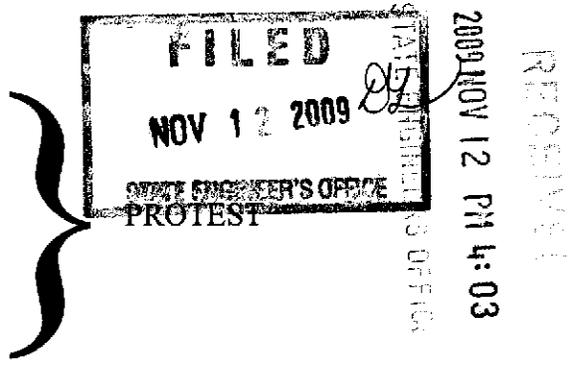


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF AMENDED APPLICATION NUMBER 78659,
FILED BY: CITY OF SPARKS,
ON...SEPTEMBER 3, 2009, TO APPROPRIATE THE WATERS OF
THE SURFACE WATER OF THE NORTH TRUCKEE DRAIN.....



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 Amended Application Number 78659, filed on September 3, 2009, by the City of Sparks, 1675 East Prater Way, Suite 107, Sparks NV 89434501 to appropriate water of: the surface water of the North Truckee Drain situated in: Washoe County, State of Nevada, for the following reasons and on the following grounds, to wit:

- (1) There is no unappropriated water on the proposed source of supply as a result of State Engineer Ruling No. 4683.
- (2) The proposed use conflicts with existing water rights, including those granted in State Engineer Ruling No. 4683 and with other Truckee River water rights, in that it seeks to appropriate water which should be allowed to return to the Truckee River.
- (3) The proposed use threatens to prove detrimental to the public interest in that it is inconsistent with the Truckee River Operating Agreement, and if granted, it will impede implementation of that Agreement and the benefits to the public which are dependent on that Agreement entering into effect.
- (4) Application 78659 and Permits 77628 and 77629 are similar as to the source of water but inconsistent in that said Application 78659 is requesting that after water is diverted from the North Truckee (NT) Drain and away from the Truckee River said water will be delivered through the City of Sparks treated effluent delivery system and then used consumptively for irrigation purposes. Permits 77628 and 77629 were granted on the condition that all waters were for non-consumptive purposes for flow through the wetlands except for any incidental loss due to evaporation in the wetland on its way to the Truckee River through the NT Drain. Permits 77628 and 77629 were also granted on the condition that the permits did not provide any right to surface water from or returning to the Truckee River. The appropriation for a consumptive use contemplated by Application 78659 would conflict with the rights of downstream users that rely upon these return flows to satisfy their water rights.
- (5) If the source of water is considered to be groundwater, the State Engineer has determined Basin 087 as a designated groundwater basin with restrictive uses. The total acre feet in all Permits and Certificates issued by the State Engineer's office for groundwater exceed the perennial yield of the basin pursuant to Ruling No. 4091. Therefore, there is no unappropriated groundwater within the basin. If granted, it would conflict with all existing groundwater right holders and be detriment to the public interest by over allocating the basin.

//
//
//
//
//

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 *12th* day of *November*, 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.