

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

IN THE MATTER OF APPLICATION NUMBER 84356
FILED BY Pyramid Lake Paiute Tribe
ON September 16, 20 14

FILED
NOV 21 2014
STATE ENGINEER'S OFFICE

PROTEST

Comes now Truckee-Carson Irrigation District
Printed or typed name of protestant
whose post office address is 2666 Harrigan Road, Fallon , NV 89406
Street No. or PO Box, City, State and ZIP Code
whose occupation is State of Nevada Irrigation District under Chapter 539, Nevada Revised Statutes and protests the granting
of Application Number 84356, filed on September 16, 20 14
by Pyramid Lake Paiute Tribe for the
waters of Truckee River and its Tributaries situated in Washoe
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:

- 1) The water right is derived from application 48061 which by its nature is based upon all excess water flowing in the Truckee River to Pyramid Lake. Since all other water rights in the Orr Ditch Decree must be satisfied before the Tribe can claim "excess water," this water cannot be stored to the detriment of other water rights owners with a senior priority. 2) The subject application will cause injury to existing water rights by storing water out of priority to the injury of existing water right owners. 3) The subject application is not in the public interest because the water rights were appropriated for the benefit of Pyramid Lake and its fisheries and not for upstream storage for other purposes, such as power generation. 4) The subject application involves the use of this water for multiple purposes from multiple sources in violation of NRS 533.330. 5) The subject application violates the public trust doctrine because it deprives endangered and threatened species of water dedicated to recovery of those species. See continuation sheet.

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 [Signature]
Agent or protestant

Agent for Truckee-Carson Irrigation District
Printed or typed name, if agent

State of Nevada
County of Churchill

Address 2666 Harrigan Road
Street No. or PO Box
Fallon, NV 89406
City, State and ZIP Code

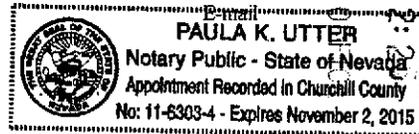
Subscribed and sworn to before me on 11.21.14

775-423-2141
Phone Number

by Rusty O. Jardine

rusty@tcid.org

STATE ENGINEERS
2014 NOV 21 PM 9:23
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[Signature of Paula K. Utter]
Signature of Notary Public Required

Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Truckee-Carson Irrigation District Protest Points, continuation sheet. November 21, 2014

Application 84356, Pyramid Lake Paiute Tribe, September 16, 2014

6) The subject application requires the storage of water in Stampede Reservoir which has no capacity for any additional storage. 7) The State of California has approved an additional new appropriation of 100,500 acre feet of water to be stored in Stampede Reservoir by the U.S. Bureau of reclamation ("BOR"), and the subject application would prevent the ability of the BOR from storing such water in Stampede Reservoir. 8) The Application fails to provide evidence of sufficient capacity in the named reservoirs or the existence of agreements for the storage of water. NRS 533.440(2) specifies "the application...shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application." No such evidence has been provided in the Application regarding sufficient capacity in each reservoir and no evidence has been provided to demonstrate that permanent storage agreements have been entered into with the United States. Likewise, TCID has not given Applicant permission to store such in Donner Lake, Lake Tahoe, or Boca Reservoir. 9) The Application is defective because there is no information provided regarding the releases and use of the stored water and thus the potential injury or impacts cannot be ascertained. 10) The Applicant has not demonstrated that the proposed water can be stored in the reservoirs without displacing water that would otherwise be stored to the benefit of the Newlands Project. 11) The Applicant has provided no evidence of a permanent water right to store the subject water under California law. The applicant proposes to divert water from a point in which they have no right or control. The water rights change petitions submitted to the California State Water Resources Control Board by the United States/TMWA/Washoe County Water Conservation District for credit storage under TROA in Prosser Reservoir, Boca Reservoir, Stampede Reservoir, and Independence Lake as well as the two water rights applications for increasing the storage at Prosser Reservoir and Stampede Reservoir do not include any rights for the applicant's water rights under Application 48061. Thus, the Application is premature and speculative. 12) All Washoe Project reservoirs, include Prosser Reservoir and Stampede Reservoir, must also be operated based on Floriston Rates. The operation of these reservoirs would also be altered to the detriment of TCID under the proposed change applications.

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