

BEFORE THE STATE ENGINEER, STATE OF NEVADA  
DEPARTMENT OF CONSERVATION & NATURAL RESOURCES,  
DIVISION OF WATER RESOURCES

RECEIVED  
2008 NOV 18 PM 1:20  
STATE ENGINEERS OFFICE

IN THE MATTER OF  
APPLICATION NUMBER: 77221  
FILED BY: CITY OF RENO  
ON: JULY 11, 2008 TO APPROPRIATE THE  
WATERS OF: CHALK CREEK

PROTEST & REQUEST TO  
DENY APPLICATION 77221;  
PETITION FOR HEARING  
PURSUANT TO N.R.S. 533.365;

COMES NOW: CHURCHILL COUNTY

WHOSE ADDRESS IS: 155 NORTH TAYLOR STREET, SUITE 153, FALLON NV 89406

WHOSE OCCUPATION IS: A POLITICAL SUBDIVISION OF THE STATE OF NEVADA AND PROTESTS  
THE GRANTING OF APPLICATION NUMBER: 77221 FILED ON: JULY 11, 2008 BY: CITY OF  
RENO TO APPROPRIATE THE WATERS OF: CHALK CREEK SITUATED IN: WASHOE COUNTY,  
STATE OF NEVADA, FOR THE FOLLOWING REASONS AND ON THE FOLLOWING GROUNDS, TO  
WIT:

1. APPLICATION 77221, SEEKS A NEW APPROPRIATION OF 1.0 CFS FOR MUNICIPAL PURPOSES FROM CHALK CREEK WHICH IS TRIBUTARY TO THE TRUCKEE RIVER. APPLICANT SEEKS TO APPROPRIATE URBAN RUNOFF RETURN FLOW WATERS WHICH HAVE PREVIOUSLY BEEN APPROPRIATED AND DELIVERED THROUGH TRUCKEE MEADOWS WATER AUTHORITY (TMWA'S) MUNICIPAL SYSTEM. WHEN TMWA'S ORR DITCH RIGHTS WERE ORIGINALLY CONVERTED FROM DECREED TO MUNICIPAL THEY WERE PERMITTED AT FULL DUTY RECOGNIZING RETURN FLOWS FROM THE MUNICIPAL SYSTEM WOULD HELP SATISFY DOWNSTREAM WATER RIGHTS. PERMITTING THIS APPLICATION WOULD ALLOW ADDITIONAL APPROPRIATION ON A FULLY APPROPRIATED STREAM SYSTEM FOR WHICH ALL UN-APPROPRIATED WATERS HAVE BEEN GRANTED. PROTESTANTS OWN AND RELY UPON ORR DITCH CLAIM #3 WATER RIGHTS HAVING A 1902 PRIORITY, THEREFORE GRANTING A NEW APPROPRIATION ON A TRIBUTARY TO THE TRUCKEE RIVER HAVING A 2008 PRIORITY WOULD AFFECT EXISTING RIGHTS AND NOT BE IN THE PUBLIC INTEREST.
2. PROTESTANT ACKNOWLEDGES THE PURPOSE OF THE APPLICATION IS TO REDUCE THE TOTAL MAXIMUM DAILY LOAD (TMDL) FOR TDS, N & P AND IS SUPPORTIVE OF THOSE EFFORTS SINCE THEY ARE THE RECIPIENTS OF THIS 'LOADED' WATER AT THEIR DERBY DAM POINT OF DIVERSION. PROTESTANTS WOULD CONSIDER WITHDRAWING PROTEST IF APPLICANT WOULD AGREE OR STATE ENGINEER REQUIRES A MATCHED IN-STREAM FLOW PERMIT WHICH WOULD MOVE A LIKE AMOUNT OF DROUGHT ADJUSTED ORR DITCH WATER RIGHTS TO THE RIVER. PERMIT WOULD NEED TO PROVIDE FOR IN-STREAM FLOWS THROUGH THE TRUCKEE MEADOWS AND THEN BECOME AVAILABLE FOR DIVERSION BELOW VISTA.

*OK*

THEREFORE, BASED ON THE FORGOING REASONS:

- ◇ THERE IS NO UN-APPROPRIATED WATER AT THE SOURCE,
- ◇ GRANTING OF THE APPLICATIONS WOULD CONFLICT WITH EXISTING RIGHTS,
- ◇ AND COULD PROVE DETRIMENTAL TO THE PUBLIC INTEREST

THEREFORE, FOR THE FOREGOING REASONS, THE PROTESTANT RESPECTIVELY REQUESTS THAT THE STATE ENGINEER DENY THE APPLICATION OR ISSUE SUBJECT TO CONDITIONS OUTLINED IN ITEM#2 ABOVE.

SIGNED:

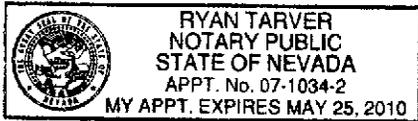
CHRIS C. MAHANNAH, P.E., SWRS#976 (AGENT)  
MAHANNAH & ASSOCIATES, LLC  
P.O. BOX 2494  
RENO, NV 89505  
(775) 323-1804

STATE OF NEVADA

COUNTY OF WASHOE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF NOVEMBER, 2008

BY CHRIS C. MAHANNAH



STATE OF: NEVADA

COUNTY OF: WASHOE

**\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

**STATE OF NEVADA DIVISION OF WATER RESOURCES  
REQUEST FOR NOTICE**

IN REGARDS TO APPLICATION/PERMITS NUMBERS: 77221 FILED IN THE NAME OF CITY OF RENO

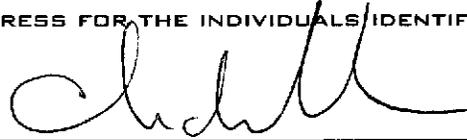
PLEASE ADD THE FOLLOWING INDIVIDUALS TO THE MAILING LIST AND SEND COPIES OF ALL CORRESPONDENCE TO THE ADDRESSES BELOW:

1. **MR. BRAD GOETSCH, MANAGER**  
CHURCHILL COUNTY  
155 N. TAYLOR ST, SUITE #153  
FALLON, NV 89406
2. **MR. RUSTY JARDINE, Esq.**  
CHURCHILL COUNTY DEPUTY DISTRICT ATTORNEY  
155 N. TAYLOR ST., SUITE # 170  
FALLON, NV 89406
3. **CHRIS C. MAHANNAH, P.E.**  
MAHANNAH & ASSOCIATES, LLC  
P.O. BOX 2494  
RENO, NV 89505

I AM THE AGENT OR REPRESENTATIVE FOR CHURCHILL COUNTY.

THIS FORM ACCURATELY REFLECTS THE MAILING ADDRESS FOR THE INDIVIDUALS IDENTIFIED ABOVE.

SIGNATURE: \_\_\_\_\_



CHRIS C. MAHANNAH, P.E., SWRS #976 (AGENT)  
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