

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

**FILED**  
DEC 27 2011  
STATE ENGINEER'S OFFICE

IN THE MATTER OF  
APPLICATION NUMBER: 81248  
FILED BY: SOUTH MEADOWS PROPERTIES LP  
ON: OCTOBER 14, 2011 TO CHANGE THE  
WATERS OF: TRUCKEE RIVER

PROTEST & REQUEST TO  
DENY APPLICATION 81248

COMES NOW: CHURCHILL COUNTY  
WHOSE ADDRESS IS: 155 NORTH TAYLOR STREET, SUITE 153, FALLON NV  
89406 WHOSE OCCUPATION IS: A POLITICAL SUBDIVISION OF THE STATE OF  
NEVADA AND PROTESTS THE GRANTING OF APPLICATION NUMBER: 81248 FILED ON:  
OCTOBER 14, 2011 BY: SOUTH MEADOWS PROPERTIES LIMITED PARTNERSHIP TO  
CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF: TRUCKEE RIVER SITUATED  
IN: STOREY COUNTY, STATE OF NEVADA, FOR THE FOLLOWING REASONS AND ON  
THE FOLLOWING GROUNDS, TO WIT:

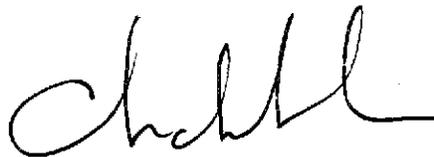
1. APPLICANT IS SEEKING TO CHANGE TRUCKEE RIVER DECREED RIGHTS WHICH HAVE PREVIOUSLY BEEN CONVERTED TO MUNICIPAL USE AT FULL DUTY. THE STATE ENGINEER HAS HISTORICALLY ALLOWED CONVERSION OF DECREED RIGHTS TO MUNICIPAL AT FULL DUTY KNOWING THAT APPROXIMATELY 50% OF THE RIGHT WOULD RETURN TO THE RIVER AS 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 CLAIMS DTR 232 AND 244.



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 RESPECTFULLY REQUESTS THAT THE STATE ENGINEER ISSUE A RULING SUBJECT TO THE FORGOING CONDITIONS OR DENY THE APPLICATION.

SIGNED:



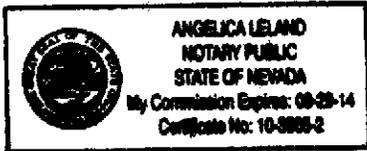
CHRIS C. MAHANNAH, P.E., AGENT  
MAHANNAH & ASSOCIATES, LLC  
P.O. Box 2494  
RENO, NV 89505  
(775) 323-1804

STATE OF NEVADA

COUNTY OF WASHOE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23<sup>RD</sup> DAY OF DECEMBER, 2011

BY CHRIS C. MAHANNAH



STATE OF: NEVADA  
COUNTY OF: WASHOE

**\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

STATE OF NEVADA DIVISION OF WATER RESOURCES  
REQUEST FOR NOTICE

IN REGARDS TO APPLICATION/PERMITS NUMBERS: 81246 - 81248

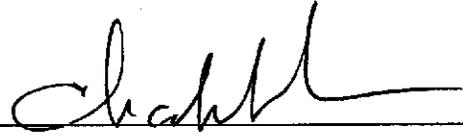
PLEASE ADD THE FOLLOWING INDIVIDUALS TO THE MAILING LIST AND SEND COPIES OF ALL CORRESPONDENCE TO THE ADDRESSES BELOW:

1. MR. BRAD GOETSCH, MANAGER  
CHURCHILL COUNTY  
155 N. TAYLOR ST, SUITE #153  
FALLON, NV 89406
2. MR. CRAIG MINGAY, ESQ.  
CHURCHILL COUNTY DEPUTY DISTRICT ATTORNEY  
165 N. ADA STREET  
FALLON, NV 89406
3. CHRIS C. MAHANNAH, P.E.  
MAHANNAH & ASSOCIATES, LLC  
P.O. BOX 2494  
RENO, NV 89505

I AM THE AGENT OR REPRESENTATIVE FOR CHURCHILL COUNTY.

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

SIGNATURE: \_\_\_\_\_



CHRIS C. MAHANNAH, P.E., SWRS #976 (AGENT)  
MAHANNAH & ASSOCIATES, LLC  
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RENO, NV 89505  
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