

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

IN THE MATTER OF APPLICATION NUMBER 79638
FILED BY Sierra Nevada SW Enterprises
ON February 24, 2010, TO APPROPRIATE THE
WATERS OF Underground



FILED
MAY 03 2010
STATE ENGINEER'S OFFICE

PROTEST

Comes now Gardnerville Town Water Company
Printed or typed name of protestant

whose post office address is 1579 Virginia Ranch Road, Gardnerville, Nevada 89410
Street No. or PO Box, City, State and ZIP Code

whose occupation is Water Utility and protests the granting

of Application Number 79638, filed on February 24, 2010

by Sierra Nevada SW Enterprises, c/o Mark Forsberg, Scarpello, Huss, LTD. to appropriate the

waters of Underground situated in Douglas County, Nevada
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 Attachment A

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THEREFORE the Protestant requests that the application be *** DENIED ***
Denied, issued subject to prior rights, as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Mark V. Gonzales
Agent or protestant

Mark V. Gonzales, Agent
Printed or typed name, if agent

Address 1579 Virginia Ranch Road
Street No. or PO Box

Gardnerville, Nevada 89410
City, State and ZIP Code

775-782-2339
Phone Number



Subscribed and sworn to before me this 3 day of May, 2010

Kristien Bennett
Notary Public

State of Nevada

County of Douglas

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ATTACHMENT A
Protest to Application Number 79638
Filed by Gardnerville Town Water Company
Reasons for Protest on the following grounds, to wit:

1. The Gardnerville Town Water Company (GTWC) Well Number 9 is in close proximity to the proposed Point of Diversion that is shown on the Map to Accompany Application to Change the Point of Diversion, Application 79638. The Nevada State Engineer's Office should not grant a change in water rights to a higher use within or close to a major production well. The requested production well called out in application 79638 could adversely affect the draw down and cone of influence for GTWC Well Number 9.
2. Application 79638 will cause an adverse affect on existing water rights owned by the Gardnerville Town Water Company.
3. Application 79638 is not in the public interest due to the proposed Point of Diversion being located in an area where there is presently a water utility with an adopted Water Rights Master Plan. In October, 2007, GTWC submitted to the Nevada State Engineer's Office a Water Rights Master Plan for Water Right Permits 60576, 60607, 60608, 60609, 60610, 60611, 60612, 60613, 60614 and 60615. The GTWC Water Rights Master Plan includes water demand allocations for recorded plat maps, tentative maps and expansion of the Town of Gardnerville Town limits. The Town of Gardnerville Town limits coincide with the GTWC Service Area Boundary.

The proposed point of diversion called out in Application 79638 is located within the Virginia Ranch Development, which was annexed into the GTWC Service Area in April, 2005 as approved by the Nevada State Public Utilities Commission. AS listed in the GTWC Water Rights Master Plan and the Annexation Docket approved by the Nevada PUC, the Gardnerville Town Water Company stands ready to serve the Virginia Ranch Development.

4. A change in the manner of use from supplemental ground water rights to quasi-municipal and domestic as proposed in Application 79638 would set a precedent toward other supplemental ground water rights that exist throughout the Carson Valley.

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