

SE	'S EXHIBITS 18
DATE: _____	

Protests by:

Six-N Ranch Inc.; Nevada Farm Bureau Federation; Walker River Irrigation District; Nichol Merritt Ditch Co.; David Sceirine; Campbell Canal Co.; Newhall Mutual Ditch Co.; Joseph Sceirine; Eddie and Theresa Snyder Trust; Snyder Livestock Co.; Jim and Bunny Snyder; LJ Land, Limited; Eufrazia, LLC; G&H Mutual Ditch Co.; Greenwood Mutual Ditch Co.; Spragg-Woodcock Mutual Ditch Co.; Mickey Mutual Ditch Co.; Toni J. Garms; Gary G. Garms; Straggler, LLC; Backtrack, LLC; Jackaroo, LLC; Gary J. Garms; Bale Counter Inc.; GDA Degree, Inc.; Garmsland Limited, LLC; Walker River Paiute Tribe; Damian Ltd; Bill Carlson; Gary M. Berrington; Berrington Custom Hay Hauling & Transportation; Kari Garms; Settelmeyer-Rosse Ranch Mgmt., LLC; High Sierra Garlic; Peter Fenili; Louis Scatena; D&GW Ditch Co.; Tunnel Ditch Co.; Sciarani Ditch; Paul Sciarani; Bureau of Indian Affairs, Western Region; Lyon County

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

PROTEST

Comes now Backtrack LLC., a Nevada LLC

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada LLC that has water rights that will be affected by application#80700.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Garms*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

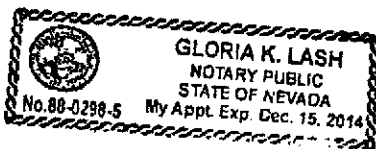
City, State and ZIP Code

775-465-2406

Phone Number

Subscribed and sworn to before me this 15 day of July, 20 11

E-mail



*Gloria K. Lash*  
Notary Public

State of

Nevada

County of

Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Bale Counter Inc., a Nevada Corporation

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada corporation that depends upon irrigated crops as its business.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests, Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

and that an order be entered for such relief as the State Engineer deems just and proper Denied, issued subject to prior rights, etc., as the case may be

Signed

*[Signature]*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

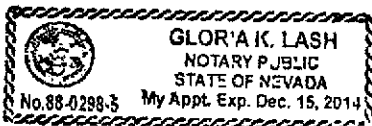
775-465-2406

Phone Number

Subscribed and sworn to before me this 15 day of

E-mail

July, 20 11



State of

Nevada

County of

Carson City

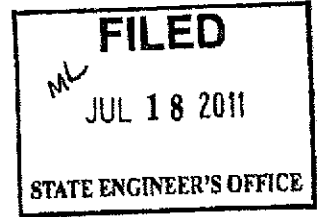
+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST



Comes now Berrington Custom Hay Hauling & Transportation Inc., a Nevada Corporation

Printed or typed name of protestant

whose post office address is 7 Miller Ridge Rd, Wellington, NV 89444

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

whose occupation is Management, Production, Sales & Distribution of crops raised in our area and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada corporation that depends upon irrigated crops as its core business.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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.

RECEIVED  
2011 JUL 18 PM 2:00  
STATE ENGINEER'S OFFICE

Signed

*Toni J. Garnis*

Agent or protestant

Toni J. Garnis

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

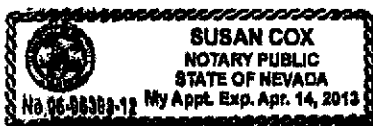
City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 18 day of July, 20 11



*Susan Cox*

Notary Public

State of Nevada

County of Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Bill Carlson

Printed or typed name of protestant

whose post office address is 7123 Franktown Road, Washoe Valley, NV 89704

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

whose occupation is Farming

and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon  
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:

I have been farming for 20 plus years in Smith Valley and I want it protected for my families future. I state the following:

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests, Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Address

PO Box 170

Printed or typed name, if agent

Smith, Nevada 89430

Street No. or PO Box

775-465-2406

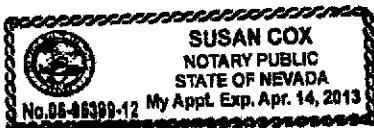
City, State and ZIP Code

Phone Number

E-mail

RECEIVED  
2011 JUL 18 PM 2:00  
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 18 day of July, 20 11



*Susan Cox*  
Notary Public

State of Nevada

County of Carson city

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May 10, 2011



PROTEST


FILED  
ML  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Region  
Printed or typed name of protestant  
whose post office address is 2600 N. Central Avenue, 4th floor, Phoenix, AZ, 85004  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Federal Official and protests the granting  
of Application Number 80700 as corrected, filed on May 10, 2011  
by National Fish and Wildlife Foundation (Walker Basin Restoration Program) for the

waters of the Walker River and its Tributaries situated in Churchill, Lyon, and Mineral  
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 ATTACHMENT "1".

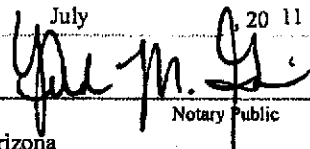
RECEIVED  
2011 JUL 18 AM 9:29  
STATE ENGINEER'S OFFICE

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   
Agent or protestant  
Bryan Bowker, Regional Director  
Printed or typed name, if agent  
Address 2600 N. Central Avenue, 4th floor  
Street No. or PO Box  
Phoenix, AZ 85004  
City, State and ZIP Code  
(602) 379-6600  
Phone Number  
Bryan.Bowker@bia.gov  
E-mail

Subscribed and sworn to before me this 15th day of July, 2011



  
Notary Public  
State of Arizona  
County of Maricopa

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment 1  
Protest of the Bureau of Indian Affairs to Application No. 80700

The Bureau of Indian Affairs (BIA) is the legal owner of land and water rights held in trust on behalf of the Walker River Paiute Tribe and individual Indians decreed by the Federal Walker River Decree (Reservation Water Rights). BIA is also the owner and operator of the Walker River Indian Irrigation Project which delivers the Reservation Water Rights to lands on the Walker River Indian Reservation. The Reservation Water Rights have the most senior priority date in the Walker River Decree (November 29, 1859). The BIA diverts and delivers the Reservation Water Rights downstream of the proposed point of diversion and proposed place of use in the Application.

The BIA protests the change of use described in Application No. 80700 for the following reasons:

1 - The Application does not comply with NRS 533.345, which requires every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated to contain such information as may be necessary to a full understanding of the proposed change. The Application does not include: (a) any technical information regarding the administration of the proposed change of use; or (b) a description of how the administration of the water rights at the existing point of diversion and place of use would be different than the administration of the water rights at the proposed point of diversion and place of use.

2 - The Application does not comply with NRS 533.345, which requires every application for a permit to change the place and diversion, manner of use or place of use of water already appropriated to contain such information as may be necessary for a full understanding of the proposed change. The Application lacks any precise identification or location of the groundwater wells referenced in the Application; therefore, it is not possible to verify whether or how the groundwater rights associated with the wells will be withdrawn.

3 - The proposed use of water under the Application may conflict with the Reservation Water Rights. The Application bundles in one package seven different irrigation water rights (with thirteen different priority years), all of which are junior to the Reservation Water Rights. The Applicant proposes to convey the bundled water through the Reservation to Walker Lake potentially in conflict with the Reservation Water Rights. The Application refers to a conveyance agreement with the Tribe and BIA; no such agreement currently exists although the BIA anticipates working cooperatively with the Applicant on such an agreement.

4 - The United States reserves the right to identify additional grounds for its protest and objections to this Application based on the State Engineer's review of this Application and any additional information and issues that may arise during pre-hearing investigations or otherwise, and to incorporate the objections filed by any other party filing a protest to this Application.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY NATIONAL FISH and WILDLIFE FOUNDATION  
ON March 24, 20 11



PROTEST

FILED  
ML  
JUL 14 2011  
STATE ENGINEER'S OFFICE

Comes now Campbell Canal Company  
Printed or typed name of protestant  
whose post office address is c/o Rife and Associates, 22 Hwy 208, Yerington, NV 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is water delivery and protests the granting  
of Application Number 80700, filed on March 24, 20 11  
by National Fish and Wildlife Foundation for the

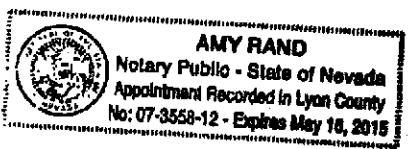
waters of Walker River and its tributaries situated in Lyon  
an underground source or name of stream, lake, spring or other source  
County, State of Nevada, for the following reasons and on the following grounds, to wit:  
The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest and appropriate studies should be undertaken before acting on the application.

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 David Sceirine PRES.  
Agent or protestant  
Campbell Canal Company, David Sceirine its President  
Printed or typed name, if agent  
Address c/o Rife and Associates, 22 Hwy 208, Yerington, NV. 89447  
Street No. or PO Box  
Yerington, NV. 89447  
City, State and ZIP Code  
1-775-560-1101  
Phone Number

Subscribed and sworn to before me this 13 day of July, 20 11



Amy Rand  
Notary Public  
State of Nevada  
County of Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.



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

IN THE MATTER OF APPLICATION NUMBER EC0700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11

**FILED**  
ML  
JUL 18 2011  
STATE ENGINEER'S OFFICE

PROTEST

Comes now D+GW Ditch Company  
Printed or typed name of protestant  
whose post office address is 1275 Hwy 208, Yerington, NV 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Ranching / Farming and protests the grant  
of Application Number EC0700, filed on March 24, 2011  
by National Fish and Wildlife Foundation for the  
waters of Walker River and its tributaries situated in Lyon  
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:

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.

RECEIVED  
2011 JUL 18 PM 1:53  
STATE ENGINEERS OFFICE

Signed Louis Scatena  
Agent or protestant  
Louis Scatena, its Secretary  
Printed or typed name, if agent  
Address 1275 Hwy 208  
Street No. or PO Box  
YERINGTON, NV 89447  
City, State and ZIP Code  
Phone Number

Subscribed and sworn to before me this 18th day of July, 20 11



[Signature]  
Notary Public  
State of Nevada  
County of Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now DAMIAN LTD., a California corporation

Printed or typed name of protestant

whose post office address is P O Box 778, Hayward, CA 94543

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

whose occupation is in the AGRICULTURAL FIELD

and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon  
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:

Our corporation has held investments in water righted lands in the Walker River Basin for more than 40 years. We want them protected from being damaged by this application.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

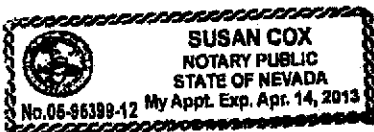
775-465-2406

Phone Number

E-mail

, 20 11

Subscribed and sworn to before me this 18 day of July



*Susan Cox*  
Notary Public

State of Nevada

County of Carson City

STATE ENGINEER'S OFFICE  
2011 JUL 18 PM 2:08  
RECEIVED

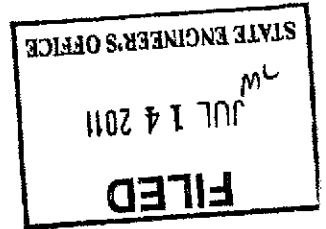
+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY NATIONAL FISH and WILDLIFE FOUNDATION  
ON March 24, 20 11



PROTEST



Comes now David Sceirine  
Printed or typed name of protestant  
whose post office address is P.O. Box 239, Yerington, NV 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Rancher / Farmer and protests the granting  
of Application Number 80700, filed on March 24, 20 11  
by National Fish and Wildlife Foundation for the  
waters of Walker River and its tributaries situated in Lyon  
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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest and appropriate studies should be undertaken before acting on the application.

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

*David Sceirine*

Agent or protestant

David Sceirine

Printed or typed name, if agent

Address

P.O. Box 239

Street No. or PO Box

Yerington, NV. 89447

City, State and ZIP Code

1-775-560-1101

Phone Number

E-mail

Subscribed and sworn to before me this

12

day of

*July*

, 20 11



*Amy Rand*

Notary Public

State of Nevada

County of Lyon

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

PROTEST

Comes now Eddie R. and Theresa Snyder Trust

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Farming

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and dilivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users. Eddie R. and Theresa A. Snyder Trust receives its water through the Mickey Mutual Ditch Company.

Appropriate studies should be undertaken before acting on the application.

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

*Eddie R. Snyder*

Agent or protestant

Eddie R. Snyder, Trustee

Printed or typed name, if agent

Address

PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

RECEIVED  
2011 JUL 15 PM 2:25  
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this

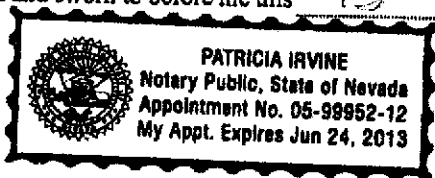
15th

day of

July

E-mail

, 20 11



State of

Nevada

County of

Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
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IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Eufrazia, LLC

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Farming

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users. Eufrazia, LLC receives its water through the Greenwood Mutual Ditch Company which receives its water through the G & H Mutual Ditch Company.

Appropriate studies should be undertaken before acting on the application.

