

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

IN THE MATTER OF APPLICATION NUMBER.....78444.....
FILED BY: SAMANTHA GLEN,
ON...MAY 05, 2009 TO CHANGE THE POINT OF DIVERSION AND
MANNER AND PLACE OF USE OF A PORTION OF PERMIT NO.
49067.....

FILED
JUL 02 2009
STATE ENGINEER'S OFFICE
2009 JUL -2 AM 9:13



Comes now.....TRUCKEE MEADOWS WATER AUTHORITY.....
Printed or typed name of protestant

whose post office address is....1355 Capital Boulevard, Reno, Nevada 89502.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation isMunicipal water supplier for the Truckee Meadows..... and protests the granting
of Application Number78444....., filed onMay 5, 2009.....by: Samantha Glen, P O Box 998, Verdi,
NV 89439 to change the Point of Diversion and Manner and Place of Use of a portion of Permit No. 49067 an underground source of
water situated in: Washoe County, State of Nevada, for the following reasons and on the following grounds, to wit:

- (1) Initial pump tests at the site indicate diversion capacities up to 500 gallons per minute, and potentially greater, depending upon the construction of a production well capable of extracting water at that rate. Until such time as the production well is built, it is premature to add additional water rights to the well.
- (2) In addition, attached is a letter received by TMWA from the agent for both the instant application as well as Somersett (the owner and operator of Somersett Well #5) wherein the Agent raises concerns about current plans to develop a well at TMWA site. To add more water rights to TMWA's well could pose potential claims on TMWA's ability to exercise existing rights at its site.
- (3) Base on the foregoing, TMWA requests this Application be denied and not permitted as granting of this Application may have a negative impact on TMWA's ability to prove up beneficial use of the rights it plans to use under its permits.

THEREFORE the Protestant requests that the application beDENIED.....
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 *Kenneth C. Briscoe*
Agent or protestant

Kenneth C. Briscoe
Printed or typed name, if agent

P.O. Box 30013.....
Street No. or P.O. Box No.

Reno, Nevada 89520-3013.....
City, State and Zip Code No.

Subscribed and sworn to before me this 15th day of July, 2009.....

Elizabeth Crook
Notary Public



State of.....Nevada.....
County ofWashoe.....

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

dy



50 West Liberty Street
Suite 750
Reno, Nevada 89501
Telephone: 775.323.1801
Facsimile: 775.348.7250

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STATE ENGINEER
Ross E. de Lipkau
Direct Dial: 775.789.6645
Email:
RdeLipkau@parsonsbehle.com

June 16, 2009

Via Email Only: jerwin@tmwa.net

John Erwin
Truckee Meadows Water Authority
1355 Capital Boulevard
Reno, NV 89502-7140

**Re: Somerset Development - Golf Course
Client Matter No.: 16311.002
Permit 70613**

Dear Mr. Erwin:

This is to inform you that this firm represents Somerset LLC regarding certain golf course groundwater rights.

As you are aware, Somerset is the owner of record of Permit 70613, the point of diversion being located within the SW1/4, SW1/4, Section 10, T19N, R18E.

Truckee Meadows Water Authority (TMWA) drilled and cased a well pursuant to Well Log No. 102622 (copy enclosed) within the NE1/4, NE1/4, Section 16, T19N, R18E.

Our review of the State Engineer's records indicates that no permit has been issued by that office for the above-described cased well. Both parties are, of course, aware that a previously-conducted pump test, and water level data obtained from the TMWA test well, indicates that there is a direct impact upon Somerset's Well #5 (Permit 70613) from pumping the TMWA well and that these wells share the same aquifer. They are therefore hydrologically connected.

The purpose of this letter is to inform you of our concern, and request suggestions from you should TMWA at some unknown date in the future wish to replace the test well with a production well. I will stand by for your comment.

Very truly yours,
Parsons Behle & Latimer

Ross E. de Lipkau

/sdl

16311.002/4827-5061-8883.1