

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

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STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER, 76159
FILED BY, BRIGHT HOLLAND CORPORATION
ON AUGUST 14, 2007, TO APPROPRIATE THE WATERS OF
GRANITE CREEK AND TRIBUTARIES

} PROTEST

FILED
DEC 13 2007
STATE ENGINEER'S OFFICE

Comes now Juniper Hills Partners, LLC, a Nevada limited liability company
whose post office address is P.O. Box 71332, Reno, NV 89570
whose occupation is Ranching and protests the granting
of Application Number 76159, filed on August 14, 2007,
by Bright Holland Corporation to appropriate
the waters of Granite Creek and Tributaries situated in Washoe
County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attachment "A"

THEREFORE the Protestant requests that the application be Denied
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Bernard Antone
Agent or protestant
Bernard Antone, Managing Member, Juniper Hills Partners, LLC
Printed or typed name, if agent

Address P.O. Box 71332
Reno, NV 89570

Subscribed and sworn to before me this 29th day of NOVEMBER, 2007

Patricia Hanneman
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.

Handwritten initials

ATTACHMENT "A"
TO PROTEST FILED BY JUNIPER HILLS PARTNERS, LLC
AGAINST APPLICATION 76159

Application 76159 filed on August 14, 2007 by Bright Holland Corporation seeks to appropriate 10.00 cfs and 1500 acre-feet annually from Granite Creek and tributaries.

The proposed manner of use of this water is "storage" and the proposed reservoir in which this water is to be stored is listed as having a capacity of 3500 acre-feet.

Protestant Juniper Hills Partners, LLC, is the senior (and only) water right holder on Granite Creek being the owners of Proof 01277, Permit 51623 (Cert. 13624) and Permit 51624 (Cert. 13625) Collectively the total combined duty of these water rights are 1415.6 acre-feet annually. Proof 01277 is a vested right to the entire flow of the creek. Permit 51624 has a certificated diversion rate of 5.0 cfs. This water is fully and beneficially used on the Granite Creek Ranch which is owned by the Applicant.

Protestant Juniper Hills Partners, LLC, a Nevada limited liability company protests the granting of Application on the following grounds:

1. There is no unappropriated water at the source. The Protestant's water rights fully appropriate the waters of Granite Creek and its tributaries.
2. The Application, if granted, will conflict with the senior existing rights of the Protestant by taking water that normally would be used to serve the Protestant's existing senior rights.
3. Based on information and belief, the requested diversion rate exceeds the normal base flow of Granite Creek. Appropriation of the 10 cfs would adversely impact the Protestant's senior water rights.
4. Based on information and belief the requested duty is already appropriated by the Protestant's existing senior water rights. The amount of water requested by the Applicant over and above the existing rights cannot be generated.
5. The proposed point of diversion of Application 76159 is on land owned by the United States of America and administered by the U.S. Department of Interior, BLM. Thus the Applicant does not control the land from which the water from Granite Creek is proposed to be diverted and can neither construct the diversion works nor place the water to beneficial use.
6. The Application is deficient in that NRS 533.335(7) requires that the application shall contain the estimated costs of the proposed works. Application 76159 does not contain this information.
7. The Application is deficient in that NRS 533.340(6) requires that, for applications contemplating the storage of waters, the dimensions and locations of the proposed dam, the capacity of the proposed reservoir and a description of the lands to be submerged be included. An examination of Application 76159 and the supporting map on file fails to provide this information. In fact, Under Item 12 of Application 76159 it states that "*The existing Fly Reservoir may be expanded.*"

Additional storage sites are proposed on lands owned or controlled by the applicant." However nowhere on the map nor the Application is there a description of these storage facilities that includes the information specifically requested by NRS 533.340(6).

8. The Application is deficient in that it requests eight (8) years in which to construct the works of diversion. NRS 533.380(1) (a) requires that the time set forth by the State Engineer not exceed five (5) years.
9. NRS 533.370(2) (c) requires that the Applicant provide the State Engineer of his financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence. The Application is deficient in that it does not include this information.

In addition, NRS 533.368 provides that the State Engineer determine the need for hydrological, environmental or other studies before he makes a final determination on an application to appropriate. The cost of such a study is to be paid by Applicant and performed by the State Engineer or a person designated by him. Prior to any action being taken on this application, the State Engineer should require these studies be performed and require the Applicant to bear the full cost.

Finally, NRS 533.375 states that for applications proposing to divert more than 10 cubic feet per second of water, State Engineer may require submission of the articles of incorporation, and the names and places of residence of directors and officers, and the amount of its authorized and of its paid-up capital. Prior to any further consideration of this Application, the State Engineer should require the submission of this information.

In conclusion, based on the existing senior appropriations there is no unappropriated water at the source. NRS 533.370 prohibits the State Engineer from granting an application to appropriate if there is no unappropriated water at the source or if it will conflict with existing rights. Therefore, Juniper Hills Partners, LLC, respectfully requests that Application 76159 be denied.