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 Lucy A. Rechel  
Agent or protestant

Eufrazia, LLC, Lucy A. Rechel its Managing Member

Printed or typed name, if agent

Address PO Box 550  
Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

RECEIVED  
2011 JUL 15 PM 2:26  
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 20 11



Notary Public

State of Nevada

County of Lyon

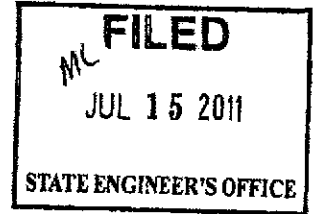
+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
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IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST



Comes now G & H Mutual Ditch Company

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Water Delivery

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users.

Appropriate studies should be undertaken before acting on the application.

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

*Joseph Sceirine*

Agent or protestant

G & H Mutual Ditch Company, Joseph Sceirine its President

Printed or typed name, if agent

Address PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

STATE ENGINEERS OFFICE  
2011 JUL 15 PM 2:24  
RECEIVED

Subscribed and sworn to before me this 15th day of July, 20 11



*Patricia Irvine*  
Notary Public

State of Nevada

County of Lyon

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Garmsland Limited LLC., a Nevada LLC

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada LLC that has water rights that will be affected by application#80700.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Garms*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

775-465-2406

Phone Number

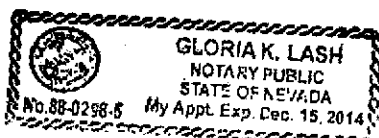
E-mail

Subscribed and sworn to before me this 15 day of July, 20 11

*Gloria K. Lash*  
Notary Public

State of Nevada

County of Carson City



+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now GARY G. GARMS

Printed or typed name of protestant

whose post office address is P O Box 173, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

I am a 4th generation Nevadan, 26 years old, who is attempting to keep agriculture as my profession. I state the following:

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

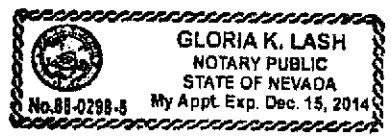
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Gary G. Garms  
Agent or protestant  
Gary G. Garms  
Printed or typed name, if agent

Address PO Box 173  
Street No. or PO Box  
Smith, Nevada 89430  
City, State and ZIP Code  
775-233-2282  
Phone Number

Subscribed and sworn to before me this 15 day of July, 2011  
E-mail  
Gloria K. Lash  
Notary Public



State of Nevada  
County of Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.



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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now GARY J. GARMS

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

I have been farming for 50 years in this area and want it protected for my families future. I state the following:

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Garms*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 15 day of July, 20 11

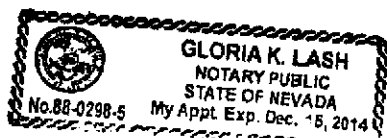
*Gloria K. Lash*  
Notary Public

State of

Nevada

County of

Carson City



† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



FILED  
ML  
PROTEST JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Gary M. Berrington

Printed or typed name of protestant

whose post office address is 7 Miller Ridge Rd, Wellington, NV 89444

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

whose occupation is dependent upon AGRICULTURE

and protests the granting

of Application Number 80700

, filed on May, 10

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Walker River Basin, Lyon

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:

I have depended on the farming activity in this area for 40 plus years and I want it protected for my families future.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

775-465-2406

Phone Number

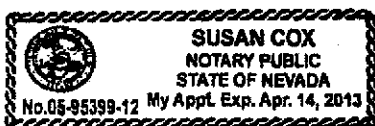
E-mail

, 20 11

STATE ENGINEERS OFFICE  
RECEIVED  
2011 JUL 18 PM 2:00

Subscribed and sworn to before me this 18

day of July



*Susan Cox*  
Notary Public

State of Carson City Nevada

County of Nevada Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now GDA Degree Inc., a Nevada Corporation

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada corporation that depends upon managing companies that hold water rights and raise crops in this area.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Gasmis*  
Agent or protestant

Gary J. Gasmis

Agent or protestant

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

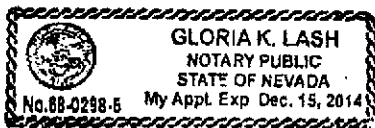
775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 15 day of July, 20 11

*Judith*  
*Gloria K. Lash*  
Notary Public



State of Nevada

County of Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11

FILED ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

PROTEST

Comes now Greenwood Mutual Ditch Company

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Water Delivery

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon  
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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and dilivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users. The Greenwood Mutual Ditch Company receives water through the G & H Mutual Ditch Company.

Appropriate studies should be undertaken before acting on the application.

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 Joseph Sceirine  
Agent or protestant  
Greenwood Mutual Ditch Company, Joseph Sceirine its President

Address PO Box 550  
Street No. or PO Box  
Yerington, Nevada 89447  
City, State and ZIP Code  
Phone Number

RECEIVED  
2011 JUL 15 PM 2:24  
STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 15th day of July, 20 11

PATRICIA IRVINE  
Notary Public, State of Nevada  
Appointment No. 05-99952-12  
My Appt. Expires Jun 24, 2013

Notary Public  
State of Nevada  
County of Lyon

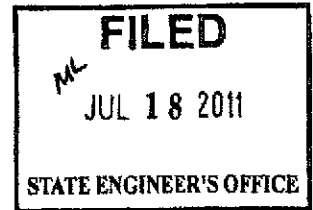
† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST



Comes now High Sierra Garlic, a Nevada Business, Mr. Jerry Rosse

Printed or typed name of protestant

whose post office address is P O Box 106, Wellington, NV 89444

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

whose occupation is Farming, Row crops and speciality crops

and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada business that solely depends upon irrigated crops as its business.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*

Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

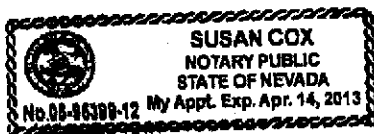
City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 18 day of July, 20 11



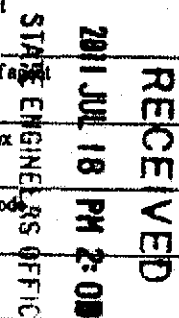
*Susan Cox*  
Notary Public

State of

Nevada

County of

Calson City



+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Jackaroo LLC., a Nevada LLC

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada LLC that has water rights that will be affected by application #80700.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Garms*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 15 day of July, 20 11

*Dorinda L. Gash*  
Notary Public

State of Nevada

County of Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Jim and Bunny J. Snyder

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Farming

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and dilivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users. Jim and Bunny J. Snyder receive water through the Mickey Mutual Ditch Company.

Appropriate studies should be undertaken before acting on the application.

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

*Jim Snyder*  
Agent or protestant

Jim Snyder

Printed or typed name, if agent

Address

PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

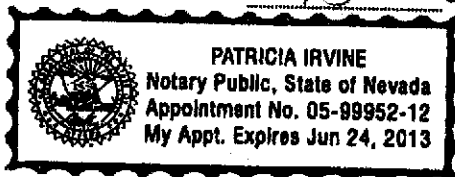
Subscribed and sworn to before me this

15th

day of

*July*

, 20



State of

*Nevada*

County of

*Lyon*

STATE ENGINEER'S OFFICE

2011 JUL 15 PM 2:22

RECEIVED

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY NATIONAL FISH and WILDLIFE FOUNDATION  
ON March 24, 20 11



PROTEST

**FILED**  
M  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Joseph Sceirine

Printed or typed name of protestant

whose post office address is P.O. Box 1013, Yerington, NV 89447

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

whose occupation is Rancher / Farmer

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its tributaries

situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest and appropriate studies should be undertaken before acting on the application.

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 Joseph Sceirine  
Agent or protestant  
Joseph Sceirine  
Printed or typed name, if agent  
Address P.O. Box 1013  
Street No. or PO Box  
Yerington, NV. 89447  
City, State and ZIP Code  
1-775-463-3024  
Phone Number

RECEIVED  
2011 JUL 15 PM 2:26  
STATE ENGINEER'S OFFICE

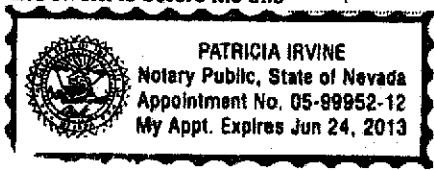
Subscribed and sworn to before me this

18th

day of

July, 20 11

E-mail

  
PATRICIA IRVINE  
Notary Public, State of Nevada  
Appointment No. 05-99952-12  
My Appt. Expires Jun 24, 2013

State of

Nevada

County of

Lyon

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.



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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

ML FILED  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Kari D. GARMS

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE

and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

I'm a 4th generation Nevadan, a 24 years old woman, who wants my area and agriculture kept viable. I state the following:

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. - Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

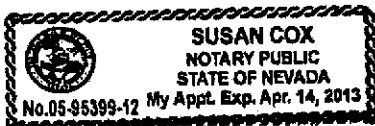
775-233-2282

Phone Number

E-mail

RECEIVED  
2011 JUL 18 PM 2:00  
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 18 day of July, 20 11



*Susan Cox*  
Notary Public

State of Nevada

County of Carson city

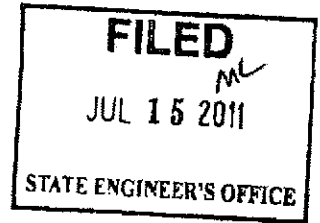
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ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST



Comes now LJ Land, Limited

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Farming

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users. LJ Land, Limited receives its water through the Greenwood Mutual Ditch Company, the Campbell Ditch Company, and the Newhall Ditch Company.

Appropriate studies should be undertaken before acting on the application.

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

*Lucy A. Rechel*

Agent or protestant

LJ Land, Limited, Lucy A. Rechel its Managing

Printed or typed name, if agent

Address

PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

day of

*July*, 20 11

Subscribed and sworn to before me this

*15th*



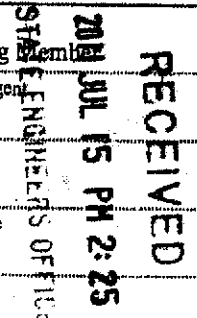
Notary Public

State of

*Nevada*

County of

*Lyon*



+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11

PROTEST

**FILED**  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Louis Scatena

Printed or typed name of protestant

whose post office address is 1275 Hwy 208, Yerington, NV 89447

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

whose occupation is Ranching / Farming and protests the grant

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for t

waters of Walker River and its tributaries situated in Lyon  
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:

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.

RECEIVED  
2011 JUL 18 PM 2:18  
STATE ENGINEERS OFFICE

Signed Louis Scatena

Agent or protestant

Louis Scatena

Printed or typed name, if agent

Address

1275 Hwy 208  
Yerington, NV 89447

Street No. or PO Box

City, State and ZIP Code

Phone Number

Subscribed and sworn to before me this

18<sup>th</sup>

day of

July

E-mail

, 20 11



State of

Notary Public

Nevada

County of

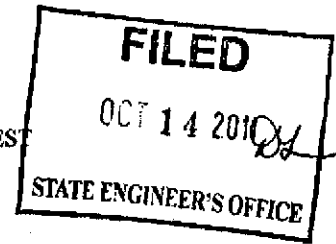
Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY NATIONAL FISH AND WILDLIFE FOUNDATION  
ON March 24, 20 11

PROTEST



Comes now Lyon County

Printed or typed name of protestant

whose post office address is 27 South Main Street, Yerington, Nevada 89447

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

whose occupation is public subdivision of the State of Nevada

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its tributaries

situated in Lyon

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:

As set forth in Exhibit "A", attached hereto and by reference incorporated herein.

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

*Joe Mortensen*

Agent or protestant

Joe Mortensen, Chairman

Printed or typed name, if agent

Address

27 S. Main Street

Street No. or PO Box

Yerington, NV 89447

City, State and ZIP Code

775-463-6531

Phone Number

E-mail

Subscribed and sworn to before me this

5<sup>th</sup>

day of

October

, 20 11



*Maureen Willis*

Notary Public

State of Nevada

County of Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

## **EXHIBIT "A" TO PROTEST OF LYON COUNTY TO APPLICATION 80700**

### **I. BACKGROUND.**

#### **A. Application No. 80700**

Application No. 80700 was filed on March 24, 2011 and was returned to Applicant for correction on April 11, 2011. A corrected Application was filed on May 10, 2011. Application 80700 (the "Application") seeks to change the place of use and manner of use of a portion of certain water rights adjudicated by the United States District Court for the District of Nevada in the certain action entitled "The United State of America, Plaintiff v. Walker River Irrigation District, et al., Defendants, In Equity Docket No. C-125" (the "Walker River Action") pursuant to a final decree entered April 14, 1936, as amended April 24, 1940 (the "Walker River Decree"). The Application provides that the water will be administered for no-diversion at the Weir Diversion Structure which serves the West Hyland Ditch, Joggles Ditch, Dairy Ditch, SAB Ditch and Sciarani Ditch. The water rights proposed to be changed are presently diverted at the Weir Diversion Structure in to the West Hyland Ditch.

The Application seeks to change the manner of use of the water rights from their decreed use for irrigation to use for wildlife purposes. The Application seeks to change the place of us of the water rights from 646.126 acres of irrigated land located within the boundaries of the Walker River Irrigation District (hereinafter referred to as "WRID" and the "District") to the Walker River from the Weir Diversion Structure into and including Walker Lake.

The Application involves water rights with 13 different priority dates ranging from as early as 1874 to as late as 1906. The largest water right is appurtenant to 145.83

acres and has a priority date of 1880, and the smallest water right is appurtenant to 4.0 acres and has a priority date of 1904. The Application seeks to change the full flow rate allowed for each water right at the point of diversion from the Walker River by the Walker River Decree.

