

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

IN THE MATTER OF APPLICATION NUMBER 78694  
FILED BY Martin W. and Susan Johnson  
ON June 30, 2009, TO APPROPRIATE THE  
WATERS OF Pleasant Valley Basin



STATE ENGINEER'S OFFICE  
2009 SEP 11 AM 8:10  
RECEIVED

Comes now Big Ditch Company  
Printed or typed name of protestant  
whose post office address is 605 Chance Lane, Reno, Nevada 89521  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is a Nevada Non-Profit Corporation and protests the granting  
of Application Number 78694, filed on June 30, 2009  
by Martin W. and Susan Johnson to appropriate the

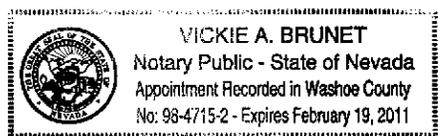
waters of Steamboat or Galena Creek situated in Washoe  
Underground or name of stream, lake, spring or other source  
County, State of Nevada, for the following reasons and on the following grounds, to wit:

See attached.

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 *Richard Taras*  
Agent or protestant  
Richard Taras, President  
Printed or typed name, if agent  
Address 605 Chance Lane  
Street No. or PO Box  
Reno, Nevada 89521  
City, State and ZIP Code  
(775) 849-0504  
Phone Number

Subscribed and sworn to before me this 10<sup>th</sup> day of September, 2009



*Vickie A. Brunet*  
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.**

*dy*

## GROUNDS FOR PROTEST: APPLICATION NO. 78694

The proposed change, if granted, will conflict with existing rights, or with protectible interests in domestic wells, or will threaten to prove detrimental to the public interest for the following reasons.

This Protest should be considered in connection with Big Ditch Company's Protest to Application 77655. The Truckee River decreed surface water rights (Claims 692, 693 and 694 and 660/666) appurtenant to the proposed place of use, APN 050-520-58, formerly APN 050-520-32 (See \*Note below), as shown on Nevada Division of Water Resources Drawing No. TR-021 approved February 5, 2008, are now appurtenant **only** to a .51-acre portion adjacent to the northern boundary of the proposed place of use. The .51-acre portion consists primarily of a floodwater drainage channel and has never actually received, in the history of Big Ditch Company, any of its appurtenant decreed surface water duty, 2.3 afa, by means of diversion from the Big Ditch.

The proposed place of use includes the entire parcel, including **8.21 acres that have never had any Truckee River decreed surface water rights**. If the proposed surface rights were transferred and made appurtenant to the 8.21 acres in issue, geographical and elevation constraints would make pumping from the Big Ditch, as indicated in the Application, the only viable means of conveyance and delivery. Big Ditch Company provides surface water to its members for flood irrigation only, and its Bylaws strictly prohibit pumping from the ditch. (See Amended Bylaws of Big Ditch Company previously provided regarding Applications 76111 and 76112.)

No decreed surface water rights are now being pumped from the Big Ditch, as of the current irrigation season, and Big Ditch Company does not have funding or manpower to monitor whether over pumping or pumping other than at approved scheduled times might occur. We are a small non-profit organization, staffed primarily by volunteers, and are simply not equipped to monitor pumping from the ditch. The proposed change, if granted as requested, would allow for pumping at any time, which would interfere with scheduled deliveries to other Big Ditch users.

For the reasons stated above, the Application should be denied. At a minimum, the proposed change, if granted, should be: conditioned on metering and monitoring as to both quantity and time of use, at the Applicants' sole expense, with the results available for inspection by Big Ditch Company and the State Engineer, on a weekly basis, during the irrigation season.

---

\*Note: Drawing No. TR- 021 contains a typographical error and shows former APN 050-520-32 (the proposed place of use) as APN 017-520-32 in the Table of acreage for Claims 692, 693, 694, 660, and 666.