

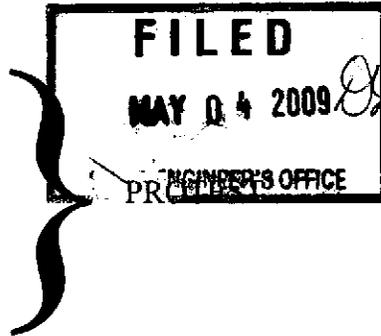
IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER...77834.....

FILED BY...DEPARTMENT OF ENERGY.....

ON.....JANUARY 20, 2009.... TO APPROPRIATE THE WATERS OF

...UNDER GROUND, HYDROGRAPHIC BASIN 172.



RECEIVED 2009 MAY -4 PM 3:26 STATE ENGINEER'S OFFICE

Comes now.....Michael Heizer, Owner, Heizer Studio.....
Printed or typed name of protestant

whose post office address is.....HC61 Box 33, Hiko, NV 89017.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation isOwner..... and protests the granting

of Application Number77834..... filed onJanuary 202009.....

byDepartment Of Energyto appropriate the

waters ofUnderground..... situated inLincoln.....
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:

Considering the existing ground – water permits and pending applications, the granting of these permits could potentially injure prior rights, and is not in the best interest of the public. The DOE withdrawal quantity of 5 wells could lower static water level in Basin 172 below economically feasible levels to pump, affecting current filings.

THEREFORE the Protestant requests that the application beDenied.....
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.

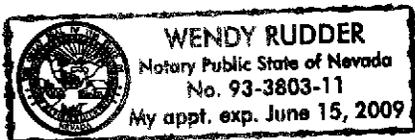
Signed
Agent or protestant

Michael Heizer
Printed or typed name, if agent

Address.....HC61 Box 33.....
Street No. or P.O. Box No.

.....Hiko, NV 89017.....
City, State and Zip Code No.

Subscribed and sworn to before me this 1st day of April, 2009



.....
Notary Public

State of Nevada

County of Lander

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

dy