

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

IN THE MATTER OF APPLICATION NUMBER 80351

FILED BY SOUTH TRUCKEE MEADOWS GID **PROTEST**

ON FEBRUARY 22, 20 11, TO APPROPRIATE THE

WATERS OF UNDERGROUND

FILED
FEB 25 2011
STATE ENGINEER'S OFFICE

Comes now South Truckee Meadows GID (STMGID)
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting

of Application Number 80351, filed on December 23, 20 10,

by VAHID BEHMARAM to appropriate the

waters of UNDERGROUND 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 "EXHIBIT A"

RECEIVED
2011 FEB 25 PM 3:16
STATE ENGINEERS OFFICE

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



Agent or Protestant

Vahid Behmaram, Water Rights Manager
Printed or typed name, if agent

Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.

4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 22ND day of FEBRUARY, 20 11.



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.**

Exhibit "A"

Applications 80350 & 80351

The above referenced applications propose to collectively divert 4.74 acre-feet of ground water rights for Domestic (landscape) purposes in the South Truckee Meadows at a location currently served municipal water service by Washoe County. Washoe County has no objection to the transfer of the water rights for use on this property.

However, items 5, 13 & 15 of these applications make clear reference to South Truckee Meadows General Improvement District's (STMGID) ownership of the proposed point of diversion. The well proposed to be the point of diversion for these applications was constructed by STMGID funds under an agreement with the property owner, Mr. Soule. We disagree with the language in item 15 that the well or any water rights are relinquished to the land owner by South Truckee Meadows general Improvement District. We retain and assert our ownership interest to the well drilled under permit 75783.

It is STMGID's intention to properly abandon this test well in accordance with the terms of the agreements negotiated with the property owner or be compensated for the transfer of all interests in said improvement. Furthermore, if STMGID is compensated for the cost of this well, STMGID will also seek conditions on the Soule permits that prevent future claims of injury to the property owner's water rights as a result of STMGID's development and pumpage of its production well # 12 on adjoining parcel of land.

Therefore STMGID requests that these applications be denied due to the applicant's inability to place the water to beneficial use as a result of lack of ownership and control of the proposed POD. Alternatively, STMGID will agree to delays on any action on these applications by the State Engineer until the ownership issue is settled to the satisfaction of all parties or properly adjudicated in a court of law.

If the ownership issue is resolved, STMGID will only withdraw this protest subject to being held harmless from any future claims of injury as a result of water production from STMGID #12 well. We realize that the NRS priority laws and policies already provides this protection, however, conditions imposed on these application permit terms will insure STMGID's priority in use of its #12 well.