The Application provides that the period of use will be "as decreed." The Application proposes that water approved for change be conveyed from the Wabuska Gage to Walker Lake pursuant to an agreement to be negotiated with the Walker River Paiute Tribe and the Bureau of Indian Affairs.

Finally, the Application states that "Applicant will withdraw 146.16 acres of associated supplemental groundwater rights in the existing places of use as a condition of exercise following approval by the State Engineer and the U.S. District Court." The specific associated supplemental groundwater rights are not identified in the Application. However, they appear to include all or portions of Nevada Permit Nos. 58752, 58753, 58755 through 58759, 65262 through 65265, 68003, 68399, 68401 and 71533, and any other permits for supplemental groundwater rights associated with the lands to which the surface water rights being changed are appurtenant.

#### **B. WRID and Its Water Rights**

The District was formed on April 14, 1919, pursuant to Nevada's Irrigation District Act, which was enacted that year. There are approximately 246,000 acres of land within the District boundaries. All of these lands are in Lyon County, Nevada. Of the approximately 80,041 water right acres in the District along the East Walker River and in Smith and Mason Valleys in Nevada, the Walker River Decree provides for direct diversion rights from the natural flow of the West, East and Main Walker River for

approximately 45,420 acres. Those direct diversion rights were appropriated by and are owned by individual farmers. They were established under Nevada law.

The Walker River Decree recognizes the right so the District to store water from the East Walker River in Bridgeport Reservoir in California for distribution to and use upon land within the District. The Decree provides that the District:

is hereby adjudged to be the owner of the flow and use of the flood water of East Walker River and its tributaries for storage in the Bridgeport Reservoir situated on the East Walker River, to the amount of forty-two thousand acre feet, such water to be diverted from said river and stored in said reservoir from the first of November to the first of March of each season irrespective of the rights and priorities hereby adjudged and also the right to divert and store at any time an excess of forty-two thousand acre feet up to fifty-seven thousand acre feet when there is in the river a quantity of water in excess of the total amount adjudicated to the parties hereto to the extent of such excess, but water shall not be stored in said reservoir so as to deprive the parties hereto including the plaintiff the assigns of stock water or water for domestic purposes.

The Walker River Decree provides that the District is also adjudged to be the owner and entitled to the uses of the flood and unappropriated waters of the East Walker River and its tributaries under an application for permit to the State Water Commission of California as follows:

Fifteen thousand acres feet per annum of the flood and unappropriated waters of East Walker River for storage in Bridgeport Reservoir, or so much thereof as can be beneficially used, being the excess over the present capacity of said reservoir and the amount allowed under permit No. 2536 of said Commission approved June 18, 1926.

Permit No. 2536 is now California Water Right License No. 9407 which allows the storage of 39,700 acre feet of water in Bridgeport Reservoir from September 1 of each year to about July 20 of the succeeding year with a priority date of August 18, 1919.

In addition, the Walker River Decree recognizes the right of the District to divert water from the West Walker River in California into Topaz Reservoir, located partly in

California and partly in Nevada, for distribution and use upon lands within the District.

The Decree provides that the District:

is hereby adjudged to be the owner of the flow and use of flood water of West Walker River and its tributaries for storage in Topaz Lake Reservoir situated near West Walker River, to the amount of fifty thousand acre feet, such water to be diverted and stored in said reservoir from the first of November to the first of March of each season irrespective of the rights and priorities hereby adjudged and also the right to divert and store at any time an excess of fifty thousand acre feet up to eighty-five thousand acre feet when there is in the river a quantity of water in excess of the total amount adjudicated to the parties hereto to the extent of such excess, but water shall not be stored in said reservoir so as to deprive the parties hereto including the plaintiff and its assigns of stock water or water for domestic purposes.

The Walker River Decree provides that the District is also adjudged to be:

the owner and entitled to the use of the flood and unappropriated waters of West Walker River and its tributaries under applications for permits for the use of water made to the State Water Commission of the State of California, as follows:

Thirty-five thousand acre feet per annum of the flood and unappropriated water of West Walker River and its tributaries for storage in Topaz Lake Reservoir, or so much thereof as can be beneficially used, being the excess over the present capacity of said reservoir and the amount allowed under permit No. 2537 of said Commission approved June 18, 1926.

Two hundred acre feet per annum of the waters of the unnamed stream flowing into Topaz Lake Reservoir, formerly Alkali Lake, for storage in said reservoir, or so much thereof as can be beneficially used, under permit No. 2538 of said Commission approved June 18, 1926.

Permit No. 2537 is now California Water Right License No. 6000 which allows for the storage of 57, 580 acre feet of water in Topaz Lake Reservoir from about October 1 of each year to about July 15 of the succeeding year with a priority date of February 21, 1921. Permit No. 2538 is now California Water Rights License No. 3987 which allows for the storage from an unnamed stream of 200 acre feet of water in Topaz Lake Reservoir from January 1 to December 31 of each year with a priority date of October 28, 1921. The District is also the owner of Nevada Certificate of Appropriation No. 4972



which allows for the storage from an unnamed stream of 1,500 acre feet of water in Topaz Lake Reservoir from April 1, to October 31 of each year with a priority date of November 3, 1921.

The District also holds rights to additional water from the West Walker River, East, Walker River and Main Walker River pursuant to permits and certificates issued by the Nevada State Engineer. In addition, the District holds rights to underground water pursuant to a permit and certificate issued by the Nevada State Engineer.

Because of their relatively small storage capacity, Bridgeport and Topaz Lake Reservoirs are not large enough to store all of the water of the Walker River. Thus, lands within the boundaries of the District do not have a single priority common water right as do lands within other irrigation districts. Lands within the boundaries of the District retained their appurtenant water rights for the direct diversion of water from the natural flow of the Walker River as recognized by the Walker River Decree. In addition, because of those facts, all but two of the ditches within the District are owned, operated and maintained by private ditch companies or tenant-in-common ditches through private assessments.

**C. Economic and Environmental Benefits Within WRID.**

The lands within the District are the principal agricultural area in Lyon County, and are the most productive agricultural area in Nevada. While containing only 2.01 percent of its total land in farms, "Lyon County's...irrigated farmland [of which approximately 80,000 acres are within the District] accounts for approximately 12 percent of all irrigated farmland in the State. More importantly, Lyon County's 12 percent share of irrigated farmland produces a disproportionate 18.3 percent of the

state's farm marketings, attesting to the high agricultural productivity of this region and its inherent suitability for agricultural pursuits." Horton, Gary A., Nevada Division of Water Resources, *Walker River Chronology*,

<http://water/nv.gov/mapping/chronologies/walker/part1/cfm>.

Lyon County has enjoyed extensive and pervasive benefits from this agricultural industry since the mid-1800's. *Id.* Farm marketings from the sale of Lyon County's agriculture provide revenues of approximately \$40-60 million per year, "making it the most important agricultural-producing county in the State of Nevada," *Id.* "Furthermore, due to the typical export nature of many of these sales...a significant portion of the revenues from Lyon County's farm marketings provide a healthy infusion of new capital and local spending for the County's economy." *Id.* Also, studies undertaken by the Nevada Division of Water Planning have shown that such agricultural economies are relatively insulated from external economic influences, "thereby attesting to the profound and pervasive stabilizing influences afforded by a county's farming sector." *Id.*

The economic benefits of agriculture to Lyon County are apparent even if only the major sectors of crop and animal sales since 1997 are considered (leaving aside dairy sales, etc.). The total market value of farm products sales in Lyon County in 2007 (the 2007 Census of Agriculture is the most recent United States Department of Agriculture national census from which data is available because the National Census of Agriculture is conducted every five years, and 2012 is the next census year) exceeded \$62,000,000 in total crop sales and \$28,950,000 in total animal sales. In 2002, in Lyon County, the market value of crop sales was approximately \$36,000,000 and of animal sales was about \$37,000,000. In 1997, crop sales in Lyon County were

about \$29,000,000 and animal sales were approximately \$24,000,000.

A significant percentage of all of the white onions produced in the United States are grown on lands within the District. Moreover, important new crops, lettuce and broccoli, are now being successfully grown within the District.

Although recently agriculture in this and other areas of Nevada has come under criticism for its seemingly disproportionate use of water, what is less well known and recognized is that in addition to the economic contributions detailed above, waters diverted for agriculture within the District, in Smith and Mason Valleys, "have, in fact, made important contributions towards habitat creation and preservation in those areas." *Walker River Chronology*, <http://water.nv.gov/mapping/chronologies/walker/oart1.cfm>.

The irrigated lands within the District provide extensive habitat and food for eagles, geese, ducks, quail, wild turkeys, deer, and many other birds and animals. The District's reservoirs are prime recreation areas in Mono County, California and Douglas County, Nevada. Bridgeport Reservoir produces the food chain which makes the East Walker River in California and Nevada a world class German brown trout fishery. The District is home to the Nevada Department of Wildlife's ("NDOW") Mason Valley Fish Hatchery and Wildlife Area. NDOW is the single largest water right holder in the District. The Mason Valley Fish Hatchery produces cutthroat, rainbow, cuttbow and brown trout for planting in streams, rivers and lakes throughout Nevada.

**D. Administration of Surface Water Rights on the Walker River System.**

Because the Walker River is an interstate stream, the right to use water from it necessarily involves Nevada and California law. In addition, because it flows

into the Walker River Indian Reservation, the use of water from it also involves federal law.

The Court in the Walker River Action retained jurisdiction for regulatory purposes and for the purposes of appointing a water master to apportion and distribute "the waters of the Walker River, its forks and tributaries in the State of Nevada and in the State of California, including water for storage and stored water, in accordance with the provisions of [the] decree." On May 12, 1937, the Court in the Walker River Action, entered an order appointing five persons to perform that function. Two of the persons were from Yerington, one was from Smith, one was from Antelope Valley, and one was from Bridgeport. On June 27, 1940, the Court entered an order adding a representative of the Walker River Indian Reservation to the "Board of Water Commissioners." The orders establishing the Board of Water Commissioners gave that Board the authority to appoint an assistant, Chief Deputy Water Commissioner, who has the day-to-day responsibility of apportioning and distributing the waters of the Walker River, its forks and tributaries in the State of Nevada and in the State of California, including water for storage and stored water, in accordance with the provisions of the Walker River Decree.

The Board of Water Commissioners, with approval of the Court, may make such rules as may be necessary and proper for the enforcement of the Walker River Decree and for carrying out its purposes. In 1953, the Court entered an order approving detailed "Rules and Regulations for Distribution of Water on the Walker River System."

The United States District Court for the District of Nevada, through the United

States Board of Water Commissioners, has administered the Walker River in Nevada and California for the last 74 years and continues to do so today.

The Walker River Decree provides that "parties shall be entitled to change the manner, means, place or purpose of use or the point of diversion of [waters of the Walker River] or any thereof in the manner provided by law, so far as they may do so without injury to the rights of other parties hereto, as the same are fixed hereby." The Decree also provides that the Court retains jurisdiction for regulatory purposes regarding the point of diversion, manner of use and place of use of waters of the Walker River and its tributaries and that the Court may make such regulations as to notice and form or substance of any application for change, or modification of this Decree, or for change of place or manner of use as it may deem necessary. After numerous hearings and over a period of several years the Court adopted "Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Water of the Walker River and Its Tributaries and Regarding Compliance With California Fish and Code Section 5937 and Other Provisions of California Law" (the 'Administrative Rules and Regulations'). The Application is subject to the Administrative Rules and Regulations.

## **II. PROTEST.**

In general, the protest grounds are as follows:

1. The changes proposed by the Application conflict with existing water rights.
2. The changes proposed by the Application will adversely affect the cost of water for other holders of water rights within the District.

3. The changes proposed by the Application will lessen the efficiency of the District in the delivery or use of water.

4. Before acting on the Application, the State Engineer should exercise his discretion to require hydrological, environmental and other studies pursuant to N.R.S. 533.368.

5. The Application does not contain sufficient information necessary for a full understanding of the changes proposed.

6. The State Engineer should consider postponing action on the Application until pending court actions become final.

7. The changes proposed by the Application threaten to prove detrimental to the public interest.

**A. Conflict With Existing Rights**

Based upon information presently available, the changes proposed by the Application conflict with existing rights in that the Application seeks to change the full flow rate allowed at the point of diversion from the Walker River by the Walker River Decree. In order to avoid conflict with existing rights, the amount of water allowed to be changed must be limited to that portion of each water right which is the consumptive use of applied water for its existing decreed irrigation use (the "Consumptive Use Portion"), and the flow rate allowed to be diverted from the river must be allocated between the Consumptive Use Portion and the Non-Consumptive Use Portion. In addition, because the Walker River Decree does not expressly provide for ditch transportation losses from the point of diversion at the river to farm headgates, consideration must be given to allocating the Non-Consumptive Use Portion between ditch transportation losses and return flow. Further, in order to avoid conflict with

existing rights, there must be sufficient water at the point of non- diversion to simultaneously satisfy the Consumptive Use Portion and the Non-Consumptive Use Portion of each water right. These allocations of the flow rate allowed to be diverted from the river must be separately made for each of the 13 different priority dates of water rights which are the subject of the Application. In addition, in order to avoid conflict with existing rights, each changed water right must be exercised pursuant to an irrigation schedule.

The changes proposed by the Application may conflict with existing rights in ways that are not yet known to the County, but which may arise or become known to the County between the date of filing the Protest and any hearing, and the County reserves the right to present evidence thereon at such hearing even though not expressly stated herein.

