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

IN THE MATTER OF APPLICATION NUMBER 83298
FILED BY Tahoe Reno Industrial Center, LLC
ON 6 December, 20 13

PROTEST

FILED
FEB 19 2014
STATE ENGINEER'S OFFICE

Comes now Churchill County
Printed or typed name of protestant

whose post office address is 155 N. Taylor Street, Suite 153 Fallon, NV 89406
Street No. or PO Box, City, State and ZIP Code

whose occupation is Political Subdivision of the State of Nevada and protests the granting

of Application Number 83298, filed on 6 December, 20 13

by Tahoe Reno Industrial Center, LLC a Nevada Limited Liability Co. for the

waters of Truckee River situated in Storey
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 attached Exhibit "A"

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THEREFORE the Protestant requests that the application be Denied or issued subject to conditions in Exh A
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
Agent or protestant

Chris C. Mahannah, P.E., SWRS
Printed or typed name, if agent

Address P.O. Box 2494
Street No. or PO Box

Reno, NV 89505
City, State and ZIP Code

(775) 323-1804
Phone Number

chris@mah2o.com
E-mail

State of Nevada
County of Washoe

Subscribed and sworn to before me on 18 February 2014

by Chris C. Mahannah

Signature of Notary Public Required

BRANDON P. TAYLOR
NOTARY PUBLIC
COUNTY OF WASHOE
STATE OF NEVADA
My Commission Expires: 08-29-15
Certificate No: 11-5827-2

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

EXHIBIT "A"

PROTEST GROUNDS

APPLICATION 83296 - 83298

Protestant requests that the State Engineer either deny the application or impose permit terms which address the following concerns of protestant only if the U.S. Federal Water Master and State Engineer have the resources to ensure the terms are complied with which may require additional administration each year.

1. Applicant seeks to change what were once Decreed Orr ditch claims subsequently converted to municipal use in the Truckee Meadows and change the of point of diversion from the multiple TMWA POD's in the Truckee Meadows to an Induction well in the Tracy Segment which is below the TMWRF effluent point of return to the Truckee River. Application should be limited to the consumptive use portion of 2.5 af/acre of the base acreage originally changed or reduce the duty by 62.5% (2.5/4.0 af/ac) rather than a full duty transfer as applied for to ensure return flows are maintained which the protestant relies upon. The State Engineer has historically approved Decreed to municipal changes in the Truckee Meadows at full duty realizing that roughly half of the water returns to the river through the TMWRF effluent returns.

2. Diversion should only be allowed at the new point of diversion when the existing Decreed point of diversion is in priority to divert.

3. Any shortages at the original point of diversion should also be applied at the new point of diversion especially since there are tributary flows and substantial effluent returns to the river between the existing and new points of diversion.

4. An analysis of transportation losses between the existing and new points of diversion needs to be performed and applied which will reduce the amount available for diversion.

5. Applicant is seeking year-round season of use rather than 'as decreed' and should only be allowed to divert during the season of use defined each year by the Watermaster based upon water availability for that particular year. Although the Decree does not set a specific period of use, the Watermaster typically sets a 160 day season for diversions commencing in the Spring and ending in the Fall of each irrigation season. This season is shortened during times of drought.

6. The Application seeks to divert surface water using an induction well adjacent to the Truckee River near Tracy. 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 flow is 'Captured'. This will create

diversion timing issues and potential additional losses from the surface source when the diversions are not in priority to divert. Aquifer testing and analytic or numeric modeling should be required at the proposed induction well site to determine aquifer properties, 'Capture' rates and timing such that diversion timing and lags can be administered by the Watermaster. An annual monitoring plan approved by the State Engineer should be required to assist the Watermaster and State Engineer in managing the diversions and possible additional administration as necessary.

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