

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

FILED
JAN 11 2016
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 85730T
FILED BY Nevada Department of Wildlife
ON December 14, 20 15

PROTEST

Comes now Pershing County Water Conservation District of Nevada

Printed or typed name of protestant

whose post office address is PO Box 218, Lovelock, Nevada 89419

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

whose occupation is Irrigation

and protests the granting

of Application Number 85730T

, filed on December 14

, 20 15

by Nevada Department of Wildlife

for the

waters of Stream source

situated in Elko

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. NRS 533.045 states: Right to divert ceases when necessity for use does not exist. Because using Humboldt River water for Ice for railroad cars ceased being done many years ago, that right went away. For Nevada Department of Wildlife to apply for any water, it should be treated as a new application.
2. The right to store water at South Fork closes after August 15th. On November 8, 2015 South Fork storage was 27,810 AC/FT, on January 7, 2016 South Fork Storage was 29,890 AC/FT. That is an increase of 2,080 AC/FT that should have been in the Humboldt River system below South Fork.
3. Pershing County Water Conservation District has always maintained that the State Engineer should not allow water transfer off of the main stream of the Humboldt River upstream tributary of the Humboldt River like is being proposed. (Continued on additional paper)

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

Bennie B Hodges (handwritten signature)

Agent or protestant

Bennie B. Hodges

Printed or typed name, if agent

Address

PO Box 218

Street No. or PO Box

State of Nevada

Lovelock, Nevada 89419

City, State and ZIP Code

County of Pershing

Subscribed and sworn to before me on January 8, 2016

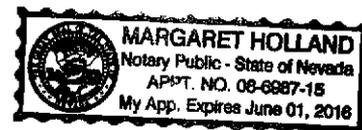
775-273-0115

Phone Number

by Bennie B. Hodges

pcwcd@irrigation.lovelock.nv.us

E-mail



Notary Stamp or Seal Required

Margaret Holland (handwritten signature)
Signature of Notary Public Required

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

4. Pershing County Water Conservation District believes that because the gauge that measures inflow at South Fork is above the confluence of Ten Mile and South Fork, the waters from Ten Mile are not measured that go into South Fork. If this is indeed true, this is a source of unaccounted for water for South Fork.

5. Nevada Department of Wildlife is proposing this temporary transfer in the name of Wildlife. Pershing County Water Conservation District thinks this water should be left in the river as there is no Humboldt River flows below Winnemucca. Wildlife from Winnemucca to Rye Patch would be better served having this water left in the River.

STATE ENGINEERS OFFICE

2016 JAN 11 PM 2:40

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