**B. Adverse Effect on the Cost of Water for Other Holders of Water Rights Within the District.**

Pursuant to the provisions of N.R.S. 539.513(6)(b), the District and Applicant have entered into a Water Rights Assessment Agreement pursuant to which Applicant has agreed to pay the District assessments as they relate to the water rights which are the subject of the Application. Applicant's obligations under the Water Rights Assessment Agreement are secured by a deed of trust encumbering the water rights.

However, in order to avoid the changes proposed by the Application from adversely affecting the cost of water for other holders of water rights in the District, assessments needed to keep ditch companies and tenant-in-common ditches whole and assessments levied by the United States Board of Water Commissioners must continue to be paid. The changes proposed by the Application may adversely affect

the cost of water for other holders of water rights in the County in ways that are not yet known to the County, but which may arise or become known to the County between the date of filing this Protest and any hearing, and the County reserves the right to present evidence thereon at any hearing on the Application even though not expressly stated herein.

**C. Lessen the Efficiency of the District in the Delivery or Use of Water.**

Nevada law, N.R.S. 533.075, the Walker River Decree and the Rules and Regulations of the District allow for and encourage holders of water rights under the Decree to rotate the use of water, or to combine or exchange the use thereof, provided it may be done without injury to the rights of other parties. Such rotation, combination or exchange improves the efficiency of the delivery and use of water. The changes proposed by the Application will remove water rights from the rotation combination or exchange process, and potentially lessen the efficiency in the delivery and use of water within the District.

As is discussed below, this Application is the first of many to follow pursuant to a program established by a number of public laws, and cannot be considered in isolation. Rather, the cumulative impacts of the program and subsequent change applications must be considered. Approval of this and similar change applications reduces efficiencies for other water users in the District by decreasing the number of users on a ditch thereby decreasing efficiencies for remaining users. The effect of approval of this change application and the cumulative effect of approval of a cascade of additional similar applications sure to be made if the present change application is approved, may render entire ditches untenable by so reducing the number of users upon them that it



becomes impracticable to convey water through a ditch to the user or users who continue to irrigate.

The changes proposed by the Application may lessen the efficiency of the District in the delivery or use of water in ways not yet known to the County, but which may arise or become known to the County between the date of filing this Protest and the hearing, and the County reserves the right to present evidence thereon at any hearing on the Application even though not expressly stated herein.

**D. Hydrological, Environmental and Other Studies.**

Through a series of public laws, the United States has appropriated funds for restoring and maintaining Walker Lake. Those laws include: (i) Section 2507, Farm and Security Rural Investment Act of 2002, P.L. 107-171 ("Desert Terminal Lake I"), which transferred \$200,000,000 from the Secretary of Agriculture to the Bureau of Reclamation to be used "to provide water to at-risk natural desert terminal lakes"; (ii) Section 207 of P.L. 108-7 ("Desert Terminal Lakes II"), which identified the natural desert terminal lakes eligible for benefits from the funding from Desert Terminal Lakes I as Pyramid, Summit and Walker Lakes in Nevada, and authorized the Bureau of Reclamation to provide financial assistance to various governmental and other organizations to carry out the purposes of Desert Terminal Lakes I; (iii) Section 208 of the Energy and Water Development Appropriations Act of 2006, P.L. 109-103 ("Desert Terminal Lakes III"), which authorized the Secretary of the Interior to provide up to \$70,000,000 of the desert terminal lakes funding to the University of Nevada (Nevada System of Higher Education (the "NSHE")) to do various things, including acquire "from willing sellers land, water appurtenant to land, and related

interests in the Walker River Basin, Nevada" for, among other things, "environmental restoration in the Walker River Basin"; (iv) Section 2807 of P.L. 110-246 ("Desert Terminal Lakes IV"), which "replenished" the \$200,000,000 by transferring \$175,000,000 from the Secretary of Agriculture to the Bureau of Reclamation in 2008 to be used to lease water, or purchase land, water appurtenant to land and related interests in accordance with Section 208(a)(1)(A) of Desert Terminal Lakes III; and (v) Sections 206 through 208 of P.L. 111 851 ("Desert Terminal Lakes V"), which authorized the Bureau of Reclamation to provide \$66,200,000 to Applicant for various purposes related to Walker Lake, and authorized Applicant to replace the NSHE in connection with its activities under Desert Terminal Lakes III.

This Application is only the first of several applications which will follow. Applicant has already acquired additional water rights both at the Weir Diversion Structure and upstream which it will ultimately seek to change with similar applications. In addition, Applicant will in the future acquire additional water rights within the District for the same purposes and which will require similar changes. Applicant's website, concerning the Walker River Basin Restoration Program, indicates at present it owns water rights under the Walker River Decree which allow for the diversion of 28 cubic feet per second from the Walker River (including the rights involved in this Application). The website states that Applicant is exploring new acquisition agreements with "some of the dozens of potential new sellers who have expressed interest in the Program since early 2010." Moreover, in April of 2011, the Bureau of Reclamation committed an additional \$88,000,000 of Desert Terminal Lake Funds to Applicant.

In September of 2007, the Bureau of Reclamation ("Reclamation") published notice of intent to prepare an environmental impact statement ("EIS ") and notice of public scoping meetings in the Federal Register. The public scoping meetings were held, and a Draft EIS ("DEIS") was made available for public comments in July of 2009. In that DEIS, Reclamation stated that it had determined that NEPA compliance was not required because Reclamation had determined that it had no discretion for implementation or control over expenditures of the funds by the recipient Reclamation relied upon a November, 2008 change in its regulations for that conclusion. Reclamation did not issue a Final EIS ("FEIS"), and did not issue a Record of Decision ("ROD"). Instead, it issued a "Revised DEIS." Reclamation expressly stated that no mitigation measures were developed with respect to adverse impacts.

As a result of the foregoing, parties, like the District, who participated in the EIS process and who will be impacted by the changes to water rights contemplated under the EIS, and who raised substantial issues with both the process for and the content of the DEIS, were arguably left with no ability to challenge either. Thus, the so-called Revised DEIS has not been subjected to any form of review for adequacy. In addition, as noted above, no mitigation measures for the many adverse impacts identified in that document were developed.

Under these unique circumstances, it is appropriate for the State Engineer to exercise his discretion to require hydrological, environmental and other studies pursuant to N.R.S. 533.368 before acting on the Application. This Application is merely the first of many involved in a specific and focused program to acquire and change water rights within the District for the benefit of Walker Lake. Such changes if allowed will result in

adverse impacts to the District, Lyon County, the City of Yerington and other towns within the District.

**E. Information Necessary for a Full Understanding.**

As noted above, in the miscellaneous remarks section, the Application states that certain supplemental groundwater rights will be withdrawn as a condition of exercise following approval by the State Engineer and the Walker River Decree Court. The significance and meaning of that remark in relation to the changes proposed is not explained. In order to fully understand that relationship, the State Engineer should, at a minimum, require Applicant to explain what is meant by "withdrawal," how withdrawal bears on the merits of the issues raised by the proposed changes, and what is meant by a "condition of exercise."

**F. Pending Court Actions.**

There is currently litigation pending in the United States District Court for the District of Nevada involving claims to water from the Walker River that may impact any analysis concerning the Application. The Walker River Paiute Tribe ("Tribe") has claims pending for a right to store water in Weber Reservoir, to use water on lands included in the Reservation in 1936, and for the use of underground water. The United States has claims pending for the use of surface and underground water for numerous federal reservations and facilities throughout the Walker River Basin. Both the United States and the Tribe seek to have the Walker River Court regulate surface and underground water as a single source of supply. Finally, Mineral County, Nevada has moved to intervene in the Walker River Action to assert a claim under the public trust doctrine that seeks "an adjudication and reallocation of the waters of the Walker River to preserve minimum levels in Walker Lake."

There can be no adequate analysis of the changes proposed by the Application until this pending litigation has been resolved. The potential reallocations of water and water rights contemplated by the litigation, coupled with the proposal to regulate surface and groundwater as a single source of supply, may render meaningless any analysis concerning water right changes made to increase Walker Lake inflows. As a result, the State Engineer should consider exercising his discretion to postpone action on the Application until that litigation becomes final, as is allowed by N.R.S.

533.370(3)(b).

**G. The Changes Proposed Threaten to Prove Detrimental to the Public Interest.**

For all of the reasons set forth in paragraphs A through F above, the changes proposed in the Application threaten to prove detrimental to the public interest. In addition, the changes proposed will remove the economic and environmental benefits of the use of the water rights as decreed, and therefore the changes proposed by the Application threaten to prove detrimental to the public interest. The productivity and economic benefits provided by agriculture within the District as described above are dependent upon the maintenance of the region's high productivity, which in turn is dependent upon use of water for irrigation of lands within the District. Again, the cumulative effect of approval of this Application and those which will follow threatens to prove detrimental to the public interest by substantially reducing the productivity of the most productive agricultural region in Nevada, and decreasing farm revenues in Lyon County and their attendant economic benefits to the region and the State.

The changes proposed by the Application may threaten to prove detrimental to the public interest in ways not yet known to the County, but which may arise or become known to the County between the date of the filing of this Protest and any hearing, and the County reserves the right to present evidence thereon at such hearing even though not expressly stated herein.

**H. Responsibility for Delivery of Water to Walker Lake Under Any Approval of the Application.**

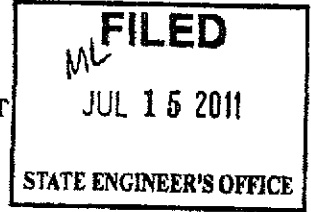
If the Application is approved in whole or in part, the Court, pursuant to the Walker River Decree, with input from the Nevada State Engineer, the District, the Walker River Tribe, the Bureau of Indian Affairs, Applicant and other interested parties, should establish all procedures necessary to ensure that any water right approved for change under the Application is administered in accordance with that approval, and so as not to impair existing water rights. Such procedures should address a number of factors, including, but not limited to, allocation of stream channel conveyance losses, including losses within Weber Reservoir, from the original point of diversion to Walker Lake, water accounting and water measurement. The Court, through its duly appointed Board of Water Commissioners, must continue to have the authority to regulate the Walker River System, including all headgates and diversion structures on the system to ensure that any water right approved for delivery to Walker Lake is in fact delivered in accordance with the approval and with the Walker River Decree.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST



Comes now Mickey Mutual Ditch Company

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Water Delivery

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users.

Appropriate studies should be undertaken before acting on the application.

THEREFORE the Protester 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 Joseph Sceirine Agent or protestant

Mickey Mutual Ditch Company, Joseph Sceirine its President

Printed or typed name, if agent

Address PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

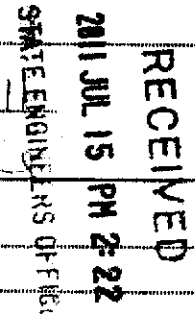
Subscribed and sworn to before me this 15th day of July, 20 11



Notary Public Patricia Irvine

State of Nevada

County of Lyon



† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Newhall Mutual Ditch Company

Printed or typed name of protestant

whose post office address is 42 McKenzie Lane, Yerington, Nevada 89447

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

whose occupation is Water Delivery

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Transfers outside WRID will diminish the assessment base for WRID, increasing the financial burden on remaining water users.

Appropriate studies should be undertaken before acting on the application.

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

*Darrell E Pursel*

Agent or protestant

Newhall Mutual Ditch Company, Darrell E. Pursel its President

Printed or typed name, if agent

Address

42 McKenzie Lane

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 20 11



State of

Nevada

County of

Lyon

RECEIVED  
2011 JUL 15 PM 2:27  
STATE ENGINEER'S OFFICE

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.



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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 2011, and amended on May 10, 2011



PROTEST

FILED  
ML  
JUL 14 2011  
STATE ENGINEER'S OFFICE

Comes now Nichol Merritt Ditch Company, Inc.

Printed or typed name of protestant

whose post office address is 150 Densmore Lane, Yerington Nevada 89447

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

whose occupation is

and protests the granting

of Application Number 80700

, filed on March 24, 2011, and amended on May 10

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Claim Nos. 23, 23-A, 35, 44, 67 and 89 of the Walker River Decree situated in Lyon

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 application requests transfer of the full duty rather than the consumptive use amount. The duty must be limited to the consumptive use otherwise, the application amounts to a request for a new appropriation of water.
2. Granting this application and any subsequent applications of this nature may threaten to prove detrimental to the public interest by causing shrink and ditch loss on the delivery ditches effected.
3. Ditch assessments are secured by National Fish and Wildlife Foundation. The National Fish and Wildlife Foundation is not supplying enough security to assure payment of future ditch assessments.

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

Agent or protestant

Glenn Sciarani, President

Printed or typed name, if agent

Address

150 Densmore Lane

Street No. or PO Box

Yerington, NV 89447

City, State and ZIP Code

775-781-1896

Phone Number

E-mail

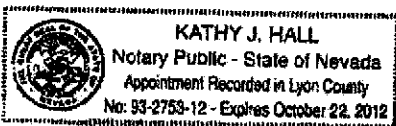
Subscribed and sworn to before me this

13<sup>th</sup>

day of

July

, 20 11



Notary Public

State of Nevada

County of Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24 (corrected version May 10), 20 11

FILED  
JUL 12 2011  
PROTEST  
STATE ENGINEER'S OFFICE

Comes now Nevada Farm Bureau Federation

Printed or typed name of protestant

whose post office address is 2165 Green Vista Dr. Suite 205, Sparks, NV 89431

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

whose occupation is General Farm Organization/Advocacy For Farmers & Ranchers

and protests the granting

of Application Number 80700

, filed on March 24 (corrected version May 10)

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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:

Nevada Farm Bureau maintains that the proposed changes conflict with existing rights and will harm other water right owners who depend on the efficiency in use and delivery of water. Due to the lack of understanding of potential harm, we further maintain that additional studies be conducted with resulting findings be released for public review and consideration. We maintain that this application should be denied because this proposed action threatens to prove detrimental to the public interest for these and the following reasons.

