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

FILED
NOV 15 2002
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 69074

FILED BY Bright-Holland Corporation,

ON August 15, 20 02, TO APPROPRIATE THE

WATERS OF underground

PROTEST

Comes now Washoe County
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
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 69074, filed on August 15, 20 02,

by Bright-Holland Corporation to appropriate the

waters of underground 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 conditionally approved or denied
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
Agent or Protestant

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

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

4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 13th day of November, 20 02.

Suzanne T. Walsh
Notary Public

SUZANNE T. WALSH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-0424-2 - Expires January 23, 2006

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"
Applications 69071 through 69078

The above referenced applications are for 5.0 cfs each of underground water from the Smoke Creek Desert Hydrographic Basin (# 21). The annual duty associated with these applications is unknown. The manner of use is described as Irrigation of approximately 1600 acres of land .

On March 27, 1998 Washoe County filed Applications 63992 through 64004 for all the unappropriated ground water within this basin. Furthermore, there have been several other applications filed after this date to appropriate underground water from this basin.

It is clear that there are many applications pending determination by the State Engineer. If the State Engineer grants Washoe County's Applications, then all remaining pending applications, including 69071 through 69078, would have to be denied since there would be no unappropriated water remaining in source. The purpose of this protest is to give Washoe County standing in any hearings regarding applications 69071 through 69078, even if Washoe County's pending applications 63992 through 64004 may have been denied. Washoe County seeks this standing in order to intervene in such a hearing because Washoe County Development Code prohibits long-term mining of ground water resources anywhere within Washoe County. Therefore, Washoe County request the State Engineer to limit total appropriations from this basin to the currently published perennial yield of 16,000.00 acre-feet determined by the United States Geologic Survey (USGS). This limitation would prevent any potential ground water mining within this basin until Washoe County concludes its basin resource analysis for the Smoke Creek Desert. Furthermore, we seek standing because in the recent years new methods and new basin resource studies have resulted in large increases in the perennial yield estimates throughout the State of Nevada. If such a study is utilized in support of these applications that has resulted in an increase in the perennial yield estimates for this basin, then Washoe County feels strongly about having the opportunity to evaluate and question the study during the course of an administrative hearing.