

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

FILED  
DEC 20 2012  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 82268  
FILED BY Saddler Ranch, LLC % Doug Frazer  
ON November 02, 2012



PROTEST

Comes now Diamond Natural Resources Protection and Conservation Association (DNRPCA)

whose post office address is P.O. Box 13, Eureka, Nevada 89316

whose occupation is Conservation Association and protests the granting

of Application Number 82268, filed on November 02, 2012

by Saddler Ranch, LLC % Doug Frazer, P.O. Box 831, Forest Knolls, CA 94933 for the

waters of Big Shipley Springs and Tributaries Complex situated in Eureka  
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:

See Exhibit A, attached hereto:

THEREFORE the Protestant requests that the application be Denied

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Mark Moyle Agent or protestant  
Mark Moyle for DNRPCA  
Address P.O. Box 13  
Eureka, Nevada 89316  
(775) 761-4725  
nhc.moyle@gmail.com

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Subscribed and sworn to before me this 20th day of December, 2012



Gloria K. Lash  
Notary Public  
State of Nevada  
County of Carson

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

**EXHIBIT "A" to Protest of Diamond Natural Resources Protection and Conservation  
Association (DNRPCA)  
To  
Application No. 82268**

- 1. Application No. 82268 seeks to appropriate large quantities of groundwater from the Diamond Valley Hydrographic Basin (Basin No. 153). The Protestants, DNRPCA Members and affiliated entities, own numerous groundwater rights within Basin 153. The proposed use of water under Application No. 82268 would conflict with Protestants use of water under its numerous existing groundwater rights in Basin No. 153.**
- 2. Nevada State Law does not allow for a surface water right to be converted to a groundwater right.**
- 3. There is no unappropriated water in Basin No. 153.**
- 4. The granting of Application No. 82268 would be detrimental to the public interest.**
- 5. Application No. 82268 seeks to appropriate large quantities of groundwater for irrigation purposes. Granting the applications would violate previous orders entered by the State Engineer including, but not necessarily limited to Order No. 717. That order provides, among other things, that all "applications filed after December 31, 1978 to appropriate groundwater for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied."**
- 6. The historic acreage of land irrigated under Proof No. V-03289 may be insufficient to support the quantity of water sought to be appropriated under Application No. 82268.**
- 7. The historic flow of water in the Big Shipley Springs & Tributary Complex under Proof No. V-03289, may be insufficient to support the quantity of water sought to be appropriated under application 82268.**
- 8. The Protestant requests that the State Engineer conduct and adjudication of the surface water rights in Basin No. 153, including those claimed under Proof No. V-03289.**
- 9. The Protestant requests that the State Engineer postpone action on Application No. 82268 until an adjudication of vested and all other surface water rights in Basin No. 153 has been completed.**
- 10. The Protestant requests that water rights, if any, granted under Application No. 82268 be conditioned on the implementation of a monitoring program approved by the State Engineer. If impacts to existing rights or public interest are demonstrated**

by the monitoring program, the Applicant should be required to mitigate those impacts to the satisfaction of the State Engineer and the affected party.

11. Upon information and belief, some or all of the water rights claimed under Proof No. V-03289 have been abandoned.

12. Application No. 82268 requests a Duty of 4.5 acre-feet when the State Engineer has determined that a Duty of 2.7 acre-feet is sufficient for irrigating meadow hay.

13. Application No. 82268 requests water to irrigate 1,657.28 acres of land. There is no evidence or Proof of Beneficial Use (PBU) to support that 1657.28 acres of land was irrigated under Proof V-03289.

14. Application No. 82268 requests water from January 1<sup>st</sup>- December 31<sup>st</sup> annually. If this water is to be used for irrigation purposes, it should be appropriated from April 1<sup>st</sup>- October 31<sup>st</sup> annually. This time period represents the irrigation season.

15. The Protestant reserves the right to supplement this protest as additional information becomes available concerning Application No. 82268.