(Additional reasoning provided on attached page)

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

*Doug Busselman*

Agent or protestant

Doug Busselman

Printed or typed name, if agent

Address

2165 Green Vista Dr #205

Street No. or PO Box

Sparks, NV 89431

City, State and ZIP Code

775-674-4000

Phone Number

*d.buss@nfb.org*

E-mail

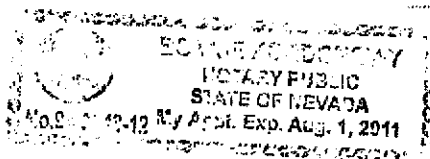
Subscribed and sworn to before me this

12<sup>th</sup>

day of

July

, 20 11



*Bonnie Kordonowicz*

Notary Public

State of

Nevada

County of

Cowson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Nevada Farm Bureau Walker River Protest Reasons Continued:

We maintain that the proposed change of beneficial use, presently for the purpose of agricultural irrigation and under the proposal for Wildlife purposes in accordance with NRS Chapter 533, is not in the public interest and should not be granted without adequate and sustainable mitigation measures to protect the land which is having water stripped from it.

From an environmental perspective, the dewatered land, not protected with a permanent plant cover will incur higher levels of wind erosion and invasion of weeds. These negative outcomes will not simply affect the landowner, but will result in damages to the neighboring lands and potentially create public safety issues.

As a representative of farmer members in the area served by water from the Walker River system, we object to the change of beneficial use with regard to the impacts the new use will have on delivery and upstream water management operations. The effect on water efficiency and effective management throughout the system, must be addressed with appropriate protections and mitigation actions.

We further maintain that the proposed change of beneficial use will have negative consequences to the community (Smith and Mason Valleys) where the land, which is being dewatered, is located.

As a project that is funded through federal dollars, this proposal has not received a completed environmental analysis through the National Environmental Policy Act (NEPA) process, limiting the ability for knowledgeable evaluation of the impacts such a transfer will cause.

Because the NEPA analysis was not completed the ability to establish that this transfer of beneficial use can accomplish a value in the public's interests which offsets the damage done to the community where the water is being transferred from. There is further question on how much of the water will reach the destination that it is being transferred to.

The amended application indicates that the "applicant intends to manage conveyance of water from Wabuska Gauge to Walker Lake under an agreement to be negotiated with the Walker River Paiute Tribe and the Bureau of Indian Affairs that addresses the operation of Weber Dam and the Walker River Irrigation Project." Because of the prospective nature of the arrangement there is no assurance that the water proposed for transfer to Walker Lake will reach its intended destination.

Questions also arise to the ability of the lower reaches of the Walker River to adequately convey the amount of water to Walker Lake in order to meet the needs of the intended use (wildlife purposes). It is unknown (due to the non-completion of the NEPA analysis) whether the transmittal of this water to Walker Lake will further denigrate the water quality of the lake, because of the increased levels of sediment and other particulates contained in the water flowing through the impaired riparian areas of the lower reaches of the river corridor. It would not be in the public interest to fuel the increased level of water quality impairment to Walker Lake because of the inflow of waters not meeting sufficient standards to improve water quality. As this water continues to evaporate from the surface of Walker Lake, as it presently does, the increased levels of dissolved solids will increase, causing further impairment.

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

FILED  
JUL 18 2011  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 2011

PROTEST

Comes now Paul Sciarani  
Printed or typed name of protestant

whose post office address is 26 Sciarani Road  
Street No. or PO Box, City, State and ZIP Code

whose occupation is rancher and protests the granting

of Application Number 80700, filed on March 24, 2011

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon  
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:

The place of use, manner of use, and of a portion of water should not be changed from its original intent. It should remain exactly as it is now and on the land it was originally intended for, I believe allowing this application or any other to follow would severely impact our valley and the ranchers who make  
THEREFORE the Protestant requests that the application be Denied

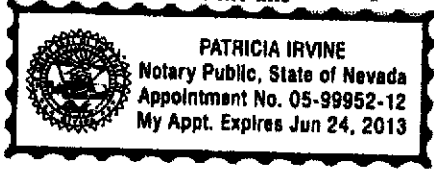
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Paul Sciarani  
Agent or protestant

Address Paul Sciarani  
Printed or typed name, if agent  
26 Sciarani Road  
Street No. or PO Box  
Yerington, NV 89447  
City, State and ZIP Code  
(715) 463-  
Phone Number

Subscribed and sworn to before me this 15th day of



July 2011  
Notary Public

State of Nevada  
County of Lyon

RECEIVED  
JUL 18 PM 1:42  
STATE ENGINEER'S OFFICE

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

their living ranching. I am one of those ranchers. My ranch has been in my family for over 100 years and several generations. I have no intention to ever sell it, land or water. It will be passed on to my children to continue to operate as a working ranch. However, if this application and others to follow are allowed who knows what will happen. If the water is allowed to be changed from its original intended use, I do not believe anyone will know what the far reaching consequences will be. In my opinion, they would be disastrous for a person like me, wanting to continue to use the land and water as originally intended. Therefore, I respectfully request that this application and others to follow be denied.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish Wildlife Foundation  
ON 03/24/2011

ML FILED  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Peter A. Fenili  
whose post office address is P.O. Box 3 Smith, NV 89430  
whose occupation is Farmer  
of Application Number 80700 Filed on 03/24/2011  
by National Fish Wildlife Foundation  
waters of Walker River Basin situated in Lyon

and protests the granting  
for the

County, State of Nevada, for the following reasons and on the following grounds, to wit:

I am a Newlands water right holder, under WRID. I feel the transfer of Natural Flow (degree rights) or any waters will change the system and have a negative effect on storage rights. This transfer will begin to eliminate the opportunities for purchase of water in the WRID system. Without this purchase of water Newlands agriculture cannot survive.

WHEREFORE, the protestant requests that the application be

Denied

and that an order be entered for such relief as the State Engineer deems just and proper.

RECEIVED  
2011 JUL 18 PM 2:00  
STATE ENGINEER'S OFFICE

Signed Peter A. Fenili  
Peter A. Fenili  
Address P.O. Box 3  
Smith NV 89430  
775-465-2489

Subscribed and sworn to before me on 17 July 2011

CYNTHIA NUTI  
Notary Public - State of Nevada  
Appointment Recorded in Lyon County  
No. 08-8248-12 - Expires April 18, 2012

Cynthia Nuti  
Nevada  
Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 2011

PROTEST

**FILED**  
JUL 18 2011  
STATE ENGINEER'S OFFICE

Comes now Sciarani Ditch  
whose post office address is 26 Sciarani Road, Yerington, NV 89447  
whose occupation is delivering water and protests the granting  
of Application Number 80700, filed on March 24, 2011  
by National Fish and Wildlife Foundation for the

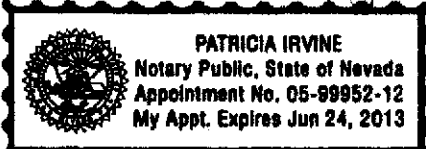
waters of Walker River and its Tributaries situated in Lyon  
County, State of Nevada, for the following reasons and on the following grounds, to wit:

The place of use, manner of use, and of a portion of water should not be changed from its original intent. It should remain exactly as it is now and on the land it was originally intended for. If movement of water is allowed, there would be approximately one acre foot-

THEREFORE the Protestant requests that the application be Denied  
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Paul Sciarani  
Agent or protestant  
Address Paul Sciarani  
26 Sciarani Road  
Yerington, NV 89447  
(775) 463-3328

RECEIVED  
2011 JUL 18 PM 1:42  
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 15th day of July, 2011  


E-mail \_\_\_\_\_, 2011  
Patricia Irvine  
Notary Public  
State of Nevada  
County of Lyon

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

of water, at full decree, left in this ditch. This would render it and the land it services useless. The land and its water belong together, not separated. Please do not allow this application or any others to come. The consequences would be devastating to the land, the rancher trying to make a living, and the value of the land. The law should not be changed under any circumstance.

2100000000

2100000000

2100000000

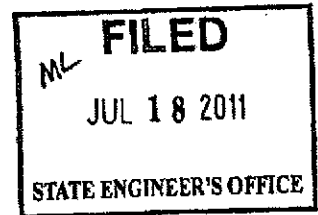


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST



Comes now Settelmeier-Rosse Ranch Mgmt. LLC., a Nevada LLC

Printed or typed name of protestant

whose post office address is P O Box 106, Wellington, NV 89444

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada LLC that manages lands that own water rights that will be affected by application#80700.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

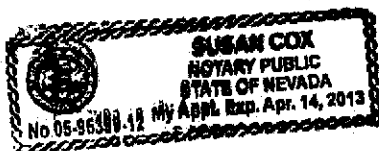
City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 18 day of July, 20 11



*Susan Cox*  
Notary Public

State of

Nevada

County of

Carson city

STATE ENGINEER'S OFFICE  
2011 JUL 18 PM 2:06  
RECEIVED

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
JUN 24 2011  
STATE ENGINEER'S OFFICE

Comes now Six-N-Ranch Inc. by Richard B. Nutt V.P.

Printed or typed name of protestant

whose post office address is P.O. Box 49 Smith, NV 89430

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

whose occupation is Farming

and protests the granting

of Application Number 80700, filed on March 24, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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. Changing the place of use to the Walker Lake will have an effect on the underground water because there will be less recharge in the basin. The water will remain in the river channel instead of percolating into the soil during irrigation.
2. As water is removed from canal systems there will be less water to help transport the irrigation water to the farmers causing increased losses to the remaining farms. There will also be increased operational costs as less acres pay for the same maintenance.
3. Decree starts flowing March 1st. Often times the ground is saturated from winter and many farms can't put their decree to beneficial use which allows it to stay in the river. Eventually if no one uses the decree, the decree is full and W.R.I.D can store water in the reservoir creating more storage water for the farmers.

See additional papers.

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

Richard B. Nutt  
Agent or protestant

Address

Richard B. Nutt  
P.O. Box 49  
Smith, NV 89430  
775-465-2351  
Printed or typed name, if agent  
Street No. or PO Box  
City, State and ZIP Code  
Phone Number

2011 JUN 24 PM 2:53  
RECEIVED

E-mail

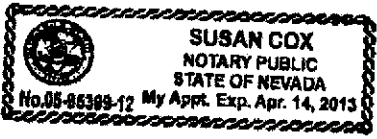
Subscribed and sworn to before me this

24

day of

June

, 20 11



Susan Cox  
Notary Public

State of

Nevada

County of

Carson City

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

3. continued

If the decree is allowed to flow to the Walker Lake the ability to store water in March may be lessened because NFWF will want to get all the Decree available to them down river when many farms and ranches would not be able to put it to beneficial use.

4. In looking at the application the years of decree start at 1874 and go up to 1906. It is my understanding that all decree was above 1874 was given supplemental storage, yet there is no mention of what happens to the supplemental storage water. Also in the application is a statement to withdraw 646.16 acres of supplemental ground water if the application is approved. If approved will this 646.16 acres be fallowed and the supplemental well abandoned?

5. The State Engineers office issued flood water permits to the Walker River Irrigation District. These permits are extremely important to our farming operation. Our farm opposed the sale and or leasing of flood waters to N.F.W.F, other than those allowed to them from lands they have purchased. We have already observed farmers who have sold flood rights, pumping what we believe to be supplemental wells. This has an effect on the underground water because they should be using the flood waters at this time.

In conclusion we oppose the transfer of water to Walker Lake.

RECEIVED  
2011 JUN 24 PM 2:53  
STATE ENGINEERS OFFICE

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
M  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Snyder Livestock Company, Inc.

Printed or typed name of protestant

whose post office address is PO Box 550, Yerington, Nevada 89447

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

whose occupation is Farming

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by National Fish and Wildlife Foundation

for the

waters of Walker River and its Tributaries

situated in Lyon

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:

The proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and threaten to prove detrimental to the public interest.

Transfers outside the boundaries of existing ditch companies will diminish the assessment base for the ditch companies, hence increasing the financial burden on remaining water users in the ditch companies. Snyder Livestock Company, Inc. receives its water through the Greenwood Mutual Ditch Company, the Mickey Mutual Ditch Company, The G & H Mutual Ditch Company, and the Spragg-Woodcock Mutual Ditch Company.

Appropriate studies should be undertaken before acting on the application.

