

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

IN THE MATTER OF APPLICATION NUMBER 61693, FILED BY Roger N. & Nancy L. Johnson ON 16 November, 1995, TO APPROPRIATE THE WATERS OF Cumberland, Layson, & Gold Run Creeks

FILED JUN - 4 1996 STATE ENGINEER'S OFFICE

PROTEST

Comes now John H. Milton III, agent for Agri Beef Co. Printed or typed name of protestant

whose post office address is 146 West Second Street, Winnemucca, NV 89445 Street No. or P.O. Box, City, State and Zip Code

whose occupation is Professional Land Surveyor, and protests the granting

of Application Number 61693, filed on 16 November, 1995

by Roger N. & Nancy L. Johnson to appropriate the

waters of Cumberland, Layson, and Gold Run Creeks situated in Humboldt

Underground or name of stream, lake, spring or other source

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

Applicants propose to change the point of diversion and manner of use of Permit 34476 which changed the point of diversion and place of use of Proof No. 01075. Proof No. 01075 was issued for irrigation and hydraulic mining; since hydraulic mining is a non-consumptive use of water, only that portion of Proof No. 01075 that was originally used for irrigation should be allowed to be changed. Furthermore, protestant is the current owner of Permit 2677 Certificate 654 whose source of water is Gold Run Creek. Protestant's water rights under Permit 2677 would be in jeopardy if the change of manner of use from hydraulic mining to irrigation is allowed. Gold Run Creek and its tributaries do not produce enough water to supply 6.875 cfs of water for a consumptive use like irrigation for the period of use stated in the application and would, therefore, seriously limit the protestant's existing water rights.

THEREFORE the protestant requests that the application be denied Denied, issued subject to prior rights, etc., as the case may be

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

Signed John H. Milton III Agent or protestant

John H. Milton III Printed or typed name, if agent

Address 146 West Second Street Street No. or P.O. Box No.

Winnemucca, NV 89445 City, State and Zip Code No.

Subscribed and sworn to before me this 30th day of May, 1996

SUSAN K. FRENCH Notary Public - State of Nevada Appointment Recorded in Humboldt County MY APPOINTMENT EXPIRES SEPT. 1, 1997

Susan K. French Notary Public

State of Nevada

County of Humboldt

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

Handwritten initials