5£	'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

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j IN	THE MATTER OF	APPLICATION NUMBER	80700	<b>)</b>		FILED
		Fish and Wildlife Foundation		- (		// T 5 00th
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	Comes now	Backtrack LLC., a Nevada LLC		_		STATE ENGINEER'S OFFICE
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Wno	ose post office addre	ss is POBox 170, Smith, NV				
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## 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 MATTER OF APPLICATION NUMBER 80700 FILED BY NATIONAL FISH and WILDLIFE FOUNDATION	
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he proposed changes conflict with existing rights, will lessen the efficiency in the use and delivery of water and attrimental to the public interest and appropriate studies should be undertaken before acting on the application;	threaten to prove
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Walker River and its Tributaries  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 Domest and Irrigation wells. Limits economic stability.  THEREFORE the Protestant requests that the application be  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  Address  PO Box 170  Smith, Nevada 89430  Printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Street No. or PO Box  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Street No. or PO Box  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Street No. or PO Box  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Street No. or PO Box  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent  Toni J. Garms  Remail Office of the printed or typed name, if agent  Toni J. Garms  Printed or typed name, if agent								EI	IED I
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Comes now DAMIAN LTD., a California corporation  Printed or typed name of protestant  whose post office address is PO Box 778, Hayward, CA 94543  Strett No. or PO Box, City, State and ZIP Code  and protests the grant  of Application Number 80700  by National Fish and Wildlife Foundation  for Application Number 80700  by National Fish and Wildlife Foundation  whose occupation is in the AGRICULTURAL FIELD  and protests the grant  of Application Number 80700  by National Fish and Wildlife Foundation  for department of Walker River and its Tributaries  an underground source or same of stream, late, 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 Domise and Irrigation wells. Limits economic stability.  THEREFORE the Protestant requests that the application be Denied. Sound and propering the protestant and propering the pro		FILED BY N	lational Fish and Wildlife F	oundation		<b>\</b>	PROTEST	1 7	1 8 2011
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ON March 24	, 20	0 11		LIFED
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Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the St	the application	application.	Denied, is	DENI	ED		
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the St	the application	application.	Denied, is proper.	DENII stued subject to pri Agent or proteste	ent		
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the Si	the application tate Engineer d	application.  n be	Denied, is proper.	DENI	ent		e may bc
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the Si	the application tate Engineer d igned Ed ddress PC	leems just and	Denied, is proper.	DENII stued subject to pri Agent or proteste	ent if agent	c., as the cas	e may be
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Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the Si	the application tate Engineer d igned Ed ddress PC	leems just and	Denied, is proper.  Trustee Prin	DENIE  Stued subject to pri  Agent or protesta  ted or typed name,  Street No. or PO E  Try, State and ZIP of	or rights, etc	c., as the cas	e may be
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the Si  Si  Additional contents of the state of the	the application tate Engineer d igned  Ed ddress PC	leems just and	Denied, is proper.  Trustee Prin	DENIE  Stued subject to pri  Agent or protesta  ted or typed name,  Street No. or PO E  Try, State and ZIP of	or rights, etc	c., as the cas	e may be
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the St  Si  Additional state of Nevada  Appointment No. 05-99952-12	the application tate Engineer d igned  Ed ddress PC	leems just and	Denied, is proper.  Trustee Prin	DENIE Stued subject to pri Agent or proteste ted or typed name, Street No. or PO E City, State and ZIP of Phone Number E-mail , 20	or rights, etc	c., as the cas	e may bc
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the Si  Si  Additional and sworn to before me this  PATRICIA IRVINE	the application tate Engineer digned  Edddress PC  Ye  day of	leems just and	Denied, is proper.  Trustee Prin	DENIE  Stued subject to pri  Agent or protesta  ted or typed name,  Street No. or PO E  Try, State and ZIP of	or rights, etc	c., as the cas	e may bc
Appropriate studies should be undertaken before  THEREFORE the Protestant requests that and that an order be entered for such relief as the St  Si  Additional state of Nevada  Appointment No. 05-99952-12	the application tate Engineer digned  Edddress PC  Ye  day of	application.  In be leems just and lidie R. Snyder, D Box 550 rington, Nevan	Denied, is proper.  Trustee Prin	DENIE Stued subject to pri Agent or proteste ted or typed name, Street No. or PO E City, State and ZIP of Phone Number E-mail , 20	or rights, etc	c., as the cas	e may be

IN THE MATTER	OF APPLICATION NUMBER	R 80700			
FILED BY Nation	onal Fish and Wildlife Foundati	ion			FILED
ON	March 24	, 20 11		PROTEST	JUL 1 5 2011
Comes no	ow Eufrazia, LLC				STATE ENGINEER'S OFFICE
	militaris appening i Lasty i Lanca (1405-mai dalik seli popul i Arbania - ana tanamad i bababaa Profesion	Print	ed or typed name o	of protestant	***************************************
whose post office	address is PO Box 550, Yeringt	ton, Nevada 894	47	•	
		Street No.	or PO Box, City, S	tate and ZIP Code	ade adardo um lações e ences e a sementa proprieta (150 / Milet e 15 e e e e e e e e e e e e e e e e e
whose occupation	is raming	helgerykønske i Elli Høfi i bot i þremkrum furðasskiri í	-110/Ethros formalmes speed (654 46 fess spe		and protests the grant
of Application Nur	mber 80700	, filed	on March 24		, 20
	and Wildlife Foundation				for
waters of Walker	River and its Tributaries		471	situated in Lyon	The state of the s
9	an underground source of name of stream	m, lake, spring or othe	r source	77	vzevne ner regresor 2008 basel 25 i 1304 baselagisea del 10 receverta peqq pino ppecializates
County, State of N	evada, for the following reasons	s and on the follo	wing grounds, 1	to wit:	
The proposed ch detrimental to the	anges conflict with existing righ	hts, will lessen the	efficiency in t	the use and dilivery of	water and threaten to prove
	ies should be undertaken before				
THEREP	ORE the Protestant requests that	t the application b	e ************************************	DEN	*   *   *   *   *   *   *   *   *   *
and that an order be	e entered for such relief as the S	itate Engineer des	me instand se	Denied, issued subject to p	rior rights, etc., as the case may be
		ate Engliteer dec	mrs last suct but	oper.	
	S	igned	Lucy C	Rechel	
		Eufe	oria & I Jan	Agent or proteing A. Rechel its Manag	
		***************************************	ma, bec, but	Printed or typed num	
	· <b>A</b>	ddress PO E	30x 550	Timined or typed filler	ic, ii agent
		1155840000000000000000000000000000000000	(seestettbreestettli <del>bbe(sorprose), or</del> ches	Street No. or PC	Box 3 2
		Yerir	gton, Nevada	89447	
		*		City, State and ZI	P Code CD S M
		41 habertal proper page	**************************************	†1.117.77777777777777777777777777777777	<u> </u>
				Phone Numb	er From M
		***********	# 1 <b>14 d</b> x = 1 d x x x x x x x x x x x x x x x x x x	***************************************	
Subscribed and swo	om to before me this	h day of	m.01.	E-mail	19 23 ED
	PATRICIA IRVINE		1	, 20	8
	Notary Public, State of Nevi Appointment No. 05-99952 My Appl. Expires Jun 24, 20	-12	- tax	Notary Public	
<u> </u>	Miss. wit white exhibits and sal er			vevada	etti sidetti sa vidanda od prima sidet prompa ppr symptos sakes () et protes deletado del ballo ma
	<del> </del>	Coun	y of	Lyon	ned the control of the training of the control of t