THEREFORE the Protester 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

*Lucy A. Reche*

Agent or protestant

Snyder Livestock Company, Inc., Lucy A. Reche, President

Printed or typed name, if agent

Address

PO Box 550

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

Phone Number

E-mail

day of

*July*

, 20 11

Subscribed and sworn to before me this

*15<sup>th</sup>*

PATRICIA IRVINE  
Notary Public, State of Nevada  
Appointment No. 05-99852-12  
My Appt. Expires Jun 24, 2013

Notary Public

State of

*Nevada*

County of

*Lyon*

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

FILED  
MC  
JUL 15 2011  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

Comes now Spragg-Woodcock Mutual Ditch Company  
Printed or typed name of protestant  
whose post office address is PO Box 550, Yerington, Nevada 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Water Delivery and protests the granting  
of Application Number 80700, filed on March 24, 20 11  
by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Lyon  
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 application requests transfer of the full duty rather than the consumptive use amount. The duty must be limited to the consumptive use otherwise, the application amounts to a request for a new appropriation of water.
2. Granting this application and any subsequent applications of this nature may threaten to prove detrimental to the public interest by causing shrink and ditch loss on the delivery ditches effected.
3. Payment of ditch assessments must be assured over an acreage base at least as great as is currently assessed for as long as the ditch is in operation. Payment must be assured by an entity considered permanent and able such as the US Government or by some other stable means.

THEREFORE the Protestant requests that the application be DENIED

and that an order be entered for such relief as the State Engineer deems just and proper. Denied, issued subject to prior rights, etc., as the case may be

Signed Jim Snyder  
Agent or protestant  
Spragg-Woodcock Mutual Ditch Company, Jim Snyder its Secretary  
Printed or typed name, if agent

Address PO Box 550  
Street No. or PO Box  
Yerington, Nevada 89447  
City, State and ZIP Code  
Phone Number  
E-mail

Subscribed and sworn to before me this 15th day of July, 20 11



Patricia Irvine  
Notary Public  
State of Nevada  
County of Lyon

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED  
ML  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now Straggler LLC., a Nevada LLC

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

This is a Nevada LLC that has water rights that will be affected by application #80700.

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Gary J. Garms*  
Agent or protestant

Gary J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

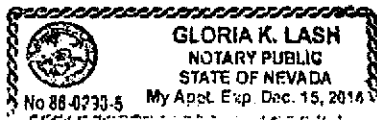
City, State and ZIP Code

775-465-2406

Phone Number

E-mail

Subscribed and sworn to before me this 15 day of July, 20 11



*Gloria K. Lash*  
Notary Public

State of Nevada

County of Carson City

**+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May, 10, 20 11



PROTEST

FILED *ML*  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now TONI J. GARMS

Printed or typed name of protestant

whose post office address is P O Box 170, Smith, NV 89430

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

whose occupation is AGRICULTURE that requires WATER to raise crops for the benefit of NEVADA and protests the granting

of Application Number 80700, filed on May, 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Walker River and its Tributaries situated in Walker River Basin, Lyon

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:

I am a 3rd generation Nevadan. a Woman who wants my agricultural area maintained and protected. I state the following:

Changing the use of water to without the boundaries of Walker River Irrigation District area will definitely Conflict with existing rights. Affecting the following: Water availability and its Costs. Crippling the efficiency in the delivery of remaining waters. Will unduly limit growth and prosperity to the basin. Many negative environmental impacts. Detrimental to the Publics Interests. Injures Domestic and Irrigation wells. Limits economic stability.

THEREFORE the Protestant requests that the application be DENIED DENEID

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

*Toni J. Garms*  
Agent or protestant

Toni J. Garms

Printed or typed name, if agent

Address

PO Box 170

Street No. or PO Box

Smith, Nevada 89430

City, State and ZIP Code

775-465-2406

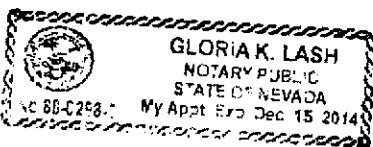
Phone Number

Subscribed and sworn to before me this 15 day of July, 20 11

day of

*Gloria K. Lash*  
Notary Public

E-mail



State of Nevada

County of Carson City

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ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

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

IN THE MATTER OF APPLICATION NUMBER EC 700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11

**FILED**  
ML  
JUL 18 2011  
STATE ENGINEER'S OFFICE

PROTEST

Comes now Tunnel Ditch Company  
Printed or typed name of protestant  
whose post office address is 984 State Rte 208, Yerington, NV 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Ranching / Farming and protests the grant  
of Application Number EC 700, filed on March 24, 20 11  
by National Fish and Wildlife Foundation for the  
waters of Walker River and its tributaries situated in Lyon  
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:

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.

RECEIVED  
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Signed Louis Scatena  
Agent or protestant  
Louis Scatena, its Secretary  
Printed or typed name, if agent  
Address 984 State Rte 208  
Street No. or PO Box  
Yerington, NV 89447  
City, State and ZIP Code  
Phone Number

Subscribed and sworn to before me this 18<sup>th</sup> day of July, 20 11

  
PATRICIA IRVINE  
Notary Public, State of Nevada  
Appointment No. 05-99952-12  
My Appt. Expires Jun 24, 2013

E-mail  
[Signature]  
Notary Public  
State of Nevada  
County of Lyon

**+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**



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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY NATIONAL FISH AND WILDLIFE FOUNDATION  
ON March 24, 20 11

FILED  
PROTEST JUL 12 2011  
STATE ENGINEER'S OFFICE

Comes now Walker River Irrigation District

Printed or typed name of protestant  
whose post office address is P.O. Box 820, Yerington, Nevada 89447  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Irrigation District organized under Nev. Rev. Stat. Chapter 539 and protests the granting  
of Application Number 80700, filed on March 24, 20 11  
by National Fish and Wildlife Foundation for the

waters of Walker River and its tributaries situated in Lyon  
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:  
As set forth in Exhibit A attached hereto and by this reference incorporated herein.

THEREFORE the Protestant requests that the application be DENIED

and that an order be entered for such relief as the State Engineer deems just and proper. Denied, issued subject to prior rights, etc., as the case may be

Signed

*[Signature]*  
Agent or protestant

KENNETH C. SPOONER, Manager

Printed or typed name, if agent

Address

P.O. Box 820

Street No. or PO Box

Yerington, Nevada 89447

City, State and ZIP Code

775-463-3523

Phone Number

kcspooner@wrid.us

E-mail

Subscribed and sworn to before me this

11<sup>th</sup>

day of

July

, 20 11



*[Signature]*  
Notary Public

State of Nevada

County of Lyon

† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

**ADDITIONAL SIGNATURE PAGE TO  
PROTEST TO APPLICATION 80700  
BY WALKER RIVER IRRIGATION DISTRICT**

THEREFORE the Protestant requests that the application be DENIED  
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Robert E. Bryan  
ROBERT BRYAN, Chairman, Board of Directors,  
Walker River Irrigation District

Address P.O. Box 820  
Yerington, Nevada 89447  
775-463 3523

E-mail

Subscribed and sworn to before me this 11<sup>th</sup> day of July, 2011.



Patricia Irvine  
Notary Public

State of Nevada  
County of Lyon

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

**I. Background.**

**A. Application No. 80700**

Application No. 80700 was filed on March 24, 2011 and was returned to Applicant for correction on April 11, 2011. A corrected Application was filed on May 10, 2011. Application No. 80700 (the "Application") seeks to change the place of use and manner of use of a portion of certain water rights adjudicated by the United States District Court for the District of Nevada in the certain action entitled "The United States of America, Plaintiff v. Walker River Irrigation District, et al., Defendants, In Equity Docket No. C-125" (the "Walker River Action") pursuant to a final decree entered April 14, 1936, as amended April 24, 1940 (the "Walker River Decree"). The Application provides that the water will be administered for non-diversion at the Weir Diversion Structure which serves the West Hyland Ditch, Joggles Ditch, Dairy Ditch, SAB Ditch and Sciarani Ditch. The water rights proposed to be changed are presently diverted at the Weir Diversion Structure into the West Hyland Ditch.

The Application seeks to change the manner of use of the water rights from their decreed use for irrigation to use for wildlife purposes. The Application seeks to change the place of use of the water rights from 646.126 acres of irrigated land located within the boundaries of the Walker River Irrigation District (the "District") to the Walker River from the Weir Diversion Structure into and including Walker Lake.

The Application involves water rights with 13 different priority dates ranging from as early as 1874 to as late as 1906. The largest water right is appurtenant to 145.83 acres and has a priority date of 1880, and the smallest water right is appurtenant to 4.0 acres and has a priority

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

date of 1904. The Application seeks to change the full flow rate allowed for each water right at the point of diversion from the Walker River by the Walker River Decree.

The Application provides that the period of use will be "as decreed." The Application proposes that water approved for change be conveyed from the Wabuska Gage to Walker Lake pursuant to an agreement to be negotiated with the Walker River Paiute Tribe and the Bureau of Indian Affairs.

Finally, the Application states that "Applicant will withdraw 646.16 acres of associated supplemental groundwater rights in the existing places of use as a condition of exercise following approval by the State Engineer and the U.S. District Court." The specific associated supplemental groundwater rights are not identified in the Application. However, they appear to include all or portions of Nevada Permit Nos. 58752, 58753, 58755 through 58759, 65262 through 65265, 68003, 68399, 68401 and 71533, and any other permits for supplemental groundwater rights associated with the lands to which the surface water rights being changed are appurtenant.

**B. The District and Its Water Rights**

The District was formed on April 14, 1919, pursuant to Nevada's Irrigation District Act, which was enacted in that year. There are approximately 246,000 acres of land within the District boundaries. All of these lands are in Lyon County, Nevada. Of the approximately 80,041 water right acres in the District along the East Walker River and in Smith and Mason Valleys in Nevada, the Walker River Decree provides for direct diversion rights from the natural flow of the West, East and Main Walker River for approximately 45,420 acres. Those direct

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

diversion rights were appropriated by and are owned by individual farmers. They were established under Nevada law.

The Walker River Decree recognizes the right of the District to store water from the East Walker River in Bridgeport Reservoir in California for distribution to and use upon land within the District. The Decree provides that the District:

"is hereby adjudged to be the owner of the flow and use of the flood water of East Walker River and its tributaries for storage in the Bridgeport Reservoir situated on the East Walker River, to the amount of forty-two thousand acre feet, such water to be diverted from said river and stored in said reservoir from the first of November to the first of March of each season irrespective of the rights and priorities hereby adjudged and also the right to divert and store at any time an excess of forty-two thousand acre feet up to fifty-seven thousand acre feet when there is in the river a quantity of water in excess of the total amount adjudicated to the parties hereto to the extent of such excess, but water shall not be stored in said reservoir so as to deprive the parties hereto including the plaintiff and the assigns of stock water or water for domestic purposes."

The Walker River Decree provides that the District is also adjudged to be the owner and entitled to the uses of the flood and unappropriated waters of the East Walker River and its tributaries under an application for permit to the State Water Commission of California as follows:

"Fifteen thousand acre feet per annum of the flood and unappropriated waters of East Walker River for storage in Bridgeport Reservoir, or so much thereof as can be beneficially used, being the excess over the present capacity of said reservoir and the amount allowed under permit No. 2536 of said Commission approved June 18, 1926."

Permit No. 2536 is now California Water Right License No. 9407 which allows the storage of 39,700 acre feet of water in Bridgeport Reservoir from September 1 of each year to about July 20 of the succeeding year with a priority date of August 18, 1919.

In addition, the Walker River Decree recognizes the right of the District to divert water from the West Walker River in California into Topaz Lake Reservoir, located partly in California

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

and partly in Nevada, for distribution and use upon lands within the District. The Decree provides that the District:

“is hereby adjudged to be the owner of the flow and use of flood water of West Walker River and its tributaries for storage in Topaz Lake Reservoir situated near West Walker River, to the amount of fifty thousand acre feet, such water to be diverted and stored in said reservoir from the first of November to the first of March of each season irrespective of the rights and priorities hereby adjudged and also the right to divert and store at any time an excess of fifty thousand acre feet up to eighty-five thousand acre feet when there is in the river a quantity of water in excess of the total amount adjudicated to the parties hereto to the extent of such excess, but water shall not be stored in said reservoir so as to deprive the parties hereto including the plaintiff and its assigns of stock water or water for domestic purposes.”

The Walker River Decree provides that the District is also adjudged to be:

“the owner and entitled to the use of the flood and unappropriated waters of West Walker River and its tributaries under applications for permits for the use of water made to the State Water Commission of the State of California, as follows:

Thirty-five thousand acre feet per annum of the flood and unappropriated water of West Walker River and its tributaries for storage in Topaz Lake Reservoir, or so much thereof as can be beneficially used, being the excess over the present capacity of said reservoir and the amount allowed under permit No. 2537 of said Commission approved June 18, 1926.

Two hundred acre feet per annum of the waters of the unnamed stream flowing into Topaz Lake Reservoir, formerly Alkali Lake, for storage in said reservoir, or so much thereof as can be beneficially used, under permit No. 2538 of said Commission approved June 18, 1926.”

Permit No. 2537 is now California Water Right License No. 6000 which allows for the storage of 57,580 acre feet of water in Topaz Lake Reservoir from about October 1 of each year to about July 15 of the succeeding year with a priority date of February 21, 1921. Permit No. 2538 is now California Water Rights License No. 3987 which allows for the storage from an unnamed stream of 200 acre feet of water in Topaz Lake Reservoir from January 1 to December 31 of each year with a priority date of October 28, 1921. The District is also the owner of Nevada Certificate of

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

Appropriation No. 4972 which allows for the storage from an unnamed stream of 1,500 acre feet of water in Topaz Lake Reservoir from April 1 to October 31 of each year with a priority date of November 3, 1921.

The District also holds rights to additional water from the West Walker River, East Walker River and Main Walker River pursuant to permits and certificates issued by the Nevada State Engineer. In addition, the District holds rights to underground water pursuant to a permit and certificate issued by the Nevada State Engineer.

