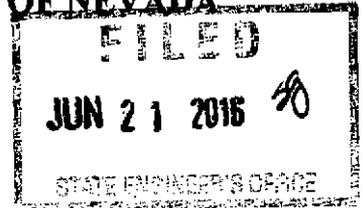


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



IN THE MATTER OF APPLICATION NUMBER 86128
FILED BY THOMAS L. AND BEVERLY J. REICHERT
ON APRIL 21, 2016



PROTEST

Comes now REESE RIVER VALLEY LLC

Printed or typed name of protestant

whose post office address is HC 61 BOX 6214, AUSTIN, NEVADA 89310

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

whose occupation is RANCHING AND FARMING

and protests the granting

of Application Number 86128

, filed on APRIL 21

, 2016

by THOMAS L. AND BEVERLY J. REICHERT

for the

waters of WASHINGTON CREEK

situated in LANDER

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 Exhibit A, attached hereto.

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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 of David G. Hillis Jr.]

Agent or protestant

David G. Hillis Jr., P.E., W.R.S. [Agent]

Printed or typed name, if agent

Address 490 Hot Springs Rd.

Street No. or PO Box

Carson City NV, 89706

City, State and ZIP Code

State of Nevada

County of Carson City

Subscribed and sworn to before me on June 21, 2016

775-885-2101

Phone Number

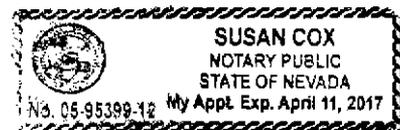
by David G. Hillis, Jr., P.E., W.R.S.

david@turnipseedengineering.com

E-mail

[Handwritten signature of Susan Cox]

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.

Exhibit A

Reese River Valley, LLC protests the granting of Applications 86126, and 86128 for the following reasons.

1. Application 86126 seeks to appropriate 5.04 cfs from Washington Creek. The granting of this application would over appropriate the source. Currently there are at least two vested claims on Washington Creek, V-02709 and V-02710. The total flow currently allocated to these two Vested Claims is 13.755 cfs. Often a flow of 13.755 will exceed the total flow in the Reese River, let alone one of its tributary streams. The application should be denied because there is no water available for appropriation.
2. Application 86126 and 86128 seek to divert water at the Point of Diversion as V-02709. Granting this permit will allow a junior priority water right the ability to divert flow up stream of the Place of Use of V-02709, essentially jumping priority. In addition there are no headworks in place to preserve the senior water right, V-02709. As such applications 86126 and 86128 are detrimental to the public interest.
3. Application 86128 seeks to change vested claim V-02710. This claim is unadjudicated, until such time that a Final Order of Determination is in place for the Washington-Creek system any applications seeking to modify water rights from this source should not be granted.
4. Vested claim V-02710 has a point of diversion and place of use that is downstream of the point of diversion for vested claim V-02709. If there were sufficient flow to satisfy vested claim V-02709, water which reaches the point of diversion for vested claim V-02710 could be considered "tail-water" and is unavailable for appropriation. Prior to the state engineer taking any action on applications 85781, 86126, or 86128 a field investigation should be conducted by the Nevada Division of Water Resources to ascertain the conditions of the system and establish the water available for appropriation.
5. Application 85781 was discussed in Item 4 of this document. This application is currently Ready for Action by the state engineer. It is understood the protest period for this application has passed. It is requested the protest terms above should be reviewed when considering this application.
6. It is requested the State Engineer consider this protest a petition to adjudicate the waters of Washington Creek.

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