

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

IN THE MATTER OF APPLICATION NUMBER 77840

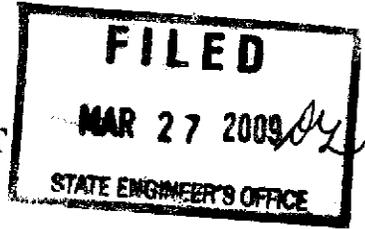
FILED BY USA, US Dept. of Energy of L.V., Nevada

ON January, 20th, 2009, TO APPROPRIATE THE

WATERS OF State of Nevada



PROTEST



Comes now PENOVER FARMS LTD., Rebecca C. Shortell, Resident Agent
whose post office address is HC 61 Box 49 Alamo, Nevada 89001
whose occupation is Agriculture/ Farming and protests the granting
of Application Number 77840 filed on January 20th, 2009
by United States of America, U.S. Department of Energy of L.V., Nevada to appropriate the
waters of an underground source situated in LINCOLN

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

This application is speculative since the proposed use for construction of a
railway for the Yucca Mountain Project has been dropped by the President therefore
the water would not be put to beneficial use. Any other withdrawal and/or transfer
of water from this Closed Basin cannot be in the best interest of the water right
holders already in this basin and would have a negative effect on recharge.

THEREFORE the Protestor requests that the application be DENIED
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Rebecca C Shortell
Agent or protestor

Rebecca C. Shortell
Printed or typed name, if agent

Address HC 61 Box 49 Alamo, Nevada 89001
Street No. or P.O. Box No.

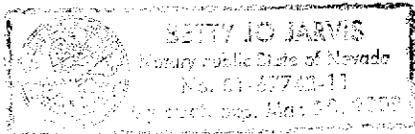
Alamo, NV 89001
City, State and Zip Code No.

Subscribed and sworn to before me this 20th day of March, 2009

Betty Jo Jarvis
Notary Public

State of Nevada

County of Lincoln



2009 Mar 27 01:11:35

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

Handwritten initials 'BJ'