Because of their relatively small storage capacity, Bridgeport and Topaz Lake Reservoirs are not large enough to store all of the water of the Walker River. Thus, lands within the boundaries of the District do not have a single priority common water right as do lands within other irrigation districts. Lands within the boundaries of the District retained their appurtenant water rights for the direct diversion of water from the natural flow of the Walker River as recognized by the Walker River Decree. In addition, because of those facts, all but two of the ditches within the District are owned, operated and maintained by private ditch companies or tenant-in-common ditches through private assessments.

**C. Economic and Environmental Benefits Within the District.**

The lands within the District are the principal agricultural area in Lyon County, and are the most productive agricultural area in Nevada. While containing only 2.1 percent of its total land in farms, "Lyon County's...irrigated farmland [of which approximately 80,000 acres are within the District] accounts for approximately 12 percent of all irrigated farmland in the State. More importantly, Lyon County's 12 percent share of irrigated farmland produces a disproportionate 18.3 percent of the state's farm marketings, attesting to the high agricultural

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

productivity of this region and its inherent suitability for agricultural pursuits." Horton, Gary A., Nevada Division of Water Resources, *Walker River Chronology*, <http://water.nv.gov/mapping/chronologies/walker/part1.cfm>.

Lyon County has enjoyed extensive and pervasive benefits from this agricultural industry since the mid-1800s. *Id.* Farm marketings from the sale of Lyon County's agriculture provide revenues of approximately \$40-60 million per year, "making it the most important agricultural-producing county in the State of Nevada." *Id.* "Furthermore, due to the typical export nature of many of these sales...a significant portion of the revenues from Lyon County's farm marketings provide a healthy infusion of new capital and local spending for the County's economy." *Id.* Also, studies undertaken by the Nevada Division of Water Planning have shown that such agricultural economies are relatively insulated from external economic influences, "thereby attesting to the profound and pervasive stabilizing influences afforded by a county's farming sector." *Id.*

The economic benefits of agriculture to Lyon County are apparent even if only the major sectors of crop and animal sales since 1997 are considered (leaving aside dairy sales, etc.). The total market value of farm products sales in Lyon County in 2007 (the 2007 Census of Agriculture is the most recent United States Department of Agriculture national census from which data is available because the National Census of Agriculture is conducted every five years, and 2012 is the next census year) exceeded \$62,000,000 in total crop sales and \$28,950,000 in total animal sales. In 2002, in Lyon County, the market value of crop sales was approximately \$36,000,000 and of animal sales was about \$37,000,000. In 1997, crop sales in Lyon County were about \$29,000,000 and animal sales were approximately \$24,000,000.



**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
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A significant percentage of all of the white onions produced in the United States are grown on lands within the District. Moreover, important new crops, lettuce and broccoli, are now being successfully grown within the District.

Although recently agriculture in this and other areas of Nevada has come under criticism for its seemingly disproportionate use of water, what is less well known and recognized is that in addition to the economic contributions detailed above, waters diverted for agriculture within the District, in Smith and Mason Valleys "have, in fact, made important contributions towards habitat creation and preservation in those areas." *Walker River Chronology*, <http://water.nv.gov/mapping/chronologies/walker/part1.cfm>. The irrigated lands within the District provide extensive habitat and food for eagles, geese, ducks, quail, wild turkeys, deer, and many other birds and animals. The District's reservoirs are prime recreation areas in Mono County, California and Douglas County, Nevada. Bridgeport Reservoir produces the food chain which makes the East Walker River in California and Nevada a world class German brown trout fishery. The District is home to the Nevada Department of Wildlife's ("NDOW") Mason Valley Fish Hatchery and Wildlife Area. NDOW is the single largest water right holder in the District. The Mason Valley Fish Hatchery produces cutthroat, rainbow, cuttbow and brown trout for planting in streams, rivers and lakes throughout Nevada.

**D. Administration of Surface Water Rights on the Walker River System.**

Because the Walker River is an interstate stream, the right to use water from it necessarily involves Nevada and California law. In addition, because it flows into the Walker River Indian Reservation, the use of water from it also involves federal law.

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
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The Court in the Walker River Action retained jurisdiction for regulatory purposes and for the purposes of appointing a water master to apportion and distribute "the waters of the Walker River, its forks and tributaries in the State of Nevada and in the State of California, including water for storage and stored water, in accordance with the provisions of [the] decree." On May 12, 1937, the Court in the Walker River Action, entered an order appointing five persons to perform that function. Two of the persons were from Yerington, one was from Smith, one was from Antelope Valley, and one was from Bridgeport. On June 27, 1940, the Court entered an order adding a representative of the Walker River Indian Reservation to the "Board of Water Commissioners." The orders establishing the Board of Water Commissioners gave that Board the authority to appoint an assistant, Chief Deputy Water Commissioner, who has the day-to-day responsibility of apportioning and distributing the waters of the Walker River, its forks and tributaries in the State of Nevada and in the State of California, including water for storage and stored water, in accordance with the provisions of the Walker River Decree.

The Board of Water Commissioners, with approval of the Court, may make such rules as may be necessary and proper for the enforcement of the Walker River Decree and for carrying out its purposes. In 1953, the Court entered an order approving detailed "Rules and Regulations for Distribution of Water on the Walker River System."

The United States District Court for the District of Nevada, through the United States Board of Water Commissioners, has administered the Walker River in Nevada and California for the last 74 years and continues to do so today.

The Walker River Decree provides that "parties shall be entitled to change the manner, means, place or purpose of use or the point of diversion of [waters of the Walker River] or any

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

thereof in the manner provided by law, so far as they may do so without injury to the rights of other parties hereto, as the same are fixed hereby." The Decree also provides that the Court retains jurisdiction for regulatory purposes regarding the point of diversion, manner of use and place of use of waters of the Walker River and its tributaries and that the Court may make such regulations as to notice and form or substance of any application for change, or modification of this Decree, or for change of place or manner of use as it may deem necessary. After numerous hearings and over a period of several years the Court adopted "Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use or Place of Use of Water of the Walker River and Its Tributaries and Regarding Compliance With California Fish and Code Section 5937 and Other Provisions of California Law" (the "Administrative Rules and Regulations"). The Application is subject to the Administrative Rules and Regulations.

**II. PROTEST.**

In general, the protest grounds are as follows:

1. The changes proposed by the Application conflict with existing water rights.
2. The changes proposed by the Application will adversely affect the cost of water for other holders of water rights within the District.
3. The changes proposed by the Application will lessen the efficiency of the District in the delivery or use of water.
4. Before acting on the Application, the State Engineer should exercise his discretion to require hydrological, environmental and other studies pursuant to N.R.S. 533.368.
5. The Application does not contain sufficient information necessary for a full understanding of the changes proposed.

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

6. The State Engineer should consider postponing action on the Application until pending court actions become final.

7. The changes proposed by the Application threaten to prove detrimental to the public interest.

**A. Conflict With Existing Rights**

Based upon information presently available, the changes proposed by the Application conflict with existing rights in that the Application seeks to change the full flow rate allowed at the point of diversion from the Walker River by the Walker River Decree. In order to avoid conflict with existing rights, the amount of water allowed to be changed must be limited to that portion of each water right which is the consumptive use of applied water for its existing decreed irrigation use (the "Consumptive Use Portion"), and the flow rate allowed to be diverted from the river must be allocated between the Consumptive Use Portion and the Non-Consumptive Use Portion. In addition, because the Walker River Decree does not expressly provide for ditch transportation losses from the point of diversion at the river to farm headgates, consideration must be given to allocating the Non-Consumptive Use Portion between ditch transportation losses and return flow. Further, in order to avoid conflict with existing rights, there must be sufficient water at the point of non-diversion to simultaneously satisfy the Consumptive Use Portion and the Non-Consumptive Use Portion of each water right. These allocations of the flow rate allowed to be diverted from the river must be separately made for each of the 13 different priority dates of water rights which are the subject of the Application. In addition, in order to avoid conflict with existing rights, each changed water right must be exercised pursuant to an irrigation schedule.

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

The changes proposed by the Application may conflict with existing rights in ways that are not yet known to the District, but which may arise or become known to the District between the date of filing the Protest and any hearing, and the District reserves the right to present evidence thereon at such hearing even though not expressly stated herein.

**B. Adverse Effect on the Cost of Water for Other Holders of Water Rights Within the District.**

Pursuant to the provisions of N.R.S. 539.513(6)(b), the District and Applicant have entered into a Water Rights Assessment Agreement pursuant to which Applicant has agreed to pay the District assessments as they relate to the water rights which are the subject of the Application. Applicant's obligations under the Water Rights Assessment Agreement are secured by a deed of trust encumbering the water rights.

However, in order to avoid the changes proposed by the Application from adversely affecting the cost of water for other holders of water rights in the District, assessments needed to keep ditch companies and tenant-in-common ditches whole and assessments levied by the United States Board of Water Commissioners must continue to be paid. The changes proposed by the Application may adversely affect the cost of water for other holders of water rights in the District in ways that are not yet known to the District, but which may arise or become known to the District between the date of filing this Protest and any hearing, and the District reserves the right to present evidence thereon at any hearing on the Application even though not expressly stated herein.

**C. Lessen the Efficiency of the District in the Delivery or Use of Water.**

Nevada law, N.R.S. 533.075, the Walker River Decree and the Rules and Regulations of the District allow for and encourage holders of water rights under the Decree to rotate the use of water, or to combine or exchange the use thereof, provided it may be done without injury to the rights of

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

other parties. Such rotation, combination or exchange improves the efficiency of the delivery and use of water. The changes proposed by the Application will remove water rights from the rotation, combination or exchange process, and potentially lessen the efficiency in the delivery and use of water within the District.

As is discussed below, this Application is the first of many to follow pursuant to a program established by a number of public laws, and cannot be considered in isolation. Rather, the cumulative impacts of the program and subsequent change applications must be considered. Approval of this and similar change applications reduces efficiencies for other water users in the District by decreasing the number of users on a ditch, thereby decreasing efficiencies for remaining users. The effect of approval of this change application and the cumulative effect of approval of a cascade of additional similar applications sure to be made if the present change application is approved, may render entire ditches untenable by so reducing the number of users upon them that it becomes impracticable to convey water through a ditch to the user or users who continue to irrigate.

The changes proposed by the Application may lessen the efficiency of the District in the delivery or use of water in ways not yet known to the District, but which may arise or become known to the District between the date of filing this Protest and the hearing, and the District reserves the right to present evidence thereon at any hearing on the Application even though not expressly stated herein.

**D. Hydrological, Environmental and Other Studies.**

Through a series of public laws, the United States has appropriated funds for restoring and maintaining Walker Lake. Those laws include: (i) Section 2507, Farm and Security Rural

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

Investment Act of 2002, P.L. 107-171 ("Desert Terminal Lake I"), which transferred \$200,000,000 from the Secretary of Agriculture to the Bureau of Reclamation to be used "to provide water to at-risk natural desert terminal lakes"; (ii) Section 207 of P.L. 108-7 ("Desert Terminal Lakes II"), which identified the natural desert terminal lakes eligible for benefits from the funding from Desert Terminal Lakes I as Pyramid, Summit and Walker Lakes in Nevada, and authorized the Bureau of Reclamation to provide financial assistance to various governmental and other organizations to carry out the purposes of Desert Terminal Lakes I; (iii) Section 208 of the Energy and Water Development Appropriations Act of 2006, P.L. 109-103 ("Desert Terminal Lakes III"), which authorized the Secretary of the Interior to provide up to \$70,000,000 of the desert terminal lakes funding to the University of Nevada (Nevada System of Higher Education (the "NSHE")) to do various things, including acquire "from willing sellers land, water appurtenant to land, and related interests in the Walker River Basin, Nevada" for, among other things, "environmental restoration in the Walker River Basin"; (iv) Section 2807 of P.L. 110-246 ("Desert Terminal Lakes IV"), which "replenished" the \$200,000,000 by transferring \$175,000,000 from the Secretary of Agriculture to the Bureau of Reclamation in 2008 to be used to lease water, or purchase land, water appurtenant to land and related interests in accordance with Section 208(a)(1)(A) of Desert Terminal Lakes III; and (v) Sections 206 through 208 of P.L. 111-851 ("Desert Terminal Lakes V"), which authorized the Bureau of Reclamation to provide \$66,200,000 to Applicant for various purposes related to Walker Lake, and authorized Applicant to replace the NSHE in connection with its activities under Desert Terminal Lakes III.

This Application is only the first of several applications which will follow. Applicant has already acquired additional water rights both at the Weir Diversion Structure and upstream which it

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

will ultimately seek to change with similar applications. In addition, Applicant will in the future acquire additional water rights within the District for the same purposes and which will require similar changes. Applicant's website, concerning the Walker River Basin Restoration Program, indicates at present it owns water rights under the Walker River Decree which allow for the diversion of 28 cubic feet per second from the Walker River (including the rights involved in this Application). The website states that Applicant is exploring new acquisition agreements with "some of the dozens of potential new sellers who have expressed interest in the Program since early 2010." Moreover, in April of 2011, the Bureau of Reclamation committed an additional \$88,000,000 of Desert Terminal Lake Funds to Applicant.

