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

IN THE MATTER OF APPLICATION NUMBER 77903,
FILED BY U.S. DEPT. OF ENERGY,
ON 20 JANUARY, 2009, TO APPROPRIATE THE
WATERS OF BASIN #228, OASIS VALLEY

FILED
APR 13 2009
PROTEST
STATE ENGINEER'S OFFICE

RECEIVED
2009 APR 13 PM 1:58

Comes now JAMES E. MOORE
Printed or typed name of protestant

whose post office address is 3216 EL CAMINO ROAD, LAS VEGAS, NV 89146
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is WILDLIFE BIOLOGIST and protests the granting

of Application Number 77903, filed on 20 JANUARY, 2009

by UNITED STATES DEPARTMENT OF ENERGY to appropriate the

waters of UNDERGROUND situated in BASIN #228, OASIS VALLEY, 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:

THE OASIS VALLEY SUPPORTS RARE AND ENDEMIC SPECIES WHOLLY DEPENDENT ON SPRING OUTFLOWS AND PERENNIAL SPRING POOLS. SUCH SPECIES INCLUDE THE AMARGOSA TOAD, OASIS VALLEY SPECKLED DACE, AND OASIS VALLEY SPRINGSNAIL - ALL FOUND ONLY IN THE SUBJECT BASIN #228. GRANTING THE SUBJECT APPLICATION WILL IRREVERSIBLY HARM HABITAT FOR THESE ENDEMIC SPECIES AND WOULD LIKELY RESULT IN THEIR EMERGENCY LISTING UNDER THE ENDANGERED SPECIES ACT. THIS WOULD BE DETRIMENTAL TO THE PUBLIC INTEREST FOR ALL RESIDENTS OF OASIS VALLEY AND THE TOWN OF BEATTY

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 [signature]
Agent or protestant

JAMES E. MOORE
Printed or typed name, if agent

Address 3216 EL CAMINO ROAD
Street No. or P.O. Box No.

LAS VEGAS, NEVADA 89146
City, State and Zip Code No.

Subscribed and sworn to before me this 9 day of April, 2009

Laura Gonzales
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LAURA GONZALES
No: 08-8240-1
My Appointment Expires Sept. 10, 2012

State of Nevada

County of Clark

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

JK