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

FILED
MAR 17 2009
STATE ENGINEER'S OFFICE

2009 MAR 17 AM 10:37

IN THE MATTER OF APPLICATION NUMBER..... 77857 .....,

FILED BY..... THE U.S. DEPARTMENT OF ENERGY .....,

ON..... JANUARY 20TH ....., 2009..., TO APPROPRIATE THE

WATERS OF .....UNDERGROUND.....

PROTEST

Comes now.....The Twin Springs Ranch.....
Printed or typed name of protestant

whose post office address is.....HC 76 BOX 1100, Tonopah, NV. 89049.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is ..... Cattle Ranching and Alfalfa Farming ..... and protests the granting

of Application Number .....77857....., filed on .....January 20th....., 20.....09.....

by .....The U.S. Department of Energy .....to appropriate the

waters of .....Underground.....situated in .....Nye.....
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:

.....As Per Exhibit A.....

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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.

Signed Joe B Fallini Jr.....
Agent or protestant

.....Helen Fallini Living Trust, and Fallini 1983 Trust by Joe B. Fallini Jr.....
Printed or typed name, if agent

Address.....HC 76 Box 1100.....
Street No. or P.O. Box No.

.....Tonopah. Nv. 89049.....
City, State and Zip Code No.

Subscribed and sworn to before me this ....16.....day of....March....., 20.009....

PAMELA W. GALLI
NOTARY PUBLIC
STATE OF NEVADA
NYE COUNTY
APPT. No. 00-62371-14
MY APPT. EXPIRES APRIL 4, 2012

Pamela W Galli
State of Nevada
Cty of Nye

DL

EXHIBIT A

1. The U.S. Department of Energy Filings will cause drawdown of water sources in the area.

2. Drawdown will reduce the flows of present sources.

3. Allowing these filings will increase our pumping costs for wells within the area as we will need to pump water from deeper depths.

4. If the U.S. Department of Energy permits are granted, the water table will be lowered and we may have to deepen our present wells in the area.

5. The U.S. Department of Energy filings would cause interference with our grazing operation as we control the movement of livestock through control of water. We would have no control over the U.S. Department of Energy's water and thus our livestock management plan may be disrupted.

6. Springs within the area may be dried up if the U.S. Department of Energy is permitted to remove water from the ground basin.

7. The protestant is informed and believes that it has vested rights to use the water for stockwater purposes to the extent that to grant the U.S. Department of Energy applications would impair the vested rights of the protestant.

8. The applications are detrimental to the public welfare. The water on all source in Nevada belongs to the public. (NRS 533.025) Granting of the applications will surrender this public ownership and the sovereign rights of the State of Nevada in and to the water, to the U.S. Department of Energy contrary to the best interests and general welfare of the State of Nevada.

9. The U.S. Department of Energy applications are for the construction and maintenance of the proposed Yucca Mountain Railroad. If constructed the railroad would directly infringe on over 15 of the Twin Springs Ranch's existing water rights as well as their grazing operation as a whole. Allowing these applications would allow the railroad to exist thus causing reparable and irreparable damage to the protestants business operation and water rights.

10. The U.S. Department of Energy Chief, Steven Chu, is quoted in the Tonopah Times Bonanza, as saying "That's True [Yucca Mountain is No Longer an Option]", in which case the water applications should be immediately withdrawn before the State of Nevada is burdened with the cost and time of further processing the applications.

11. Allowing the U.S. Department of Energy's filings would allow the existence of the proposed Yucca Mountain Railroad. This would open the possibility of nuclear

contamination of surface and ground water in the event of a nuclear leek, either accidental or terrorist caused. This health risk certainly is not in the best interest of the protestant or the State of Nevada.

12. The protestant stands in agreement with protests filed by the Nevada Agency for Nuclear Projects, against the U.S. Department of Energy's water applications.