FILED
MAY 17 2006
STATE ENGINEER'S OFFICE

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

IN THE MATTER OF APPLICATION NUMBER 73960,

FILED BY REDROCK VALLEY RANCH, LLC **PROTEST**

ON MARCH 03, 20 06, TO APPROPRIATE THE

WATERS OF UNDERGROUND

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 73960, filed on MARCH 03, 20 06,

by RED ROCK VALLEY RANCH, LLC 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 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.

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Signed
Agent or Protestant

Vahid Behmaram, Water Rights Manager
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 16 day of MAY, 20 06.

LaVONNE SCHEFFLER
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-39223-2 - Expires January 10, 2008

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"

Applications 73960, 73961, 73962 & 73965

The applications referenced above propose to change the point of diversion, place and manner of use of 789.39 acre-feet of ground water from the Red Rock Valley Hydrographic Basin for municipal use within East and West Lemmon Valleys of Washoe County. The current use of this water is for irrigation within the Red Rock Valley Hydrographic basin.

The pertinent data regarding this basin consists of the following:

1) Estimated yield according to U.S.G.S. Reconnaissance report # 43 is 1000.00 acre-feet annually.
2) Preliminary data from the Nevada Division of water Resources indicates existing permits and certificates with an approximate total duty of 175.79 acre-feet in addition to the changes requested by the above referenced applications.
3) Preliminary data from the Nevada Division of water Resources indicates a pending Proof of Vested right for irrigation use with a requested duty of 640 acre-feet. This proof, if adjudicated and found to be a valid claim, would be senior to most water rights appropriations in the basin
4) Preliminary data from Washoe County Department of Water Resources (WCDWR) indicates an approximate total number of 650 residential parcels. 320 of these parcels are developed and utilize and individual domestic well as their source of water supply, and the remaining 330 parcels have the right, per Nevada revised Statutes, to drill a domestic well in support of a single family dwelling.
5) WCDWR has started a study of the water resources of Red Rock Valley in 2003. This study consists of water level measurements and installation of precipitation gauges.
6) State Engineer's rulings 5167, 5359, 5491, 5492 & 5498 have limited the amount of water allowed to be changed from Irrigation use to Municipal use to the consumptive use component of the overall appropriation. This component is determined to be 62.5 % of the original appropriation for irrigation use. The state Engineer's policy on limiting change applications to the consumptive use component consists of its application on a case-by-case basis to designated basins with a heavy demand on its water resources.

NRS 533.370 states that:

The State Engineer is prohibited by law from granting an application to appropriate the public waters of State of Nevada where:

A. There is no unappropriated water at the proposed source;

B. The proposed use or change conflicts with existing rights;

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C. The proposed use or change conflicts with protectible interests in the existing domestic wells as set forth in NRS 533.024; or

D. The proposed use or change threatens to prove detrimental to the public interest.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

By only attributing 1 acre-foot of consumption to each of the existing and future domestic wells and assuming that the Proof of Vested right will be validated by an adjudication process, and only granting the above referenced applications to the 62.5% consumptive use component, the existing appropriation from this basin would be about 2,000.00 acre-feet. By attributing the legally allowed limit of 2.02 acre-feet to each of the domestic wells, then this number would increase to about 2,650.00 acre-feet, approximately 2.5 times that of the estimated yield of this basin. It should be noted that majority of the 650 parcels in Red Rock Valley are about 10 acres in size, and attributing 2 acre-feet of water consumption annually would not be unrealistic.

Therefore, based on the forgoing, granting of this change application would be contrary to all criteria outlined in N.R.S. 533.370

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