

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

FILED  
APR 30 2010  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 79478,

FILED BY: CITY OF SPARKS,

ON...FEBRUARY 5, 2010, TO APPROPRIATE THE WATERS OF

THE SURFACE WATER OF THE NORTH TRUCKEE DRAIN.....

} PROTEST

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 79478, filed on February 5, 2010 by the City of Sparks, 1675 East Prater Way, Suite 107, Sparks NV 89434 to appropriate

water of: the surface water of the North Truckee Drain situated in County of Washoe, 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) Water flowing in the North Truckee Drain is not water which is subject to appropriation under a "secondary" permit.

Under its existing permits, the Truckee Meadows Water Authority delivers municipal water to its residential, commercial and industrial customers from which some runoff water does make its way to the North Truckee Drain on its way to the Truckee River. This runoff (or drain) water is part the return flow component for the Truckee River to support other downstream water rights. Such water must be allowed to return to the Truckee River.

- (3) The proposed use conflicts with existing water rights.
- (4) The proposed use threatens to prove detrimental to the public interest, including, but not limited to, 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.

(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 detrimental to the public interest by over allocating the basin.

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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

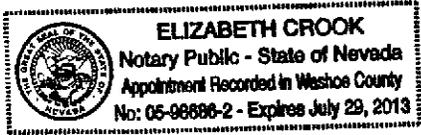
P.O. Box 30013.....

Street No. or P.O. Box No.

.....Reno, Nevada 89520-3013.....

City, State and Zip Code No.

Subscribed and sworn to before me this *28<sup>th</sup>* day of *April*, 2010.....



.....*Elizabeth Crook*.....  
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.**