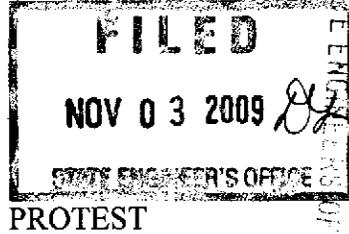


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER.....78856.....  
FILED BY: SOMERSETT DEVELOPMENT COMPANY, LTD  
ON...AUGUST 27, 2009.TO APPROPRIATE THE WATERS OF AN  
UNNAMED SPRING.....



RECORDED  
2009 NOV -3 AM 8:26  
STATE ENGINEER'S OFFICE

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 is ....Municipal water supplier for the Truckee Meadows..... and protests the granting  
of Application Number .....78856....., filed on .....August 27....., 2009.....

by: Somerset Development Company, LTD, 7655 Town Square Way, Ste. 220, Reno, NV 89519.....to appropriate  
the water of: an unnamed Spring.....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 prevent implementation of that Agreement and the benefits to the public which are dependent on that Agreement entering into effect.
- (4) Basin 91 is a designated groundwater basin. The total acre feet in all Permits and Certificates issued by the State Engineer's office exceed the perennial yield of the basin pursuant to Ruling No. 4845. Therefore, there is no unappropriated groundwater within the basin. If granted, it conflicts with all existing right holders and be detriment to the public interest by over allocating the basin.

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 *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 *2<sup>nd</sup>* day of *November*, 2009.....

*Deborah G. Sotero*  
.....

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.

*ex*