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

IN THE MATTER OF APPLICATION NUMBER 80700

FILED BY National Fish and Wildlife Foundation

ON March 24 (corrected version May 10), 20 11

PROTEST

FILED
JUL 12 2011
STATE ENGINEER'S OFFICE

Comes now Nevada Farm Bureau Federation
Printed or typed name of protestant

whose post office address is 2165 Green Vista Dr. Suite 205, Sparks, NV 89431
Street No. or PO Box, City, State and ZIP Code

whose occupation is General Farm Organization/Advocacy For Farmers & Ranchers and protests the granting

of Application Number 80700, filed on March 24 (corrected version May 10), 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Nevada Farm Bureau maintains that the proposed changes conflict with existing rights and will harm other water right owners who depend on the efficiency in use and delivery of water. Due to the lack of understanding of potential harm, we further maintain that additional studies be conducted with resulting findings be released for public review and consideration. We maintain that this application should be denied because this proposed action threatens to prove detrimental to the public interest for these and the following reasons.

(Additional reasoning provided on attached page)

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 Doug Busselman
Agent or protestant

Doug Busselman
Printed or typed name, if agent

Address 2165 Green Vista Dr #205
Street No. or PO Box

Sparks, NV 89431
City, State and ZIP Code

775-674-4000
Phone Number

dbussel@nfb.org
E-mail

RECEIVED JUL 12 2011 STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 12th day of July, 20 11

BONNIE KORDONOWY
NOTARY PUBLIC
STATE OF NEVADA
No. 94-0040-12 My Appt. Exp. Aug. 1, 2011

Bonnie Kordonowy
Notary Public

State of Nevada

County of Carson City

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Nevada Farm Bureau Walker River Protest Reasons Continued:

We maintain that the proposed change of beneficial use, presently for the purpose of agricultural irrigation and under the proposal for Wildlife purposes in accordance with NRS Chapter 533, is not in the public interest and should not be granted without adequate and sustainable mitigation measures to protect the land which is having water stripped from it.

From an environmental perspective, the dewatered land, not protected with a permanent plant cover will incur higher levels of wind erosion and invasion of weeds. These negative outcomes will not simply affect the landowner, but will result in damages to the neighboring lands and potentially create public safety issues.

As a representative of farmer members in the area served by water from the Walker River system, we object to the change of beneficial use with regard to the impacts the new use will have on delivery and upstream water management operations. The effect on water efficiency and effective management throughout the system, must be addressed with appropriate protections and mitigation actions.

We further maintain that the proposed change of beneficial use will have negative consequences to the community (Smith and Mason Valleys) where the land, which is being dewatered, is located.

As a project that is funded through federal dollars, this proposal has not received a completed environmental analysis through the National Environmental Policy Act (NEPA) process, limiting the ability for knowledgeable evaluation of the impacts such a transfer will cause.

Because the NEPA analysis was not completed the ability to establish that this transfer of beneficial use can accomplish a value in the public's interests which offsets the damage done to the community where the water is being transferred from. There is further question on how much of the water will reach the destination that it is being transferred to.

The amended application indicates that the "applicant intends to manage conveyance of water from Wabuska Gauge to Walker Lake under **an agreement to be negotiated** with the Walker River Paiute Tribe and the Bureau of Indian Affairs that addresses the operation of Weber Dam and the Walker River Irrigation Project." Because of the prospective nature of the arrangement there is no assurance that the water proposed for transfer to Walker Lake will reach its intended destination.

Questions also arise to the ability of the lower reaches of the Walker River to adequately convey the amount of water to Walker Lake in order to meet the needs of the intended use (wildlife purposes). It is unknown (due to the non-completion of the NEPA analysis) whether the transmittal of this water to Walker Lake will further denigrate the water quality of the lake, because of the increased levels of sediment and other particulates contained in the water flowing through the impaired riparian areas of the lower reaches of the river corridor. It would not be in the public interest to fuel the increased level of water quality impairment to Walker Lake because of the inflow of waters not meeting sufficient standards to improve water quality. As this water continues to evaporate from the surface of Walker Lake, as it presently does, the increased levels of dissolved solids will increase, causing further impairment.