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

FILED
APR 09 2009
STATE ENGINEER'S OFFICE

RECEIVED
2009 APR 8 PM 2:33
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NO. 77851

FILED BY **U.S. DEPARTMENT OF ENERGY**

ON **January 20, 2009**, TO APPROPRIATE THE PUBLIC WATERS OF **Hot Creek Valley**

PROTEST

COMES NOW **Nye County**, whose Post Office address is P.O. Box 153, Tonopah, Nevada 89049, whose occupation is a political subdivision of the State of Nevada, and protests the granting of Application No. 77851, filed on January 20, 2009 by **U.S. Department of Energy**, to appropriate the public waters of the State of Nevada, Hot Creek Valley, situated in Nye County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attached Exhibit "A"

THEREFORE: the Protestant requests that the Application be **denied** and that an Order be entered for such relief as the State Engineer deems just and proper.

Signed: _____

GEORGE N. BENESCH
Agent for Protestant
190 W. Huffaker Lane, Suite 408
Reno, Nevada 89511
(775) 827-3100

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

SUBSCRIBED and SWORN to before me this 9th day of April, 2009.

_____
NOTARY PUBLIC

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