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

DEC 31 2009 DL

PROTEST

2009 DEC 31 PM 1:26

STATE ENGINEER'S OFFICE

RECEIVED

IN THE MATTER OF APPLICATION NUMBER 77498

FILED BY Paul and Lori Bottari

ON October 17, 2008 TO APPROPRIATE THE

WATERS OF Humboldt Drainage State of Nevada

Comes now Martha P. Sims-Hoots
Printed or typed name of protestant

whose post office address is P.O. Box 36 Deeth, Nev. 89823
Street No. Or P.O. Box, City, State and Zip Code

whose occupation is Cattle Rancher and protests the granting

of Application Number 77498, filed on October 17, 2008

by Paul and Lori Bottari to appropriate the

waters of Three Mile Spring situated in Elko Sec 20 T38N R62E mom
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: It is found page 28 Article 44 of Bartlett Decree "The Court finds that the water of the Stream (Humboldt) System is fully appropriated .... there is no surplus water for irrigation" Also page 244 of same "It is furthered orderer, Adjudged and Decreed that no claimant or appropriator along the Stream System or its tributaries has a right (prescriptive to the use of waters of said stream system or its tributaries." Three Mile Spring is a Humboldt Tributary (See Enclosed MAP) see Attached continuation

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 Martha P. Sims-Hoots
Agent or protestant

Printed or typed name, if agent

Address Box 36
Street No. or P.O. Box No.

Deeth, Nevada 89823
City, State and Zip Code No.

Subscribed and sworn to before me this 29th day of December, 2008

Dorian Boyer
Notary Public

DORIAN BOYER
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 08/02/2012
Certificate No: 04-91229-6

State of Nevada

County of Elko

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

DL

CONTINUATION OF REASONS TO DENY:

WATERS of the Humboldt supply irrigation and Stock water for:

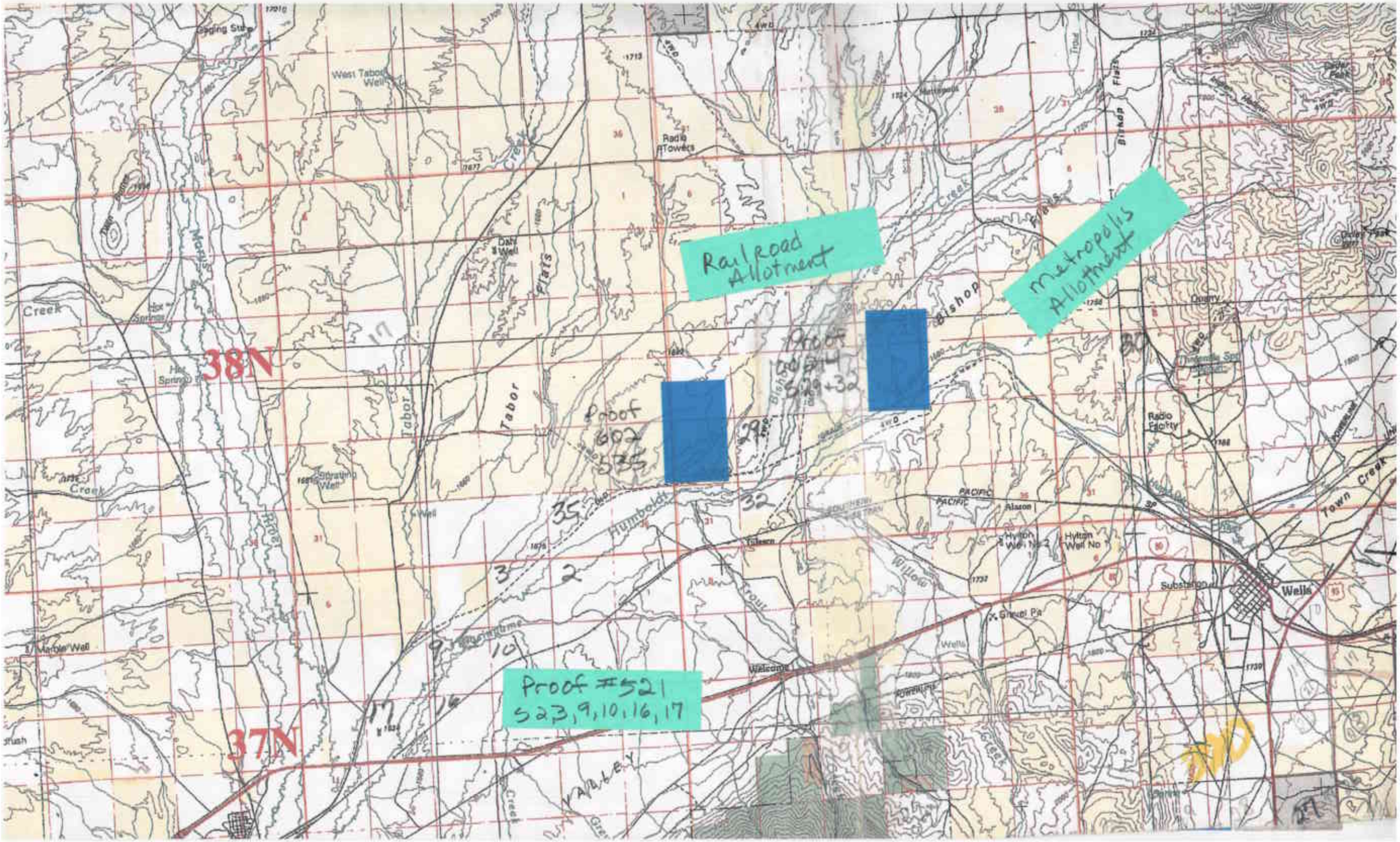
PROOF #00214 T38N R61E Sec29 & Sec 32

PROOF #0521 T37N R60E Sec 2,3,9,10,17, &16

PROOF #602 T38N R60E Sec.35

In addition these lands require stockwater dating from Proofs in 1878 & 1879. Both the irrigation and stockwater rights would be compromised and in jeopardy with granting of this application.

3 Mile spring originates on Patented lands owned jointly by Martha P. Sims-Hoots; T38N R62E Sec 20: NE¼SE¼. It has watered Livestock on it and surrounding BLM Permits, which include, but not limited to 1) Metropolis allotment #3228 2) Raiload Allotment #3243. 3) 7 miles of patented lands running along Humboldt River since Pre-1900 by previous owners of record. [Geo. H. Meigs 6-14-1890; Book 21, Page 502 Deed Records Elko County]



Railroad Allotment
Metropolis Allotment
Proof 602 535
Proof 529+32
Proof #521 S2,3,9,10,16,17
38N
37N
Wells
Tabor
Bishop
Humboldt
Town Creek
Radio Towers
Radio Facility
Substation
Welcome
Alason
Hylton Well No 2
Hylton Well No 1
West Tabor Well
Marble Well
Hot Springs
Creek
Flats
Trout
Willow
Valley