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

IN THE MATTER OF APPLICATION NUMBER 77842,
FILED BY USA, US Dept. of Energy of LV, Nevada
ON January, 20th, 2009, TO APPROPRIATE THE
WATERS OF State of Nevada

PROTEST

FILED
MAR 27 2009
STATE ENGINEER'S OFFICE

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 77842, 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
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 of recharge.

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.

2009 MAR 27 AM 11:35

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, 20 09

Betty Jo Jarvis
Notary Public

BETTY JO JARVIS
Notary Public State of Nevada
No. 01-67742-11
Appt. exp. Mar. 20, 2009

State of Nevada

County of Lincoln

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

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