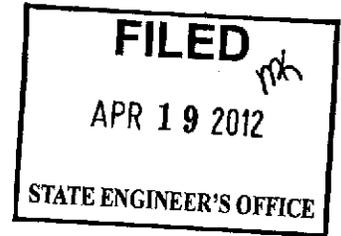


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 81704
FILED BY National Fish and Wildlife Foundation
ON March 26, 2012



PROTEST



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 and Ranchers

and protests the granting

of Application Number 81704

, filed on March 26

, 2012

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:

The reasons Nevada Farm Bureau objects to this application are the same as the unresolved issues associated with our protest to Application # 80700. Further, we believe that it is inappropriate to pursue a change in point of diversion and use for the same water rights which have not been dealt with in the process for determining a decision on Application # 80700. Farm Bureau member families, who are water right owners within the Walker River Irrigation District will be negatively impacted without any of the issues raised in opposition to Application # 80700 being resolved. We urge that this application (#81704) be denied and the process continue to resolve the proposed transfer within the scope of the prior filing that has not been given a hearing with a final decision rendered.

(See Attached For The Complete Listing Of Reasons For Opposition.)

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

[Handwritten signature: Doug Busselman]

Agent or protestant

Doug Busselman, Executive Vice President

Printed or typed name, if agent

Address

2165 Green Vista Dr. Suite 205

Street No. or PO Box

Sparks, NV 89431

City, State and ZIP Code

(775) 674-4000

Phone Number

dbuss@nvfb.org

E-mail

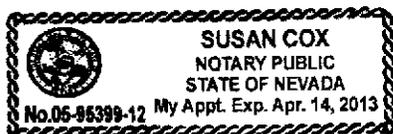
Subscribed and sworn to before me this

19

day of

April

, 2012



[Handwritten signature: Susan Cox]

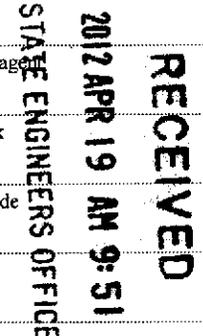
Notary Public

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.

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