

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

IN THE MATTER OF APPLICATION NUMBER 69891
FILED BY BEVERLY JOAN JACOB
ON 18TH DAY OF APRIL, 2003, TO APPROPRIATE THE
WATERS OF PUBLIC WATERS STATE OF NEVADA

PROTEST

FILED
OCT 21 2003
STATE ENGINEER'S OFFICE

Comes now LUIS O. RAMALLO
Printed or typed name of protestant

whose post office address is 5200 VEGAS DRIVE LAS VEGAS NEVADA 89108
Street No. or P.O. Box, City, State and Zip Code

whose occupation is BUSINESS, BEEF JERKY SALES, and protests the granting
of Application Number 69891, filed on 18TH DAY OF APRIL, 2003

by BEVERLY JOAN JACOB
Printed or typed name of applicant to appropriate the

waters of UNDERGROUND SOURCE IN DAY LAKE VALLEY situated in NW1/4 NW1/4 SECTION 18
Underground or name of stream, lake, spring or other source T4S, R64E, MDM

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

OR AT A POINT FROM WHICH THE NW CORNER OF SECTION 18 BEARS N 45° W,
A DISTANCE OF 714 FEET (18 MILES W OF CALIENTE, NV) IN DAY LAKE VALLEY,
AND IS ADJACENT TO MY WATER BASIN WHERE MY PROPERTY IS LOCATED IN
PARRANAGAT VALLEY, EXCESSIVE WATER PUMPING CAN AFFECT MY WATER
BASE, IT IS UNKNOWN WHAT QUANTITY OF WATER CAN BE CAPTURED FROM
ANY UNDERGROUND SOURCE WITHOUT UNREASONABLE AND IRREVERSIBLE
IMPACT ON OTHER WATER BASES AND ENVIRONMENT

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 [Signature]
Agent or protestant

LUIS O. RAMALLO
Printed or typed name, if agent

Address 5200 VEGAS DRIVE
Street No. or P.O. Box No.

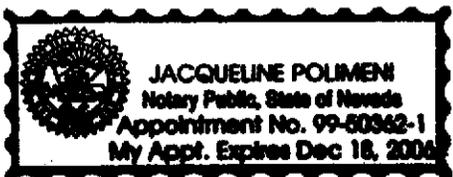
LAS VEGAS NEVADA 89108
City, State and Zip Code No.

Subscribed and sworn to before me this 20 day of October, 2003

[Signature]
Notary Public

State of Nevada

County of Clark



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

Protest Grounds

The proposed cost of works of this application exceeds one billion dollars. The State Engineer must consider whether the applicant has the financial capability to place the water to beneficial use.

Similar applications to appropriate 27, 627 cfs from the Spencer River were denied by the State Engineer's Office (ruling 4692) because the applicant failed to provide sufficient information to guard the public interest or prove that there were sufficient funds to place the water to beneficial use. The same grounds exist to deny Application 69891.

There is no water available to appropriate from the requested source and granting the appropriation requested by this application would interfere with existing rights, and the development of the resource would be detrimental to the public interest. Lincoln County and Southern Nevada Water Authority entered into an agreement on file at the State Engineer's Office for the development of water resources in the basins from which the applicant has requested water. The applications described in the agreement have seniority over the applicant's.