Truckee-Carson Irrigation District
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FILED
DEC 28 2011
STATE ENGINEER'S OFFICE
2011 DEC 28 AM 10: 25

BEFORE THE STATE ENGINEER, STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF WATER RESOURCES

IN THE MATTER APPLICATION 81247 FILED BY SOUTH MEADOWS PROPERTIES LP TO CHANGE POINT OF DIVERSION AND PLACE OF USE OF WATERS OF THE TRUCKEE RIVER	**PROTEST AND REQUEST TO DENY APPLICATION 81247**

COMES NOW, TRUCKEE-CARSON IRRIGATION DISTRICT ("TCID"), by and through Rusty D. Jardine, Esq., Project Manager, organized under Chapter 539 of the Nevada Revised Statutes, whose address is Box 1356, Fallon, Nevada, 89407-1356, with responsibilities under contract, to operate and maintain the Newlands Federal Reclamation Project and to deliver water to landowners who have contracted either with the United States or with TCID, and to comply with water rights decrees for water rights appropriated by the United States under the Reclamation Act (43 U.S.C. 371, et seq.) and as a party to the water right decree of the Truckee River, known as the *Orr Ditch* Decree (*U.S. v. Orr Water Ditch Co.*, Equity A-3-LDG, U.S. District Court, Nevada, September 8, 1944), and does, hereby, protest the granting of application 81247 (the "Application"), filed by South Meadows Properties Limited Partnership ("Applicant"), to change the point of diversion and place of use of the Truckee River waters. NRS 533.370(5) provides, in pertinent past, that "where there is no un-appropriated waters in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing

domestic wells as set in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit." For the reasons which follow, TCID here protests this Application No. 81247, and does, hereby, request that the application be denied, to wit:

1. Applicant is seeking to change Truckee River decreed rights which have previously been converted to municipal use at full duty. The State Engineer has historically allowed conversion of decreed rights to municipal at full duty knowing that approximately 50% of the right would return to the river as effluent from the Truckee Meadows Water Reclamation facility on an average annual basis, thus protecting return flows and downstream rights. The applicant is seeking to change the point of diversion to an induction well adjacent to the Truckee River in the Tracy segment and distribute water within a place of use which includes portions of Truckee and Carson River watersheds. Applicant also treats their own effluent and has been granted permits 66604, 66604501 and 66604502 to store and use 4,480 afa of effluent for irrigation and commercial purposes within the service area which is not returned to the Truckee River. The proposed use of the rights sought to be changed and subsequent effluent reuse and/or exported water to the Carson River watershed, will not allow effluent return flow to the Truckee River. The application should be limited to the consumptive use fraction of the original decreed right under Orr Ditch Claim DTR 294 and 295.

2. Applications seek to divert surface water using an induction well adjacent to the Truckee River near Tracy which is problematic. Induction wells do not immediately draw surface water as a surface water diversion does, nor do they immediately cease drawing surface water once the well is shut off. Depending on aquifer properties, there would be lag times and diversion from aquifer storage before the river or surface water body is captured. This will create diversion timing issues and potential additional losses from the surface

water bodies when the diversions are not in priority to divert. Applicant should be required to construct a well calibrated groundwater model to account and manage surface/groundwater diversions such that they are only occurring when in priority.

Therefore, for the foregoing reasons, the Protestant TCID, here, respectfully requests that the State Engineer issue a ruling subject to the foregoing conditions or deny the application.

Dated ~~this~~ 27th day of Dec, 2011. Respectfully submitted,

TRUCKEE-CARSON IRRIGATION DISTRICT

By: _____
Rusty D. Jardine, Esq.
District Manager

Subscribed and sworn before me this day of Dec. 27, 2011.

MERLIZA A. CURTIS
Notary Public - State of Nevada
Appointment Recorded in Churchill County
No: 04-89063-4 - Expires June 27, 2012

Merliza A. Curtis
Notary Public

State of NEVADA

County of CHURCHILL

STATE OF NEVADA DIVISION OF WATER RESOURCES
REQUEST FOR NOTICE

IN REGARDS TO APPLICATION/PERMIT NUMBER: **81247**

PLEASE ADD THE FOLLOWING INDIVIDUALS TO THE MAILING LIST AND SEND COPIES OF ALL CORRESPONDENCE TO THE ADDRESSES BELOW:

1. **MR. RUSTY D. JARDINE**
   DISTRICT MANAGER & GENERAL COUNSEL
   TRUCKEE-CARSON IRRIGATION DISTRICT
   P.O. BOX 1356
   FALLON, NV 89407

2. **BOARD OF DIRECTORS**
   TRUCKEE-CARSON IRRIGATION DISTRICT
   P.O. BOX 1356
   FALLON, NV 89407

3. **CHRIS C. MAHANNAH, P.E.**
   MAHANNAH & ASSOCIATES, LLC
   P.O. BOX 2494
   RENO, NV. 89505

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I AM THE AGENT OR REPRESENTATIVE FOR TRUCKEE-CARSON IRRIGATION DISTRICT.

THIS FORM ACCURATELY REFLECTS THE MAILING ADDRESS FOR THE INDIVIDUALS IDENTIFIED ABOVE.

SIGNATURE:

RUSTY D. JARDINE, ESQ.
DISTRICT MANAGER
TRUCKEE-CARSON IRRIGATION DISTRICT
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