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

ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

IN THE MATTER OF APPLICATION NUMBER			
	80700		FILED
FILED BY National Fish and Wildlife Foundation	attitentitipapparettal)-milijadoriski krestit et 1 e 1714		JUL 15 2011
ON March 24	. 20 11	PROTEST	30L 19 ZUI
The state of the s	miranium	J	STATE ENGINEER'S OFFICE
Comes now G & H Mutual Ditch Company			
whose post office address is PO Box 550, Yerington,	Printed or ty	ped name of protestant	ya iya maa maayya daadaa a a waa a ( ) daan o wagay ya gadada daada
post office address is 10 box 550, Termgon,		Sox, City, State and ZIP Code	\$P\$
whose occupation is Water Delivery		***************************************	and protests the grant
of Application Number 80700			
by National Fish and Wildlife Foundation			fan
waters of Walker River and its Tributaries		citysted in LVOn	
an underground source or name of stream, lai	ke, spring or other source		Additional and the consideration between 11 and 1665 1564 1665 1664 1664 1675 and 11 (see an appendix or
County, State of Nevada, for the following reasons and			
The proposed changes conflict with existing rights, y	will lessen the effici	ency in the use and dilivery of v	water and threaten to prove
detriniental to the public interest.			
Transfers outside the boundaries of existing ditch co	mpanies will dimin	ish the assessment base for the o	litch companies, hence
moreastig the illiancial burden on remaining water use	ers in the ditch com-	nanies. Transfers outside WRID	will diminish the assessment
base for WRID, increasing the financial burden on rem	taining water users.		
AUDIODITALE SUGGES SACILIO DE INICERTARAN ESTAMA ANTI-	ing on the application	าก	
Appropriate studies should be undertaken before acti	8 whitemen	7LL.	
	B whitmen	<b>711.</b>	
	upprount	<b>74.</b>	
			en.
THEREFORE the Protestant requests that the		DENI	
THEREFORE the Protestant requests that the	application be	DENI  Denied, issued subject to pr	ED ior rights, etc., as the case may be
	application be	DENI  Denied, issued subject to pr	
THEREFORE the Protestant requests that the	application be	DENI  Denied, issued subject to pr	
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State	application be Engineer peems justed	DENI  Denied, issued subject to prest and proper.  Agent or protest	ior rights, etc., as the case may be
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State	application be Engineer peems justed	DENI  Denied, issued subject to prest and proper.	ior rights, etc., as the case may be
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	application be Engineer peems justed	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Sco	ior rights, etc., as the case may be ant cirine its President
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State	application be Engineer peems justed	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Sco	ior rights, etc., as the case may be ant cirine its President
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	DENI Denied, issued subject to present and proper.  Agent or protest tual Ditch Company, Joseph Scorpinted or typed name of Street No. or PO	ior rights, etc., as the case may be ant cirine its President
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Scoprinted or typed name of Street No. or PO Nevada 89447	ior rights, etc., as the case may be  ant cirine its President , if agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	DENI Denied, issued subject to present and proper.  Agent or protest tual Ditch Company, Joseph Scorpinted or typed name of Street No. or PO	ant eirine its President agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Scoprinted or typed name of Street No. or PO Nevada 89447  City, State and ZIP	ant eirine its President agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Scoprinted or typed name of Street No. or PO Nevada 89447	ant eirine its President agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe	Engineer pleems justed	Denied, issued subject to prost and proper.  Agent or protest tual Ditch Company, Joseph Sce Printed or typed name  O Street No. or PO Nevada 89447  City, State and ZIP	ant cirine its President if agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe  Addre	application be Engineer deems justed  C& H Mu  ess PO Box 55  Yerington,	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Sce Printed or typed name  O Street No. or PO Nevada 89447 City, State and ZIP Phone Number	ant eirine its President, if agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signs  Addre	Engineer pleems justed	Denied, issued subject to prost and proper.  Agent or protest tual Ditch Company, Joseph Sce Printed or typed name  O Street No. or PO Nevada 89447  City, State and ZIP	ant eirine its President , if agent  Box  Code Fr. 20  E.
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe  Subscribed and sworn to before me this	application be Engineer deems justed  C& H Mu  ess PO Box 55  Yerington,	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Sce Printed or typed name  O Street No. or PO Nevada 89447 City, State and ZIP Phone Number	ant eirine its President if agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe  Addre  Subscribed and sworn to before me this  PATRICIA IRVINE  Notary Public, State of Nevada	application be Engineer deems justed  C& H Mu  ess PO Box 55  Yerington,	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Scoret No. or PO Nevada 89447  City, State and ZIP  Phone Number  E-mail , 20	ant eirine its President , if agent  Box  Code and Co
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe  Addre  Subscribed and sworn to before me this  PATRICIA iRVINE Notary Public, State of Nevada Appointment No. 05-99952-12	application be Engineer deems justed  A H Mu ess PO Box 55  Yerington,	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Sce Printed or typed name  O Street No. or PO Nevada 89447 City, State and ZIP Phone Number	ant eirine its President , if agent
THEREFORE the Protestant requests that the and that an order be entered for such relief as the State  Signe  Addre  Subscribed and sworn to before me this  PATRICIA IRVINE  Notary Public, State of Nevada	application be Engineer deems justed  C& H Mu  ess PO Box 55  Yerington,	DENI Denied, issued subject to prest and proper.  Agent or protest tual Ditch Company, Joseph Scoret No. or PO Nevada 89447  City, State and ZIP  Phone Number  E-mail , 20	ant eirine its President , if agent

