

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

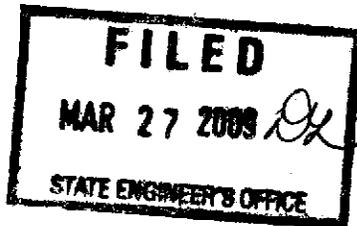
IN THE MATTER OF APPLICATION NUMBER 77841

FILED BY USA, US Dept. of Energy of LV, Nevada

ON January, 20th, 2009, TO APPROPRIATE THE WATERS OF State of Nevada



PROTEST



Comes now PENOYER FARMS LTD., Rebecca C. Shortell, Resident Agent

Printed or typed name of protestant

whose post office address is HC 61 Box 49 Alamo, Nevada 89001

Street No. Or P.O. Box, City, State and Zip Code

whose occupation is Agriculture/ Farming and protests the granting

of Application Number 77841, filed on January 20th, 2009

by United States of America, U.S. Department of Energy of LV, Nevada to appropriate the

waters of an underground source situated in LINCOLN

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:

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 Protestant requests that the application be DENTED

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 Rebecca C. Shortell Agent or protestant

Rebecca C. Shortell Printed or typed name, if agent

Address HC 61 Box 49 Alamo, Nevada 89001

Street No. or P.O. Box No.

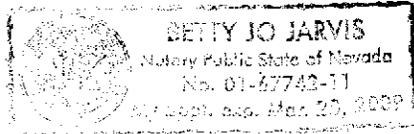
Alamo, NV 89001 City, State and Zip Code No.

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 11:35

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

Handwritten initials 'OK' in the bottom right corner.