

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

IN THE MATTER OF APPLICATION NUMBER 85166
FILED BY Stillwater Farms, Inc.
ON May 12, 20 15



FILED
JUL 16 2015
STATE ENGINEER'S OFFICE

PROTEST

Comes now U.S. Bureau of Reclamation, Mid-Pacific Region, Lahontan Basin Area Office

Printed or typed name of protestant

whose post office address is 705 N. Plaza Street Rm 320, Carson City, NV 89701

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

whose occupation is owner of Newlands Project facilities

and protests the granting

of Application Number 85166

, filed on May 12

, 20 15

by Stillwater Farms, Inc.

for the

waters of Truckee and Carson Rivers

situated in Churchill

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 grounds

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 *Terri Edwards*

Agent or protestant

Terri Edwards, Area Manager, LBAO

Printed or typed name, if agent

Address Bureau of Reclamation, 705 N. Plaza St. Rm 320

Street No. or PO Box

Carson City, NV 89701

City, State and ZIP Code

State of Nevada

County of Carson City

Subscribed and sworn to before me on 7/9/15

(775)884-8353

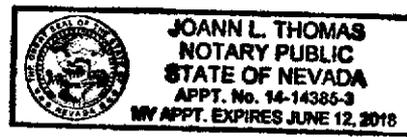
Phone Number

by Joann L Thomas

tedwards@usbr.gov

E-mail

Joann L Thomas
Signature of Notary Public Required



Notary Stamp or Seal Required

STATE ENGINEER'S OFFICE
2015 JUL 16 PM 3:44
RECEIVED

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



United States Department of the Interior

BUREAU OF RECLAMATION

Lahontan Basin Area Office
705 N. Plaza Street, Rm 320
Carson City, NV 89701

IN REPLY REFER TO:

JUL 16 2015

LO-900
WTR-4.10

HAND DELIVER

Mr. Jason King, P.E.
State Engineer
Department of Conservation and Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701

RECEIVED
2015 JUL 16 PM 3:44
STATE ENGINEERS OFFICE

Subject: Protest of Application 85166 – Stillwater Farms, Inc.

Dear Mr. King:

The Bureau of Reclamation has reviewed, and hereby protests Stillwater Farms, Inc.'s application number 85166, filed on May 12, 2015 on the following grounds:

1. The application is for “all the mismatched, tail, flood, and other excess water above prime delivery water that makes its way to the proposed point of diversion”. This implies the application is for water from the S-line Canal within the Newlands Project (Project). All water within the Project is already fully appropriated and is within the control of the Secretary of the Interior for approved Project purposes and is not available for further appropriation under state or federal law.
2. Under current Project operations, there is no water available at the proposed point of diversion. Whether characterized as prime water, operational spill, tail water, flood water, mismatched water, waste water, drain water, other surface water, excess water, or any other term, all water reaching the end of the S-line Canal, where the proposed point of diversion is located, is either delivered to Project irrigators or to Stillwater National Wildlife Refuge for approved Project purposes.
3. This application appears to be a resubmission of Application Nos. 47786 and 79646, both of which attempted to appropriate water at the same proposed point of diversion in the same amount for the same proposed use. State Engineer Ruling #6226 appropriately denied both previous applications on the grounds that no water was available for appropriation. On appeal by Stillwater Farms, Inc. to the United States District Court of Nevada, Ruling #6226 was affirmed (UNITED STATES OF AMERICA v. ALPINE LAND AND RESERVOIR CO., et al., No.

3:73-cv-00211-LDG, IN EQUITY D-183-LDG). Application No. 85166 should be denied on the same grounds.

This letter is part of Reclamation's protest, filed in duplicate, with a check for the \$30 filing fee.

If you have any questions regarding this protest, please contact Ms. Nadira Kabir at 775-884-8375 or e-mail at nkabir@usbr.gov.

Sincerely,



Terri A. Edwards
Area Manager

Enclosures – 2 (Protest Form; check)

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