IN THE MATTER OF APPLICATION	NUMBER 80700		FILED
FILED BY National Fish and Wildlife	e Foundation	PROTEST	ML
ON May, 10	, 20 11	PROTEST	JUL 1 5 2011
			STATE ENGINEER'S OFFICE
Comes now Garmsland Limit	ed LLC., a Nevada LLC	Ļ	STATE ENGLISER'S OFFICE
whose post office address is PO Box 1		typed name of protestant	
WHICH PAST OFFICE BUILDINGS IS 1 V 2004 I	····	D Box, City, State and ZIP Code	
whose occupation is AGRICULTURE	that requires WATER to raise	e crops for the benefit of NEVAI	OA and protests the grantin
of Application Number 80700	, filed on	May. 10	.20 11
	, who ou		,
by National Fish and Wildlife Foundat	tion		for th
waters of Walker River and its Tributa	aries	situated in Walker Ri	iver Rasim   Lyon
	name of stream, lake, spring or other son		ra ban, byon
County, State of Nevada, for the followi			
This is a Nevada LLC that has water rig	-	<del></del>	
THEREFORE the Protestant re	equests that the application be	DENIED	DENEID
and that an ander he served for such suf-	liaf tha ft-t- 171		rior rights, etc., as the case may be
and that an order be entered for such reli	iei as the State Engineer deems	Just and proper.	
	Signed /	Taril Same	And the second lies
		Agent or prote	
	Gary J.	Clarins	stant
			M-144-111111111111111111111111111111111
	Address PO Box	Printed or typed nam	M-14-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
	h-c	Printed or typed nam: : 170 Street No. or Pt	no, if agent
	h	Printed or typed nam : 170 Street No. or Po Nevada 89430	oe, if agent  D Box
	h	Printed or typed name: 170 Street No. or Polyneyada 89430 City, State and Zi	oe, if agent  D Box
	Smith, I	Printed or typed name: 170 Street No. or Polyneyada 89430 City, State and Zi	D Box P Code
	Smith, I	Printed or typed name: 170 Street No. or Police Nevada 89430 City, State and Zits-2406 Phone Number	D Box P Code
Subscribed and sworn to before me this	Smith, 1 775-465	Printed or typed name: 170 Street No. or Printed a 89430 City, State and Zi 5-2406	D Box P Code
,	Smith, 1 775-465  day of	Printed or typed name: 170 Street No. or Pour Nevada 89430 City, State and Zits-2406 Phone Number	D Box P Code
GLORIA K. LASH	Smith, 1 775-465	Printed or typed name: 170 Street No. or Pour Nevada 89430 City, State and Zits-2406 Phone Number	D Box  P Code  OF
GLORIA K. LASH NOTARY PUBLIC STATE OF A PLANTA	Smith, 1 775-465  day of  State of	Printed or typed name 170  Street No. or Pour Nevada 89430  City, State and Zity	D Box P Code  OF
GLORIA K. LASH	Smith, 1 775-465  day of  State of	Printed or typed name 170  Street No. or Printed Nevada 89430  City, State and Zity State and Zi	D Box  P Code  OF

93°		APPLICATION NUMBER	80700			FILED
	ON National	Pish and Wildlife Foundation May, 10	. 20 11	~	PROTEST	JUL 15 2011
			, 20 11	•		
	Comes now	GARY G. GARMS				STATE ENGINEER'S OFFICE
	whose post office addre	ss is POBox 173, Smith, NV		ped mame of protestant		
	-		Street No. or PO I	lox, City, State and ZIP		
	whose occupation is	AGRICULTURE that requires Y	WATER to raise of	rops for the benefi	it of NEVADA	and protests the granting
	of Application Number	80700	, filed on _h	<b>la</b> y, 10		, 20 11
	by National Fish and	Wildlife Foundation				for the
	waters of Walker Riv	er and its Tributories	11 TH METHOD I SAN MONTH ( ) 1 TH METHOD ( ) 1		· Wall- Dis	- Davis I
	· · · · · · · · · · · · · · · · · · ·	cryround source or name of stream, lake,	spring or other sourc		in Walker Rive	A Dasii, Lyon
		a, for the following reasons and o				
	Lam a 4th generation N	levadan, 26 years old, who is at	tempting to keep	agriculture as my p	profession. I st	nte the following:
		the Protestant requests that the a	· ·			PENEID r rights, etc., as the case may be
	and that an order be ent	ered for such relief as the State E	ingineer deems ju	st and proper.	2.	
	•	Signed	Lane	1 L L	armet	·
ý,	)		Gary G. G	arms	Agent or protests	nt
			PP0-700-100-100-100-100-100-100-100-100-10	Print	led or typed name,	if agent
		Addres	PO Box 17	·····	Street No. or PO B	ex
	•		Smith, Ne	vada 89430		
			775-233-2		ity, State and ZIP (	Jode .
					Phone Number	
	a				E-mail	
	Subscribed and sworn to	before me this / 2	_day of	vly	.20/	
	X	GLORIA K. LASH NOTARY PUBLIC		Dloria	₩. ¥	ast-
	2	STATE OF NEVADA Appt Exp. Dec. 15, 2014	State of	Neva	Notary Public	
			County of	Cerso	- City	,
	+ \$25 FILING H	TEE MUST ACCOMPAN	Y PROTEST.	PROTEST M	IUST BE FI	LED IN DUPLICATE.

		`	FILED
IN THE MATTER OF APPLICATION NUMBER	80700	•	ML
FILED BY National Fish and Wildlife Foundation		PROTEST	JUL 1 5 2011
ON May, 10	, 20 11	<b>5</b>	
			STATE ENGINEER'S OFFICE
Comes now GARY J. GARMS			
whose post office address is POBox 170, Smith, NV		ped name of protestant	
whose occupation is AGRICULTURE that requires W	Street No. or PO I	Box, City, State and ZIP Code 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	······		· · · · · · · · · · · · · · · · · · ·
by National Fish and Wildlife Foundation		(1884)   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884   1884	for the
waters of Walker River and its Tributaries		situated in Walker River	Basin, Lyon
an underground source or name of stream, lake, s			
County, State of Nevada, for the following reasons and or			<b></b>
Lhave been farming for 50 years in this area and want it p	protected for my	ramules ruture. I state the follow	/mg:
THEREFORE the Protestant requests that the apand that an order be entered for such relief as the State En	-	Denied, issued subject 19 prior	ENEID rights, etc., as the case may be
	Gary J. Ga	Agent or protestant	
Address	**************************************	Printed or typed name, if	egent
	611 1Y-	Street No. or PO Bo	<b>T</b>
	775-465-2	vada 89430  City, State and ZIP Co	de
	773-103-2	Phone Number	
	Hertaritana ana ang ang ang ang		Mar (10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000 - 10,000
**************************************	day of	yly 20 1 Horin L. La	sh
GLORIA K. LASH NOTARY PUBLIC STATE OF NEVADA NO.88-0298-5 My Appt Exp. Dec. 15, 2014	State of County of	Merada Merada Carana Ceta	
+ \$25 FILING FEE MUST ACCOMPANY	•	PROTEST MUST BE FIT	ED IN DUPLICATE

