orr Ditch Decree, *United States v. Alpine Land and Reservoir Co.*, Equity No. D0183, BRT (D.Nev. 1980), and *United States v. Orr Water Ditch Co.*, Equity No. A-3 (D.Nev. 1944), respectively, and the Order and Judgment entered in the case of *Nevada v. United States*, 463 U.S. 110, (1983).

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and

1 3. The application, if granted, would be detrimental to the public interest because
2 it would remove water resources from lands within aquifer recharge areas and consequently deplete the
3 groundwater supply from which Churchill County's appropriated Nevada water rights rely to supply its
4 residents drinking water.

5 4. The application, if granted, would conflict with and impair existing underground
6 water rights because it would remove water resources from lands within aquifer recharge areas and
7 consequently deplete the groundwater supply from which Churchill County's citizens rely to supply
8 drinking water.

9 5. The application, if granted, would adversely affect the cost of charges for water
10 delivery and lessen the efficiency in the delivery of water to water right owners served by the Newlands
11 Project, including the City of Fallon, in violation of Nevada law.

12 6. The application, if granted, would have an adverse effect on the tax base of
13 Churchill County and consequently would be detrimental to the public interest of the State of Nevada.

14 7. The application, if granted, would create the potential for dust hazards and air
15 pollution within Churchill County and consequently would be detrimental to the public interest of the
16 State of Nevada.

17 8. The application, if granted, would present a hazard and danger to the health, safety
18 and welfare of the residents of Churchill County and the community at large because it would jeopardize
19 many thousands of people's drinking water supply.

20 9. The application, if granted, would be contrary to and violate federal law, 42
21 U.S.C. §4300, the National Environmental Policy Act ["NEPA"] because it would implement major
22 federal actions prior to the required environmental analysis of the cumulative and synergistic effects of
23 said actions to the human environment by way of a programmatic environmental impact statement.

24 10. The application, if granted, would be contrary to and violate federal law, Title II,
25 Public Law 101-618, The Truckee-Carson Pyramid Lake Water Settlement Act ["The Act"] because it
26 would violate NEPA.

27 11. The application, if granted, would violate The Act because it would violate the
28 Alpine Decree and the Orr Ditch Decree.

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Certificate of Service

I, the undersigned, declare under penalty of perjury, that I am an employee of *Campbell & Campbell* 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*

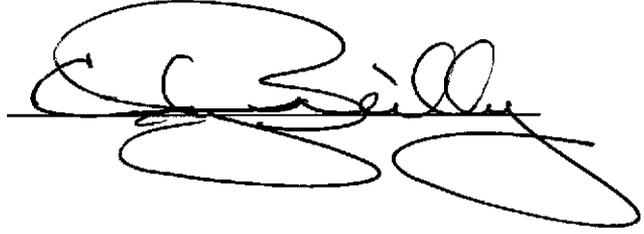
Person(s) Served:

Bruce R. Scott
RESOURCE CONCEPTS, INC.
340 North Minnesota Street
Carson City, Nevada 89703

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| <input checked="" type="checkbox"/> | Hand Deliver |
| <input type="checkbox"/> | U.S. Mail |
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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of June, 2002, at Reno, Nevada.



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