

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

FILED  
JAN 12 2009  
STATE ENGINEER'S OFFICE

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2009 JAN 12 PM 3:20

IN THE MATTER OF APPLICATION NUMBER...77574.....  
FILED BY...NEVADA DEPARTMENT OF WILDLIFE.....  
ON...NOVEMBER 5....., 2008.... TO APPROPRIATE THE WATERS  
OF ..LITTLE ONION RESERVOIR INCLUDING ALDER  
CREEK AND ITS TRIBUTARIES

AMENDED  
PROTEST

Comes now.....George Benesch, Esq., agent for Alder Creek Denio Ranch.....  
Printed or typed name of protestant  
whose post office address is.....190 W. Huffaker Lane, Suite 408, Reno, Nevada 89511.....  
Street No. Or P.O. Box, City, State and Zip Code.  
whose occupation is .....Attorney..... and protests the granting  
of Application Number .77574....., filed on .....November 5....., 2008.....  
by ....Nevada Department of Wildlife..... to appropriate the  
waters of ..Little Onion Reservoir including Alder Creek and its tributaries.....  
Underground or name of stream, lake, spring or other source situated in Humboldt.....  
County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Water from the source of this application are limited and totally used by the Alder Creek Denio Ranch.
2. There are prior water rights for the water sources of this application.
3. The Alder Creek Denio Ranch, established in the 1800's, has beneficially used all the waters of Little Onion Reservoir including Alder Creek and its tributaries for their ranching operation. This application would harm this operation.
4. Therefore, there is no unappropriated water or storage in or on the proposed source and approval of the subject application will adversely impact existing rights.
5. This Protestant has complied with all controlling law, including but not limited to Title 48 of the Nevada Revised Statutes, and therefore approval of the subject application is not in the public interest.

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

Signed .....  
Agent or protestant  
.....George.N. Benesch.....  
Printed or typed name, if agent

Address..... 190 W. Huffaker Lane, Suite 408.....  
Street No. or P.O. Box No.  
..... Reno, Nevada 89511.....  
City, State and Zip Code No.

Subscribed and sworn to before me this <sup>12th</sup>.....day of.....January....., 2008.....

  
BETTY MELARKEY  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 89-0049-2 - Expires March 10, 2010

.....  
Notary Public  
State of.....Nevada.....  
County of .....Washoe.....

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

By