N TH	E MATTER OF APPLICATION NUMBER	80700	<b>)</b> _	EILEN
	BY National Fish and Wildlife Foundation	80/00		FILED
ON	May, 10	, 20 11	PROTEST	JUL 18 20
<del></del> -,,				STATE ENGINEER'S OF
	Comes now Gary M. Berrington		L	TATE ENGINEER SO
whose p	post office address is 7 Miller Ridge Rd, Welli	Printed or t ngton, NV 8944	yped name of protestant 4	
	occupation is dependent upon AGRICULTUR	Street No. or PO	Box, City, State and ZIP Code	
	***************************************	.C.		and protests the granting
of Appli	ication Number 80700	, filed on	May, 10	,20 11
by Na	tional Fish and Wildlife Foundation			for the
waters o	Walker River and its Tributaries		situated in Walker l	River Basin, Lyon
County	an underground source or name of stream, lake	, spring or other sour	DR .	
	State of Nevada, for the following reasons and			
I have d	enended on the farming activity in this area for	40 plus years and	I want it protected for my fan	rilies future.
limit gr	ng the use of water to without the boundaries of ing the following: Water availability and its Co pwth and prosperity to the basin. Many negati- pation wells. Limits economic stability.	YETE ("THENHAN I	ha afficience: in the delicer	P
	THEREFORE the Protestant requests that the a	pplication be	DEA	VIED
and that	an order be entered for such relief as the State E	noineer deems in	Denied, issued subject to	prior rights, etc., as the case may be
_		- LV -	is and proper.	
	Signed	Jon	Agent or prot	Acton t
		Toni J. G		vo telik
	Addres	s PO Box 1	Printed or typed na 70	ne, if agent
		Smith, Ne	Street No. or P vada 89430	O Box H Z Z
		775-465-2	City, State and Z	
		Personal Application of the Pe	Phone Num	
			E-mail	
Subscribe	ed and swom to before me this/8	day of Jul		<u> </u>
8	SUSAN COX		usan Cool	
8	NOTARY PUBLIC STATE OF NEVADA NOTARY	State of	Notary Publi	
<b>3</b>	in in the second second	State of County of	Caron City	Neugh
+ \$25	FILING FEE MUST ACCOMPANY	· .	PROTECT MICE DE	
	MIN	. ANVIENI.	INCIDENT MINDI RE	filed in Duplicate

****	80700		
			FILED
FILED BY National Fish and Wildlife Foundation		PROTEST	M
ON May, 10	20_11		JUL 1 5 2011
Comes now GDA Degree Inc., a Nevada Corpora			STATE ENGINEER'S OFFICE
Comes now GDA Degree mc., a Nevada Corpora	RION Printed or typed name		
whose post office address is PO Box 170, Smith, NV 89		ne or brosestain	
Those committee is AGDICITITIDE that are in TVA	Street No. or PO Box, Cit	y, State and ZIP Code	
whose occupation is AGRICULTURE that requires WA	I EK to raise crops i	or the benefit of NEVAL	A and protests the granting
of Application Number 80700	, filed on May, 1	0	,20 11
by National Fish and Wildlife Foundation			for the
waters of Walker River and its Tributaries		situated in Walker Ri	
an underground source or name of stream, lake, spri			
County, State of Nevada, for the following reasons and on t			
This is a Nevada corporation that depends upon managing of	companies that hold	water rights and raise cro	ps in this area.
THEREFORE the Protestant requests that the appliand that an order be entered for such relief as the State Engineer.  Signed		Denied, issued subject to pr	DENEID ior rights, etc., as the case may be
and that an order be entered for such relief as the State Engi	neer deems just and	Denied, issued subject to pr	ior rights, etc., as the case may be
and that an order be entered for such relief as the State Engi		Denied, issued subject to proper.	ior rights, etc., as the case may be
and that an order be entered for such relief as the State Engi Signed	Gary J. Gazans PO Box 170	Denied, issued subject to proper.  Printed or typed name  Street No. or PO	ior rights, etc., as the case may be tant
and that an order be entered for such relief as the State Engi Signed	Gary J. Gazns	Denied, issued subject to proper.  Printed or typed name  Street No. or PO	ior rights, etc., as the case may be the case
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and that an order be entered for such relief as the State Engi Signed	Gary J. Garns PO Box 170 Smith, Nevada 8	Denied, issued subject to proporer.  Agent or protest  Printed or typed name  Street No. or PO  9430	ior rights, etc., as the case may be that the case may be the
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and that an order be entered for such relief as the State Engined  Signed  Address  Subscribed and swom to before me this  GLORIA K. LASH	Gary J. Garns PO Box 170 Smith, Nevada 8	Denied, issued subject to proporer.  Agent or protest  Printed or typed name  Street No. or PO  9430  City, State and ZIP  Phone Numbe	ior rights, etc., as the case may be that the case may be the
Subscribed and sworn to before me this  GLORIA K, LASH NOTARY PUBLIC STATE OF NEVADA NO.88-0298-5  My Appl Exp Dec. 15, 2014	Gary J. Garns PO Box 170 Smith, Nevada 8 775-465-2406	Denied, issued subject to proporer.  Agent or protest  Printed or typed name  Street No. or PO  9430  City, State and ZIP  Phone Numbe	ior rights, etc., as the case may be that the case may be the
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IN THE MATTER OF APPLICATION NUMBER	90500					
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by National Fish and Wildlife Foundation		areas ( Pr. 1 - 1999 Pringerick SPF Pringer ( ) A 1 habble clab.	. <del>(                                   </del>	PRESENCE DE L'EMER PP : 41	( <del>(  **********************************</del>	for t
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Sign	ned O	leph &	Lecrus			
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	Greenw	ood Mutual Dite	h Company, Joseph S		ts Presi	dent
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	Vania ata		Street No. or PO Box	( en	7	Ū.
	rermgu	n, Nevada 894	***************************************	<u></u>	*	<u> </u>
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	III Maddanada) resempest					<u> </u>
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Subscribed and sworn to before me this 15th	day of	$\supset 0$	E-mail	, ਨ	7	
The state of the s	edy UI	my	, 20_1	ļ		
PATRICIA IRVINE		9			•	
Notary Public, State of Nevada			Notes Park 1			
Appointment No. 05-99952-12 My Appt. Expires Jun 24, 2013	State of	<b>4</b> 1 0	Notary Public	* * .		
Abber mit taker rethines anti 54' 5012		Ne	v ad a	(1-11-4-4-11111111111111111111111111111		
	County o	f	S.C. C. 12		<del> </del>	MINIMAL AND
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ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

