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

FILED
JUL 31 2009 BK
STATE ENGINEER'S OFFICE

2009 JUL 31 PM 1:27

IN THE MATTER OF APPLICATION NUMBER. 7~~7~~8599, BK

FILED BY.. JACKRABBIT PROPERTIES LLC,

ON MAY 29, 2009, TO APPROPRIATE THE WATERS

OF .underground, basin #021 (Smoke Creek Desert).

PROTEST

Comes now the **Great Basin Water Network, Progressive Leadership Alliance, and Sierra Club Toiyabe Chapter**
Printed or typed name of protestant

whose post office address is **1755 E. Plumb Lane, Suite 170, Reno, NV, 89502**
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is **keeping rural water for sustainable uses within rural desert areas to maintain existing communities, livelihoods, and the environment** and protests the granting

of Application Number **77599,** filed on **May 29, 2009**

by **Jackrabbit Properties 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:

..... **<SEE ATTACHED PROTEST REASONS AND FOLLOWING GROUNDS >** .....

.....

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.

Signed Susan B. Lynn
Agent

Susan Lynn .....
Printed or typed name, if agent

Address.....**1755 E. Plumb Lane, Suite 170,**.....
Street No. or P.O. Box No.

..... **Reno, NV, 89502**.....
City, State and Zip Code No.

Subscribed and sworn to before me this 30 day of July, 2009

RAMON PEREZ
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF WASHOE
APPT. No. 05-100278-2
MY APPT. EXPIRES AUG. 19, 2009

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.

BK

ATTACHMENT
July 29, 2009
Great Basin Water Network, PLAN, and Sierra Club Toiyabe Chapter
Protest Reasons and Following Grounds for applications (78588-78612)

The Great Basin Water Network, PLAN (Progressive Leadership Alliance of Nevada, and Sierra Club, Toiyabe Chapter are protesting these applications to change the point of diversion, manner of use, and place of use. Our participants and members live near or recreate around or tour the Smoke Creek desert frequently: ranching, hunting, birding, photography, watching wildlife, camping, painting (art), off-roading, and following the historic Nobles Emigrant Trail. Smoke Creek, while considered a separate groundwater basin,is linked to the Black Rock Desert, a National Conservation Area under BLM management, Pyramid Lake and the San Emidio and Hualapai hydrobasins. This general region is Washoe County's recreation getaway and a national treasure (indicated by Congressional legislation), so surface water in the form of creeks and springs is an integral part of enjoying the Smoke Creek and surrounding basins. Capturing creeks, springs and other surface manifestations of groundwater for exportation will diminish those recreation and economic activities, harming basin residents and degrading the environment.

- The current perennial yield estimate is too high and allows an overappropriation of water in the basin. It violates the public interest to allow any water to be transferred from the valley without determining a new, appropriate perennial yield.
- The applications are for water rights that are not certificated. The impacts of developing such rights are not known because they have never been put to beneficial use. The applications should not be approved until a determination has been made as to beneficial use within the basin and the water levels of wells and spring flows are monitored to determine whether pumping impacts are excessive and, therefore, violate state law. It also violates the public interest to transfer water that has not been certificated.
- Certain applications are for permitted water rights that have a lower priority than Washoe County's water rights applications 63992-64004. It is not in the public interest to appropriate groundwater with priority dates after other extant applications.
- Certain applications seek to change rights that are supplemental, apparently to each other. The applications appear to seek to transfer more water than is actually appropriated under these permits.
- The valley is currently overappropriated. In its natural state most of the discharge from the basin flows to adjacent basins. Water rights in the adjacent basins will also be affected by these applications.
- Most of the groundwater discharges either to springs or to interbasin flow where it either supports springs or Pyramid Lake. It is not in the public interest to allow those ecologically valuable resources be harmed by water resource development.
- The interbasin water transfer provisions in Nevada water law mandate water be reserved in the basin of origin for future growth and development.
- The entire region will benefit economically from the planned and soon to be constructed Black Rock High Rock Emigrant Trail National Conservation Area Visitor Center. Likewise, renewable energy development potential is high in the basin and easily available water is necessary to the deployment of most alternative energy production. Therefore economic output for the region will only grow over the next 50 years. The SE should reserve 90-100 percent of all water in the basin for local development.