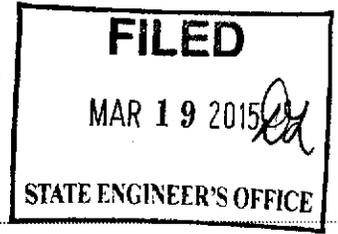


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84688  
FILED BY Sierra Pacific Industries  
ON January 9, 20 15



PROTEST



Comes now Buckhorn Land and Livestock, LLC, a Nevada limited liability company

Printed or typed name of protestant

whose post office address is 500 Damonte Ranch Parkway, Suite, 980, Reno, NV 89521

Street No. or PO Box, City, State and ZIP Code

whose occupation is Ranching

and protests the granting

of Application Number 84688, filed on January 9, 20 15

by Sierra Pacific Industries for the

waters of Underground 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:

Please refer to Attachment "A"

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MARCH 19 2015

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]*  
Agent or protestant

Gregory M. Bilyeu

Printed or typed name, if agent

Address

9480 Double Diamond Parkway, Suite 200

Street No. or PO Box

State of Nevada

County of Washoe

Reno, NV 89521

City, State and ZIP Code

Subscribed and sworn to before me on 3-18-15

(775) 352-7800 x 227

Phone Number

by Gregory M. Bilyeu

gregb@tecreno.com

E-mail

*[Handwritten Signature: Karen L. Woosley]*  
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.

**Attachment "A"**  
**Protests to Applications 84688 & 84689**

Applications 84668 & 84689 seek to appropriate groundwater from the Dry Valley Hydrographic Basin (Basin 95). Each application is filed for 1,500 acre-feet annually with a total combined duty of 3,000 acre-feet annually.

The Dry Valley Hydrographic Basin is currently fully appropriated by existing underground permits as determined by the Nevada State Engineer in Ruling 5568 issued in 2006 (and reinforced in Rulings 5622 and 5897). Current groundwater appropriations total 3,021.60 acre-feet, of which 2,996 acre-feet are issued for municipal use outside of the basin itself.

NRS 533.370(3) sets forth the criteria for rejection of an application to appropriate water. Said statute reads as follows:

*"Except as otherwise provided in subsection 6, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the state engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication."*

Applications 84688 and 84689 seek to appropriate 3,000 additional acre-feet over and above the established perennial yield of Basin 95 and therefore no unappropriated water is available at the source.

Issuance of additional groundwater rights over and above the established perennial yield of Basin 95 would result in water being removed from storage within the basin, which in turn could cause excessive drawdown to the water table, resulting in adverse impacts to streamflow in Dry Valley Creek and to spring discharge within said basin and thus adversely affect and conflict with the Protestant's senior surface water rights from Dry Valley Creek and numerous springs within the basin.

The Protestant has recently granted conservation easements across much of its land to the United State of America. These easements provide for the preservation of open space for the benefit of wildlife and for recreational purposes. The diminished streamflow in Dry Valley Creek and spring discharges within the Dry Valley Hydrographic Basin would result in reductions in the amount of water available to both livestock and wildlife within the basin and thus the appropriations being sought threaten to prove detrimental to the public interest.

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**Attachment "A"**  
**Protests to Applications 84688 & 84689**

Finally, portions of the place of use of these applications (as well as the Point of Diversion for Application 84689) are located in California. These applications are also subject to the provisions of NRS 533.520, in particular those portions whereby the State Engineer, in determining whether or not the use of the water outside the State of Nevada complies with the provisions of NRS 533.324 to 533.450 must consider the following factors:

- (a) The supply of water available in this State
- (b) The current and reasonably anticipated demands for water in this State;
- (c) The current or reasonably anticipated shortages of water in this State;
- (d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated shortages of water in this State;
- (e) The supply and sources of water available to the applicant in the state in which the applicant intends to use the water;
- (f) The demands placed on the applicant's supply of water in the state in which he or she intends to use the water; and
- (g) Whether the request in the application is reasonable, taking into consideration the factors set forth in paragraphs (a) to (f), inclusive.

Applications 84688 and 84689 fail to provide any information to the State Engineer that would allow him to make a determination as to whether or not these applications comply with NRS 533.324 to 533.450 and thus they are deficient and should be rejected as failing to comply with NRS 533.520.

Therefore, based on the foregoing, Buckhorn Land and Livestock, LLC respectfully requests that Applications 84688 and 84689 be denied.

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