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IN THE MATTER OF APPLICATION N		80700				FIL	ED
FILED BY National Fish and Wildlife I	Poundation		<b>&gt;</b>	PROTEST	ML	JUL <b>1</b> .	0 2011
ON May, 10	7788 W. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	, 20_11		11(01201	,	JULI	0 2011
Comes now High Sierra Garlic,	a Nevada Busin	ness, Mr. Jerry R	losse		STATE	ENGINE	ER'S OFFICE
whose post office address is POBox 106					· 1. 11		
whose occupation is Farming, Row crop		Street No. or PO Boo crops	x, City, State a	nd ZIP Codo		and pro	tests the granti
of Application Number 80700		_ , filed on _Ma	ıy, 10				, 20 1
by National Fish and Wildlife Foundation	on						for t
waters of Walker River and its Tributario			situ	ated in Walker R	iver Basi	n, Lyon	
an underground source or nam	ne of stream, lake, spi	ring or other source					<del></del>
County, State of Nevada, for the following This is a Nevada business that solely depe	g reasons and on	the following gro	ounds, to wi	t:			
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n	N THE MATTER OF	APPLICATION NUMBER	80700			FILED
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O	N	May, 10	, 20 11	_ (	PROTEST	200 10 5011
			****	. <i>)</i>		STATE ENGINEER'S OFFICE
	Comes now	Jackaroo LLC., a Nevada LLC				
134	hose post office edde	ess is POBox 170, Smith, NV		r typed name of pro	testant	
**	mose host office with	28 E 1 O DOX 170, Builde, 144		O Box, City, State	and ZIP Code	
W	hose occupation is	AGRICULTURE that requires				and protests the granting
of	Application Number	80700	, filed on	May, 10	-	, 20 11
b	National Fish and	Wildlife Foundation				for the
w	aters of Walker Riv	er and its Tributaries			ated in Walker Rive	r Regin I von
		lerground source or name of stream, lake	, spring or other so		ISTECT EL TROISES ECITE	Dasut, Lyon
C		la, for the following reasons and			rit:	
1	his is a Nevada LLC	that has water rights that will be	affected by app	lication#80700	<b>±</b>	
	THEREFORE	the Protestant requests that the a	application be		DENIED D	PENEID
		•	_		. // -	r rights, etc., as the case may be
80	id that an order be en	ered for such relief as the State I	ingineer deems	i just and proper	5 //	
		Signed	ı ,	Muse L	Man	
				ary of	Agent or protesta	ut
			Gary J.	Germs /		
		Addre	ss PO Box	k 1 <b>70</b>	Printed or typed name,	ti agent
			<del></del>		Street No. or PO B	COX
			Smith,	Nevada 89430	(Va. 04-4) 770 (	N. J.
			775-46	5-2406	City, State and ZIP (	2008
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	TER OF APPLICATION NU	FFERESPONDENCE			FILED
ON	National Fish and Wildlife For March 24	undation, 20 11		PROTEST	JUL 15 2011
\$9954,800d - pra pau	The state of the s	, 20 11	_ <b>J</b>		STATE ENGINEER'S OFFICE
Come	s now Jim and Bunny J. Sny	***************************************	## 15-6-6		- TOTAL BOOK OF THE C.
whose post offi	ice address is PO Box 550, Y	Printed erington, Nevada 8944?	or typed name of p	protestant	The state of the s
whose occupati	ion is Farming	Street No. or	PO Box, City, Stat	e and ZIP Code	and protests the grant
of Application	Number 80700	, filed or	n March 24	***************************************	
by National F	ish and Wildlife Foundation		***		
vaters of Wal	lker River and its Tributaries	733 (775-78-14-14) 1-10-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	***************************************		for
9	an underground source or name o	of stream, lake, spring or other s	ource	tuated in Lyon	de alexandre (al 1 personale 1 ) de la lacatación de la companyon de la compan
ounty, State o	of Nevada, for the following real changes conflict with existing the public interest.	easons and on the following	ng grounds, to	wit:	
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ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

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IN THE MATTER OF APPLICATION NUMBER	80700	(		FILED
FILED BY NATIONAL FISH and WILDLIFE FO	UNDATION	>	PROTEST	M. 1 5 004
ON March 24	, 20 11	<b>)</b>		" JUL 1 5 2011
Comes now Joseph Sceirine				STATE ENGINEER'S OFFICE
whose post office address is P.O. Box 1013, Yeringt	Printed on NIV 80447	or typed name o	•	t tillnellesten) - fere refinise er ettinolle entrangen
whose occupation is Rancher / Farmer	Street No. or	PO Box, City, S	tate and ZIP Code	and protests the grant
of Application Number 80700	, filed or	March 24	inn a 1575 o <b>ile 188</b> 0 (a. 1 <b>. inn 1811</b> inn 1885), a tha tha an an aire an aire an aire an aire an aire an aire	, 20
by National Fish and Wildlife Foundation	on a company of the control of the c	Secretaria de la constanta de		for
waters of Walker River and its tributaries	eary Statement Highlight State Commence		situated in Lyon	
. and a Brown south of a tente of strethit's	ave' abinis or onici ?	Office		<del>Principles (() (40 (()   1) ( - 4, 100   148 - 15   158 - 4   151 ) 48 5</del> 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
County, State of Nevada, for the following reasons an	id on the followi	ng grounds, t	o wit:	
The proposed changes conflict with existing rights, w				
THEREFORE the Protestant requests that the	e application be	salmanino de a controlar o	DENIE	minute of consider house and the state of th
and that an order be entered for such relief as the State	e Engineef deem	s just and pp		or rights, etc., as the case may be
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Sign	len long	eph_	Decirence	<u> </u>
•	Joseph	Sceirine	Agent or protests	
Add	ress P.O. B	ox 1013	Printed or typed name,	if agent 2
	di kerembanden	ton, NV. 89	Street No. or PO I	Z (N )
	' hill re a sort three nove brising in	463-3024	City, State and ZIP	
	47 / 44- 44	PERMANENT CERNITERS OF A	Phone Number	
18th	)	**************************************	E-mail	ALLEMAN CONTROL OF THE STATE OF
Subscribed and sworn to before me this	day of	- July	, 20	Marie Andrews
PATRICIA IRVINE Notery Public, State of Nevada		120	18	
Appointment No. 05-99952-12				
My Appt. Expires Jun 24, 2013	State of		Notary Public	
Addition and white explicit and Sail Sail Sail Sail Sail Sail Sail Sail	State of County	· · · · · · · · · · · · · · · · · · ·	Notary Public	lestanga dalibat Harabina kata ana manadi Abbadan.
+ \$25 FILING FEE MUST ACCOMPA	County	of	elsels	desert and sent of the test of the conductions of self-conductions of the conduction

IN THE MATTER OF APPLICATION NUMBER 80700  FILED BY National Fish and Wildlife Foundation	
FILED BY National Fish and Wildlife Foundation	NV FILED
	JUL 18 2011
ON May, 10 , 20 11	
	STATE ENGINEER'S OFFICE
Comes now Kari D. GARMS	
Printed or typed name of protestant whose post office address is PO Box 170, Smith, NV 89430	
Street No. or PO Box, City, State and ZIP Code	
whose occupation is AGRICULTURE	and protests the grant
of Application Number 80700 , filed on May, 10	, 20
by National Fish and Wildlife Foundation	
Dy American I Bat and Wigning Politicality	for
waters of Walker River and its Tributaries situated in Walker River	er 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:	
and Irrigation wells. Limits economic stability.	
THEREFORE the Protestant requests that the application be DENIE	
Denied, issued subject to price and that an order be entered for such relief as the State Engineer deems just and proper.	n rights, etc., as the case may be
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Signed Darns	
Signed Agent or protesta  Toni J. Garms	ant .
Toni J. Garms  Agent or protesta  Printed or typed name,	
Toni J. Garms  Agent or protesta	if agent
Agent or protesta  Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E  Smith, Nevada 89430	if agend
Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E	if agend
Agent or protesta  Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E  Smith, Nevada 89430  City, State and ZIP 6	if agent  STATE RECEDENCE COME COME COME COME COME COME COME CO
Agent or protesta  Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E  Smith, Nevada 89430  City, State and ZIP 6  775-233-2282  Phone Number	RECEIVE STATE ENGINEERS
Agent or protesta  Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E  Smith, Nevada 89430  City, State and ZIP of  775-233-2282  Phone Number	RECEIV
Agent or protesta  Toni J. Garms  Printed or typed name,  Address  PO Box 170  Street No. or PO E  Smith, Nevada 89430  City, State and ZIP of  775-233-2282  Phone Number  Beannil  3 day of July  Recommendations	RECEIVED  RECEIVED  STATE SHGINGERS OF
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#### 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 o 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 neat West Walker River, to the amount of fifty thousand acre feet, such water to be diverted and stored in said reservoir from the fist 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 Fiver 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 Rive rand 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 form 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 form 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, <a href="http://water.nv.gov/mapping/chronologies/walker/oart1.cfm">http://water.nv.gov/mapping/chronologies/walker/oart1.cfm</a>. 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 takes 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:

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

- 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 tenninal 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.