In September of 2007, the Bureau of Reclamation ("Reclamation") published notice of intent to prepare an environmental impact statement ("EIS") and notice of public scoping meetings in the Federal Register. The public scoping meetings were held, and a Draft EIS ("DEIS") was made available for public comments in July of 2009. In that DEIS, Reclamation stated that it had determined that NEPA compliance was not required because Reclamation had determined that it had no discretion for implementation or control over expenditures of the funds by the recipient. Reclamation relied upon a November, 2008 change in its regulations for that conclusion. Reclamation did not issue a Final EIS ("FEIS"), and did not issue a Record of Decision ("ROD"). Instead, it issued a "Revised DEIS." Reclamation expressly stated that no mitigation measures were developed with respect to adverse impacts.

As a result of the foregoing, parties, like the District, who participated in the EIS process and who will be impacted by the changes to water rights contemplated under the EIS, and who raised substantial issues with both the process for and the content of the DEIS, were arguably left



**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

with no ability to challenge either. Thus, the so-called Revised DEIS has not been subjected to any form of review for adequacy. In addition, as noted above, no mitigation measures for the many adverse impacts identified in that document were developed.

Under these unique circumstances, it is appropriate for the State Engineer to exercise his discretion to require hydrological, environmental and other studies pursuant to N.R.S. 533.368 before acting on the Application. This Application is merely the first of many involved in a specific and focused program to acquire and change water rights within the District for the benefit of Walker Lake. There will be adverse impacts within the District, Lyon County, the City of Yerington and towns within the District.

**E. Information Necessary for a Full Understanding.**

As noted above, in the miscellaneous remarks section, the Application states that certain supplemental groundwater rights will be withdrawn as a condition of exercise following approval by the State Engineer and the Walker River Decree Court. The significance and meaning of that remark in relation to the changes proposed is not explained. In order to fully understand that relationship, the State Engineer should, at a minimum, require Applicant to explain what is meant by "withdrawal," how withdrawal bears on the merits of the issues raised by the proposed changes, and what is meant by a "condition of exercise."

**F. Pending Court Actions.**

There is currently litigation pending in the United States District Court for the District of Nevada involving claims to water from the Walker River that may impact any analysis concerning the Application. The Walker River Paiute Tribe ("Tribe") has claims pending for a right to store water in Weber Reservoir, to use water on lands included in the Reservation in 1936, and for the use

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

of underground water. The United States has claims pending for the use of surface and underground water for numerous federal reservations and facilities throughout the Walker River Basin. Both the United States and the Tribe seek to have the Walker River Court regulate surface and underground water as a single source of supply. Finally, Mineral County, Nevada has moved to intervene in the Walker River Action to assert a claim under the public trust doctrine that seeks "an adjudication and reallocation of the waters of the Walker River to preserve minimum levels in Walker Lake."

There can be no adequate analysis of the changes proposed by the Application until this pending litigation has been resolved. The potential reallocations of water and water rights contemplated by the litigation, coupled with the proposal to regulate surface and groundwater as a single source of supply, may render meaningless any analysis concerning water right changes made to increase Walker Lake inflows. As a result, the State Engineer should consider exercising his discretion to postpone action on the Application until that litigation becomes final, as is allowed by N.R.S. 533.370(3)(b).

**G. The Changes Proposed Threaten to Prove Detrimental to the Public Interest.**

For all of the reasons set forth in paragraphs A through F above, the changes proposed in the Application threaten to prove detrimental to the public interest. In addition, the changes proposed will remove the economic and environmental benefits of the use of the water rights as decreed, and therefore the changes proposed by the Application threaten to prove detrimental to the public interest. The productivity and economic benefits provided by agriculture within the District as described above are dependent upon the maintenance of the region's high productivity, which in turn is dependent upon use of water for irrigation of lands within the District. Again, the

**EXHIBIT A TO PROTEST OF WALKER RIVER IRRIGATION DISTRICT  
TO  
APPLICATION NO. 80700**

cumulative effect of approval of this Application and those which will follow threatens to prove detrimental to the public interest by substantially reducing the productivity of the most productive agricultural region in Nevada, and decreasing farm revenues in Lyon County and their attendant economic benefits to the region and the State.

The changes proposed by the Application may threaten to prove detrimental to the public interest in ways not yet known to the District, but which may arise or become known to the District between the date of the filing of this Protest and any hearing, and the District reserves the right to present evidence thereon at such hearing even though not expressly stated herein.

**H. Responsibility for Delivery of Water to Walker Lake Under Any Approval of the Application.**

If the Application is approved in whole or in part, the Court, pursuant to the Walker River Decree, with input from the Nevada State Engineer, the District, the Walker River Tribe, the Bureau of Indian Affairs, Applicant and other interested parties, should establish all procedures necessary to ensure that any water right approved for change under the Application is administered in accordance with that approval, and so as not to impair existing water rights. Such procedures should address a number of factors, including, but not limited to, allocation of stream channel conveyance losses, including losses within Weber Reservoir, from the original point of diversion to Walker Lake, water accounting and water measurement. The Court, through its duly appointed Board of Water Commissioners, must continue to have the authority to regulate the Walker River System, including all headgates and diversion structures on the system to ensure that any water right approved for delivery to Walker Lake is in fact delivered in accordance with the approval and with the Walker River Decree.

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

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 20 11



PROTEST

FILED  
JUL 15 2011  
STATE ENGINEER'S OFFICE

Comes now the Walker River Paiute Tribe

Printed or typed name of protestant

whose post office address is P.O. Box 220, Schurz, Nevada 89427

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

whose occupation is a Federally recognized Indian tribe

and protests the granting

of Application Number 80700

, filed on March 24

, 20 11

by the National Fish and Wildlife Foundation

for the

waters of Walker River

situated in Lyon and Mineral

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 Exhibit "A"

THEREFORE the Protestant requests that the application be Denied unless issues in Exhibit "A" are properly addressed

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

Melanie I. McFalls  
Agent or protestant

Melanie I. McFalls, Tribal Chairperson

Printed or typed name, if agent

Address

P.O. Box 220

Street No. or PO Box

Schurz, Nevada 89427

City, State and ZIP Code

(775)773-2306

Phone Number

mcfalls@wrpt.us

E-mail

Subscribed and sworn to before me this

14th

day of

July

, 20 11

Laurie B. McMasters  
Notary Public

State of NEVADA

County of MINERAL



RECEIVED  
2011 JUL 15 PM 11:10  
STATE ENGINEER'S OFFICE

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

## Exhibit A

### PROTEST OF THE WALKER RIVER PAIUTE TRIBE TO APPLICATION 80700

The Walker River Paiute Tribe ("Tribe") hereby submits its protest to Application Number 80700 filed on or about March 24, 2011, by the National Fish and Wildlife Foundation ("NFWF"). The Tribe recognizes that this application will begin a process by NFWF to transfer significant amounts of water from the upper Walker River to Walker Lake. The Tribe supports these efforts to the extent that the Tribe's existing water rights and uses are not detrimentally affected. The Tribe also seeks to ensure that the water purchased by NFWF is properly accounted for and transferred through the river system in a manner that achieves NFWF's Walker Lake restoration goals.

The Tribe is currently working with NFWF on a conveyance agreement to develop and implement a process for ensuring that water purchased by NFWF that flows to the Tribe's Reservation appropriately benefits Walker Lake and its fishery resources and the fishery resources of the Walker River. To complete this agreement, the Tribe and NFWF have initiated technical studies of options to properly account for all water flowing through the Reservation. The Tribe expects that this conveyance agreement will address in detail and resolve many, if not all, of the issues raised in this protest. However the studies and the agreement are not yet completed, so the Tribe must submit this protest at this time to protect its interests.

The Tribe therefore requests that Application No. 80700 not be approved until and unless the following issues are adequately and properly addressed:

1. The United States holds in trust for the Tribe water rights to use 26.25 cfs of water from the Walker River during a 180-day irrigation season with an 1859 priority date. The Application cannot be approved if it will detrimentally harm the Tribe's water rights or its ability to fully utilize its water rights.
2. NFWF's application does not state how or where the water from the water rights transferred will be measured, or how losses will be accounted for from the Yerington Weir Diversion Structure to Walker Lake. As the water rights NFWF seeks to transfer are junior to the Tribe's decreed water rights, any transfer cannot detrimentally affect the Tribe's rights.
3. Granting of the permit will detrimentally harm the Tribe's ability to store water in Weber Reservoir. Weber Reservoir has been used to store water on a continuous basis since Weber Dam was constructed by the United States for the benefit of the Tribe and allottees who irrigate certain lands on the Walker River Paiute Reservation. The allottee lands cannot be properly irrigated without the conveyance provided by the Weber Reservoir water and the lack of such reservoir water would cause immediate harm to Walker River Paiute Reservation allottees and to the Tribe. The Tribe and the United States have filed counterclaims in the Walker River litigation pending in the United States District Court for the District of Nevada to address these water rights, as well as other claims. The Tribe has initiated various discussions with other

interested parties in attempts to settle these claims including with representatives of the states of Nevada and California. The Tribe's rights and use of water for storage in Weber Reservoir must be acknowledged and adequately accounted for in any terms or conditions of a permit that may be granted to prevent any harm to the Tribe's rights, to the Tribe, and to allottees.

4. Granting of the permit will detrimentally affect water flows on the Reservation during the periods before and after the Tribe's 180-day irrigation season, but within the Decreed period of use for the NFWF water rights. These periods of flow have historically supported the river corridor environment through the Reservation, and constitute waters that have been historically stored in Weber Reservoir to provide a functional irrigation system on the Reservation.
5. Granting of the permit will be detrimental to the public interest and will not be environmentally sound if, as a direct or as an indirect consequence, additional groundwater consumptive use occurs in the areas where the water rights proposed to be transferred originally were used, and/or irrigation return flow recharge to the groundwater system will be reduced. This may be mitigated only with an equal and offsetting reduction in groundwater consumptive use without which there will be a long-term adverse impact on base flows in the Walker River downstream of the location of the water rights being transferred.
6. Granting of the permit will be detrimental to the public interest and will not be environmentally sound if the water that naturally flowed past the Yerington Weir, or otherwise flowed onto the Reservation that was in addition to all of the Tribe's water rights and that normally flowed to Walker Lake is in any way designated as NFWF's water.
7. No permit should be granted and no administrative hearing should be held prior to (1) the availability of technical studies by the USGS on the lower Walker River, and/or (2) the presentation by NFWF of technical data that supports proper measurement and accounting for the water allowed to flow downstream from the original points of diversion for NFWF's water. Granting the permit without this information will be detrimental to the understanding of the potential environmental impacts and the effectiveness of the proposed water right transfer to increase flows to Walker Lake. This result could prove detrimental to the public interest, and will detrimentally affect the Tribe's water rights and uses.
8. Granting the permit and holding an administrative hearing prior to submittal by NFWF of a detailed measurement and accounting plan, as well as a conveyance plan to deliver additional water to Walker Lake, could prove detrimental to the public interest and detrimentally affect the Tribe's water rights and uses. These plans must, among other things, properly account for all transit losses and losses in historical augmentation of flows from agricultural operations. The failure to complete these plans prior to considering the application will be detrimental to the understanding of potential environmental impacts and effectiveness of the proposed water right transfer to increase flows to Walker Lake.
9. The application states that the Place of Use will be within the Reservation. Approving this proposed Place of Use shall not be construed as permitting entry onto the Reservation by any party, including NFWF, the State of Nevada, or the Federal Water Master, unless specifically authorized by the Tribe.
10. The Tribe's water rights can be protected through a Conveyance Agreement between the Tribe, the United States and NFWF that properly addresses river flows and measurement on and

upstream of the Reservation. This Conveyance Agreement must be recognized by the State Engineer and Federal Court as the means to ensure that water proposed to be transferred by NFWF under its water rights will be properly used and accounted for as it passes through the Reservation without having a detrimental effect on the Tribe's water rights and uses.

11. The Manner of Use for the portion of the designated Place of Use on the Reservation should be clarified to include wildlife purposes in the Walker River including fishery restoration within the Walker River Paiute Reservation portion of the Walker River.
12. NFWF must develop an accurate and detailed accounting system that will be implemented to quantify the amount of water attributable to NFWF water rights that will reach the Reservation boundary. This system must clearly differentiate NFWF's water from the Tribe's water rights, including the irrigation water stored in Weber Reservoir, as well as water that historically naturally flowed through the Reservation to Walker Lake. The failure of NFWF to develop this type of system will detrimentally harm the Tribe's water rights.
13. NFWF must develop an appropriate Water Management Plan that specifically addresses flows during periods of use prior to and after the 180-day Tribal irrigation season. This Plan must be acknowledged and implemented by the Federal Water Master to ensure that the delivery of NFWF water to the Reservation boundary during these periods before and after the Tribe's irrigation season will not detrimentally affect the quantity, occurrence, or timing of flows that would have otherwise occurred.
14. A Groundwater Management Plan must be implemented by the State of Nevada upstream of the Reservation, including regulation of groundwater permits by priorities. This Plan must ensure that off-irrigation season natural flows and long-term base flows in the Walker River downstream of the points of diversion are not detrimentally harmed due to the potential for increase in usage of groundwater, or loss of irrigation recharge, as a result of transferring the surface water rights to Walker Lake.
15. Because additional information on the effects of the proposed transfer is likely to become available during the processing of Application 80700, the Tribe reserves the right to present evidence with regard to the transfer at any hearings or in other forums in addition to the issues raised in this protest. The Tribe also incorporates by reference as if fully set forth herein every protest ground set forth in the protest filed against Application 80700 by the United States.