## 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.

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IN THE MATTER OF APPLICATION NUMBER

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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 <u>an agreement to be negotiated</u> 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.

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PATRICIA IRVINE	
Notary Public, State of Nevada Appointment No. 05-99952-12  Notary Public	
My Appt. Expires Jun 24, 2013 State of	¥ 11
County of Covi	and the transfer of the state o
+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE F	ILED IN DUPLICATE.

their living ranching. I amone 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 fanch. However, if this application and others to follow are 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, intended. Therefore, I respectfully request that this application and others to follow be denied.

(2)	The state of the s			- TE OT HETADA
	FILED BY National Fish	Wildlife E. J.	ition) Prouse	JUL 18 2011
	y 4	ter A. fen;	<b>)</b> Iî	STATE ENGINEER'S OFFICE
	whose post office address 's		501th, NU 8943	20
	whose occupation is Far	MEr	Walk Congression Congression	and protests the granting
	of Application Number 80.7	100 Fed on	03/24/2011	
	" National Fi.	sh WildLife	foundat	. 20//
	waters of Walker A	iver BASIN	should by Ly	for the
-7" / 2	County State of Nevada, for the for for	Contraction and the contraction of	•	
Lam Flow(1	c roca advers water rig,	ht holder under u	IRTO TEMI LL	Transfer of NaTura
	THE THUSTON DMY WA	ters will Chause	Liber Sundan all	1 200 7 100 - 1/10
	on storage rights. The schase of water in the uds agriculture can water	L WKID DYSTEM,	Without this pure	te the opportunies thase of water
2,0		equents that the application of	$\circ$ . $I$	
			LENICA Direct conditions to p	former Manifestory and a second
	and that an order be entered for such rel	· · · · · · · · · · · · · · · · · · ·	just and proper.	
	/EE	Signed C	iter a. Fenile	•
	E E		Peter A. Fenil	<b>6</b> <b>f</b>
	PEC JEL I	Address	P.O. Box	<i>3</i>
	MI JUL		Smith N	
	€		775-465	-2489
			None	
	Subscribed and sworn to before meetal.	17 60 0 3	inly	11
	CYNTHIA NUTI Notary Public - State of Neved		Cynthia Mut	
	Appointment Recorded in Lyon Court No: 08-8248-12 - Expires April 18, 201	y	Nevada	
	·	County is	hyon	
- CALLEY	+ S25 FILING FEE MUST A	CCOMPANY PROTEST	PROTEST MUST BE F	DED IX IN DETO CER

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

IN THE MATTER OF APPLICATION NU	JMBER 8	0000		FILED
ON March 24	Wildlife	Foundation	PROTEST	JUL 1 8 2011
				STATE ENGINEER'S OFFICE
Comes now Sci	arani D	itch	and a franchischer	Core con many constitution and an arrangement
whose post office address is 26 S	ciarani	Road Yer	ington NV 894	47
whose occupation is deliverin	g water	The control of PO Box, C	tty, Juste and ZIP Code	and protests the granting
of Application Number 80700		, filed on $M$	arch 24,	,20
by National Fish and W	ildlife f	oundation	CHILD BY CO. 3 CONTINUES SANCE OF CO.	for the
saters of Walker River and an underground source or name	its Trib	utaries	situated in Lyo	n
County, State of Nevada, for the following:	of stream, lake, spr reasons and on t	ing or other source he following groun	ds, to wit:	
The place of use	, manne	r of use	and of a porti	on of water
should not be changed exactly as it is now If movement of water is	d from	its origin	al intent It	should remain
exactly as it is now	and on	the land	it was origina	Illy intended for
If movement of water is	s allowed	, there wou	ld be approxima	tely one acre foot
THEREFORE the Protestant reque			7	,
and that an order be entered for such relief a			Denied, issued subject to prio	r rights, etc., as the case may be
<b>a</b>	Signed		1 School	
	aigned	n.	Agent or protesta	nt
_ <b>3</b>		Pau	Suarani Printed or typed name,	if agent
CH : \$	Address	26.	Sciarani Koad	
EERS EERS		Yeri	naton NV 891	
C E E		1775	City, State and ZIP C 1 463-3328	Code
RECEIVED 201 JUL 18 PM 1: 42 SEATE ENGINEERS OF FIRE		<u> </u>	Phone Number	demanda and an annual and an
<del></del>	15-th	<u> </u>	E-mail	от предоставляющий предоставля
Subscribed and sworn to before me this		y of	, 20 J	Annexes speed
PATRICIA IRVII Notary Public, State of Appointment No. 05-5	of Nevada		Notary Public	
My Appt. Expires Jun		State of	Nevada	
		County of	Lyon	and encodimental disconnections of the second se
+ \$25 FILING FEE MUST ACC	OMPANY I	PROTEST. PR	OTEST MUST BE FI	LED IN DUPLICATE.

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.

MI 70 64 1. FS

	APPLICATION NUMBER	8070	<u> </u>	•			ML	FILE	D
<del></del>	Fish and Wildlife Foundation			~	PI	ROTEST	Jl	JL 18	2011
ON	May, 10	, 20_1	<u> </u>	•					NO OTTO
Comes now	Settelmeyer-Rosse Ranch Mg	gmt. LLC., a	Nevada	LLC			STATE	ENGINEER	'S OFFICE
	. DOD 100 W.W.			ped name of	f protestant				
whose post office addi	ress is POBox 106, Welling			Day City Str	ate and ZIP C	·nde	····		
whose occupation is	AGRICULTURE that require						A a	nd protest	s the grantin
of Application Number	т 80700	, fi	ed on 1	May, 10					, 20 1
by National Fish and	Wildlife Foundation	Nime ( ) qil sansansandr biyar al (sans) ( )	************	salval er i doger i alegre a bill offi	F2-141 3 3 6 7 6 8 F F F F F F F F F F F F F F F F F F	والمتواجعة والمتعاور المتعاورة والمتعاودة والمتعاددة والمتعاودة وا	al de 1400 pageons pa ma sefet è le ser	**************************************	for th
waters of Walker Riv	ver and its Tributaries			1	situated in	Walker Riv	ver Basin,	Lyon	
ai w	nderground source or name of stream,								
•	da, for the following reasons a		_	_			_		
This is a Nevada LLC	that manages lands that own	water rights	that will	be affecte	ed by applic	ation#80/0	<u>y.</u>		
	perity to the basin. Many nega imits economic stability.	dive environ	mental i	mpacts. De	<u>ctrimental t</u>	to the Public	<u> १५ स्थित स्थ</u>	≈ म्योजल	LOUISSIC
and Irrigation wells. I	imits economic stability.			mpacts. De	etrimental t	o the Public DENI		<u>क्र मोजल</u>	LADINESHIC
and Irrigation wells. I							ŒD		
and Irrigation wells, I	imits economic stability.	the application	on be		Donied, issue	DENI	ŒD		
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and Irrigation wells, I	Limits economic stability.  E the Protestant requests that the stability is the Stability.	the application ate Engineer gned	on be	ust and pro	Donied, issue	DENI	ŒD rior rights, et		
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and Irrigation wells, I	Limits economic stability.  E the Protestant requests that the standard for such relief as the Standard Signard Company of the Standard Company of the	the application the Engineer gned	deems julie on J. G. Coni J. G. O Box 1	ust and pro	Donied, issue oper.  Printed St 30	DENI of subject to pu  Agent or protes for typed name	ED rior rights, of tant	to, as the ca	
and Irrigation wells, I	Limits economic stability.  E the Protestant requests that the standard for such relief as the Standard Signard Company of the Standard Company of the	the application at the Engineer gned	deems julie on J. G. Coni J. G. O Box 1	arms	Donied, issue oper.  Printed St 30	DENI  od subject to pr  Agent or protes  for typed name	ED rior rights, of thant	to, as the ca	se may be
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<u> </u>			
IN THE MATTER OF APPLICATION NUMB	ER 80700		FILED
FILED BY National Fish and Wildlife Found		nara.	Na a i a
ON March 24	,20 11	PROT	EST JUN 2 4 2011 St
The second secon	441-1-1-1	<b>— )</b>	STATE ENGINEER'S OFFICE
Comes now Six-N-Ranch Inc. by Rich	hard B. Nuti V.P.		TOWA 2 OFFICE
whose post office address is P.O. Box 49 Smith	Printed	or typed name of protestant	and the state of t
Post office actives is 1107 box 47 Smith		PO Box, City, State and ZIP Code	epiggerm i regginggigg hafardal i man langs i myang pip (h) d) li da diwa bibang i ny ramingnan mj. (d) ya ba W (d) adda e i i
whose occupation is Farming		2	and protests the granting
of Application Number 80700	, filed o	n March 24	, 20 11
by National Fish and Wildlife Foundation			
Taken 6 to and 180 Mg/gram and all the earl of the state	Carellium mynnyamatogajyyy firmanadi'n roe edd <del>- Majab</del> uresya	et a pura primary y ampures de Ba Ba Badh de Aportus autos a a ser un que presenta de la desta del combinato d	for the
waters of Walker River and its Tributaries	day ( translation or a constraint of the constraint begins on engage translation	situated in Lyon	7
an underground source or name of stre County, State of Nevada, for the following reason	tem, iske, spring or other	source	
I. Changing the place of use to the Walker Lake.	will have an effect of	os elem complementario de la c	45 mm 45 mm m 194 N N N N N N N N N N N N N N N N N N N
<u> </u>	Will he less water to	hale tennesses the interestor	and the state of t
THE PERSON NAMED IN COLUMN TO A TAX OF THE PERSON OF THE P	HILLICATURE OTTORNION	II CCCPO da idas acessa ser. Ecc il	
THE REPORT OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON	THE CONTRACTOR CONTRACTOR	d firms substant and C	
THE PARTY OF THE P	Y II THE COMP SINGE ON A	iccree the decree is full and V	V P I D can store sustantin the
reservoir creating more storage water for the farm	ners.		TALLY CAN STORE WATER IN THE
	See additional p	wers.	•
		•	
THEREFORE the Protestant requests the	at the application be		Denied.
nd that an order be entered for such relief as the	State Engineer deem	Denied, issued subje s just and proper	ct to prior rights, etc., as the case may be
	<u>~</u> '		
:	Signed	ehand B.	Mutu .
	D.	chase B	protestant , A
	<u>K_</u> ,	Brings or bear	d name, if agent =
	Address P. 🛇	Box 49	d name, if agent
	••••••••••••••		or PO Box
	Sm	ith NV R	9430 = =
		City, State a	nd ZIP Code
	775	T-465-235	7 7 7
		Phone I	Number & &
0.1	***************************************	E-n	sell
ibscribed and swom to before me this $\omega \mathcal{G}$	day of	une	, 20   )
SILANDON			water the same
SUSAN COX O NOTARY PUBLIC S		suldan (on	<i>L</i>
8 TATE OF NEVADA 8 PM Appt. Exp. Apr. 14, 2013 0	State of	Notary 6	Public
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•	County	a ration	City
The sale that the common a contract is a contract.			

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

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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.

2011 JUH 24 PH 2: 53

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	ATTER OF APPLICATION NUMBER National Fish and Wildlife Foundation	THE STATE OF THE S	}	PROTEST	FILED JUL 1 5 2011
P ( A C T T T T T T T T T T T T T T T T T T	March 24 mes now Snyder Livestock Company, In				STATE ENGINEER'S OFFICE
		Printed or	r typed name of pro	otestant	
whose post	office address is PO Box 550, Yerington	(	Δ B Δ'	}	er (proponanciam ) par na jangary proponanciam (karanananany) ya 1994 (karanananananananan
whose occup	pation is Farming		O Box, City, State	and ZIP Code	and protests the grantin
of Application	on Number 80700	, filed on	March 24	oblogge o 1 and 1600 com <del>supply report</del> de 200 a 1600 com sept sett	, 20 11
by Nationa	l Fish and Wildlife Foundation			<del>n</del> nd st <del>emmen proposed his lasd a hidded suggery perspectual</del> his hid	
waters of V	Walker River and its Tributaries		gitı		
County, State	an underground source or name of stream, is e of Nevada, for the following reasons an	lke. Shring or other cou	HTCA		
Spragg-Wood Appropriate	the financial burden on remaining water us Greenwood Mutual Ditch Company, the Macock Mutual Ditch Company.  The studies should be undertaken before act EREFORE the Protestant requests that the	ing on the applica	tten Company,	The G & H Mutual D	litch Company, and the
		*******	Den		rights, etc., as the case may be
and that an or	der be entered for such relief as the State	Engineer deems j	ust and proper	•	9 2
	Signe	ed J	eg Ge	Rechel	ATE III RE
		Snyder L	ivestock Comp	Agent or protestan	echel is President
	Addre	PO Box 5	550	Printed or typed name, it	RS <del>≥</del> ∩
		Yerington	ı, Nevada 894		7 N
		Medicerryspies Milicine	. d. v. e.	City, State and ZIP C	ode T
		mes of 40002225 process passes		Phone Number	
Subscribed and	PATRICIA IRVINE Notary Public, State of Nevada Appointment No. 05-99952-12 My Appt. Expires Jun 24, 2013	State of	rily N	E-mail , 20  Notary rubits	
+ 625 1011	THE BUT BEYOW	County of	#1.+>+(+>++++++++++++++++++++++++++++++++	<u>LYON</u>	NAN II 2000-000 NAN AMBERTAN NAN

\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

IN THE MATTER OF APPLICATION NUMBE	ar k	0700	_ )		FILED
FILED BY . National Fish and Wildlife Founda	***************************************	Programme of the section of the sect			JUL 1 5 2011
ON March 24	, 2	0 11		PROTEST	
1		***************************************	_ <b>J</b>		STATE ENGINEER'S OFFICE
Comes now Spragg-Woodcock Mutual	Ditch Com		Ministration consequences		
whose post office address is PO Box 550, Yering	eton. Nevad		or typed name of pro	testant	
Medical California (1 ) of the confession of the california (1 ) of the confession of the california (1 ) of the c			PO Box, City, State	and ZIP Code	
whose occupation is Water Delivery	-tr <b>en</b> b <b>oo</b> ter i i rângmaper (1994) opper pr	***************************************	t & \$ \$ \$ \$ \$ 7 % & \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	**************************************	and protests the granting
of Application Number 80700		, filed or	n March 24	t PP2 (411 det 1944), mili und det mili dan bid 1000 annonn na nooy i	, 20 11
by National Fish and Wildlife Foundation					£ 41
waters of Walker River and its Tributaries			situ		•
an underground source or name of stre	with teren' phrili	R OI ORICI 2	ource		
County, State of Nevada, for the following reason  1. The application requests transfer of the full du					
3. Payment of ditch assessments must be assured in operation. Payment must be assured by an entimeans.	ity considere	ed perma	nent and able suc	th as the US Govern	ment or by some other stable
THEREFORE the Protestant requests th	at the applic	ation be	···	DENI	ED for rights, etc., as the case may be
and that an order be entered for such relief as the	State Engin	eer deem	s just and proper	·	or rights, etc., as the case may be
	Signed		Lan.	wor	
				Agent or protest	
		Sprag	-Woodcock Mut	***************************************	, Jim Snyder its Secretary
	Address	PO Bo	x 550	Printed or typed name,	, if agent
		Abbellel et réed a program	***************************************	Street No. or PO	Вох
		Yering	ton, Nevada 89	**************************************	теппент выстан в принципания на принципания на принципания на принципания на принципания на принципания на при
				City, State and ZIP	
		***************************************	1 1999 til film til det for	Phone Number	
, -<	Ah,			E-mail	
Subscribed and sworn to before me this	dayday	of	July		I S S S
PATRICIA IRVINE			100	H.	2:2: PFF10
Notary Public, State of New Appointment No. 05-99952 My Appt. Expires Jun 24, 2	2-12	State of	· ( *	Notary Public	ř.Š
and their advances and early	<b>—</b>	County	mount and the comment	Tourist Transmission of the Contract of the Co	ndi (m) ). M. engy (m) 1939 pers pers sendici i epigendi. Apdecimbad (product di i di ancamana
_			rm ( M   1848 <b>4660000 des</b> enquesta pro-		MITHING MIRESPHEISE I MARRIES AND

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

IN THE MATTER OF APPLICATION NUMBER	
	80700 FILED
FILED BY National Fish and Wildlife Foundation	PROTEST JUL 15 2011
ON May, 10 ,.	, 20 11 JUL 1 5 2011
	STATE ENGINEER'S OFFICE
Comes now Straggler LLC., a Nevada LLC	
whose post office address is POBox 170, Smith, NV 89-	Printed or typed name of protestant 19430
whose occupation is AGRICULTURE that requires WA	Street No. or PO Box, City, State and ZIP Code
whose occupation is Activities and	ATER 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, spri	
County, State of Nevada, for the following reasons and on the	the following grounds, to wit:
This is a Nevada LLC that has water rights that will be affected	ected by application#80700.
THEREFORE the Protestant requests that the appli	
and that an order he entered for such will for the first Park	Denied, issued subject to prior rights, etc., as the case may be
and that an third in contain for such relief as the State Know	
and that an order be entered for such relief as the State Engi	guicer decrits Just and project
Signed	Jan Lorn
	Agent or protestant
Signed	Agent or protestent  Printed or typed name, if agent
	Gary J. Garmes  Agent or protestent
Signed	Agent or protestant  Gary J. Garms  Printed or typed same, if agent  PO Box 170
Signed	Agent or protestant Gary J. Garms  Printed or typed same, if agent PO Box 170  Street No. or PO Box
Signed	Agent or protestant  Gary J. Garms  Printed or typed same, if agent  PO Box 170  Street No. or PO Box  Smith, Nevada 89430  City, State and ZIP Code
Signed	Agent or protestant  Gary J. Garms  Printed or typed same, if agent  PO Box 170  Street No. or PO Box  Smith, Nevada 89430  City, State and ZIP Code  775-465-2406
Signed	Agent or protestant  Gary J. Garms  Printed or typed same, if agent  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 da	Agent or protestant  Gary J. Garms  Printed or typed same, if agent  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 da GLORIA K. LASH NOTARY PUBLIC STATE OF NEVADA	Agent or protestant  Gary J. Garms  Printed or typed name, if agent  PO Box 170  Street No. or PO Box  Smith, Nevada 89430  City, State and ZIP Code  775-465-2406  Phone Number  B-mail  120 / 1
Subscribed and sworn to before me this da GLORIA K. LASH NOTARY PUBLIC	Agent or protestent  Gary J. Garms  Printed or typed name, if agent  PO Box 170  Street No. or PO Box  Smith, Nevada 89430  City, State and ZIP Code  775-465-2406  Phone Number  E-mail  120 / 1

						<del></del>		
	IN THE MAT	TTER OF APPLICATION NUM	(DED	80700	•		FILED.,	
		National Fish and Wildlife Four		00700	•		Mo	
	ON	May, 10	AMELIES.	00 11	~	PROTEST	JUL 1 5 2011	
				, 20_11	•		STATE ENGINEER'S OFFICE	
	Com	es now TONI J. GARMS					STATE ENGINEER'S OFFICE	
	Colli	Silow Tolli 7. O/IRIVIS	<del></del>	Drinted or to				
	whose post office address is POBox 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 l	Fish and Wildlife Foundation		hdelden man	·		, 40	
	***************************************	**************************************	***************************************	**************************************	<del>                                      </del>		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 o	of Nevada, for the following rea	stroam, tako, sp stroam	ring or other sourc	<b>*</b>	4-		
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† \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

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

	THEREFORE the Protestant requests that the application be				
and that an order be entered for such relief as the State Engineer deems just and pro-					
	Signed Robert E. Bygg.  ROBERT BRYAN, Chairman, Board of Directors, Walker River Irrigation District				
	Address P.O. Box 820				
	Yerington, Nevada 89447 775-4, 3 3523				
	E-mail				
<b>)</b>	Subscribed and sworn to before me this day of July, 2011.				
	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				

#### 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

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

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

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 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

productivity of this region and its inherent suitability for agricultural pursuits." Horton, Gary A.,

Nevada Division of Water Resources, Walker River Chronology,

<a href="http://water.nv.gov/mapping/chronologies/walker/part1.cfm">http://water.nv.gov/mapping/chronologies/walker/part1.cfm</a>.

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.

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 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.

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 nondiversion 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 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

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

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 atrisk 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. 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

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 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 FILED BY National Fish and Wildlife Foundation	80700	•	PROTEST	FILED pl. JUL 15 2011
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+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN <u>ORIGINAL</u> 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:

- 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 to 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.

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