

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

IN THE MATTER OF APPLICATION NUMBER 77905
FILED BY US Department of Energy
ON January 20, 2009 TO APPROPRIATE THE
WATERS OF Basin #228, Oasis Valley

FILED
APR 09 2009
PROTEST
STATE ENGINEER'S OFFICE

STATE ENGINEER'S OFFICE

2009 APR -9 AM 11:17

RECEIVED

Comes now STORM-OV, Inc., D & H Mining, Ltd. Partnership, David Spicer
whose post office address is P.O. Box 278, Beatty, NV 89003-0278
whose occupation is Manager of Both and protests the granting
of Application Number 77905, filed on January 20, 2009
by US Department of Energy to appropriate the
waters of Basin #228, Oasis Valley situated in Nye

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please see attached

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 David A. Spicer
Agent or protestant

Address P.O. Box 278
Beatty, NV 89003

Subscribed and sworn to before me this 3 day of April 2009

J. ROGERS
NOTARY PUBLIC
STATE OF NEVADA
NYE COUNTY
APPT. No. 00-61601-14
MY APPT. EXPIRES FEB. 2, 2012

Notary Public
State of Nevada
County of Nye

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

DL



STORM-OV, Inc.
P.O. Box 278
Beatty, NV 89003-0278
www.storm-ov.org

March 25, 2009

Oasis Valley Basin #228 only produces about 6,100 A.F.A. and discharges 6,300 A.F.A. (USGS report #01-4239, Ground Water Discharge...Evapotranspiration... Oasis Valley – Reiner, Laczniak and others). An existing deficit. This application of 345 A.F.A. would further overdraw the basin and the accumulative effect of all D.O.E.'s other applications in Basin #228 equal to 3,795 AF.A. This would put the Basin of 6,100 A.F.A. total production at a 10,095 discharge.

All other valid water rights of vested, certificated, agricultural, mining, and irrigation would be jeopardized. The "Amargosa Toad" was been petitioned to be placed on the Endangered Species List in 1994, then again in 2008, and in 2009, a "Notice of Intent to Sue" has been filed with the U.S.F.W.S. The environmental groups of Biodiversity Legal Foundation and P.E.E.R. (Public Employees for Environmental Responsibility) are behind this litigation. The biggest thing the Amargosa Toad need is water. If the springs dry up due to over-pumping/overdrawing out of this Basin their natural breeding areas and local upland environments will be compromised. The result will certainly be the deliverance of an endangered species upon us, not only of the Amargosa Toad but also the Speckled Dace. Further collateral damage will be the pushing of other sensitive species here into extinction.

The Amargosa toad working Group (A.T.W.G.) a co-operative committed organization of the Nature Conservancy, Nevada Division of Wildlife, US Fish and Game, Bureau of Land Management, Nevada Natural Heritage Program, University of Nevada Reno, Southern Nye County Conservation District, The Beatty Habitat Committee, Land Owners in Oasis Valley, and others have been working for over a decade preventing sensitive species here from becoming endangered. The granting of this water right is, counter productive to all actions of the aforementioned.

The town of Beatty is in the process of a Master Plan for its taxing district which is required under N.R.S. 278.010 – 278.360. The main part of plan is on Bureau of Land Management land. The town, in order to grow, will need more land to increase its tax base. There is land here identified as "Disposable" by the B.L.M. Under the Federal Land management Act (F.L.P.M.A.) this land can be sold to individuals, developers, county, or state for varied purposes. Under the law, an inventory of resources has to be provided by the local community and county showing the ability to handle the expected population increases caused by land sales. This inventory includes but is no limited to Emergency Response Measures, Adequate Sewer Disposal, Adequate School facilities, Social Services and Water.

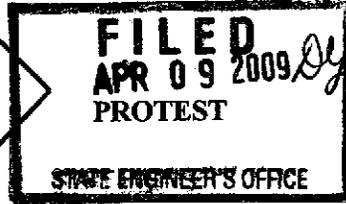
If there is no available water, there will be no protection for endangered species –no land sales – no growth – no future.

David A. Spicer
President

Saving Toads thru Off-road racing, Ranching and Mining in Oasis Valley

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

IN THE MATTER OF APPLICATION NUMBER 77905
FILED BY US Department of Energy
ON January 20, 2009, TO APPROPRIATE THE
WATERS OF Basin #228, Oasis Valley



RECEIVED
2009 APR -9 AM 11:20
STATE ENGINEERS OFFICE

Comes now George & LaRene Younghans
whose post office address is P.O. Box 833, Beatty, NV 89003-0833
whose occupation is Rancher and protests the granting
of Application Number 77905, filed on January 20, 2009
by US Department of Energy to appropriate the
waters of Basin #228, Oasis Valley situated in Nye

County, State of Nevada, for the following reasons and on the following grounds, to wit:

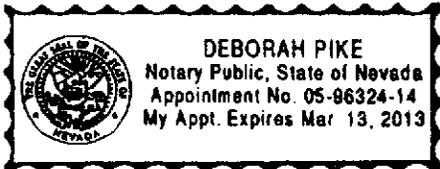
It is our contention that approval of this application may have a negative impact on the numerous springs in this groundwater basin. Also, it will impair existing water rights in the basin, which threatens to prove to be detrimental to the public interest and could threaten the Amargosa Toad habitat. Last and not least, we are against the Yucca Mountain Project.

THEREFORE the Protestants 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 & LaRene Younghans
Agency of protestant

George & LaRene Younghans
Address P.O. Box 833
Beatty, NV 89003

Subscribed and sworn to before me this 7 day of April, 2009



Deborah Pike
Notary Public

State of Nevada
County of Nye

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

OK

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

IN THE MATTER OF APPLICATION NUMBER.....77905.....
FILED BY...US DEPARTMENT OF ENERGY.....
ON.....JANUARY 20....., 2009.., TO APPROPRIATE THE
WATERS OFUNDERGROUND.....

FILED
APR 09 2009
STATE ENGINEER'S OFFICE
PROTEST

RECEIVED
2009 APR -9 AM 10:34
STATE ENGINEERS OFFICE

Comes now.....Nevada Department of Wildlife.....
Printed or typed name of protestant

whose post office address is.....1100 Valley Road, Reno NV 89512.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation isState Wildlife Agency..... and protests the granting
of Application Number77905....., filed onJanuary 20....., 2009.....

byUnited States Department of Energy.....to appropriate the
waters ofUnderground.....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:

.Approval of this application will be detrimental to the public interest and to public wildlife resources of which the Nevada Department of Wildlife has statutory responsibility for protection and management, as approval may have a negative impact on surface waters and wetlands within the Oasis Valley hydrographic basin on which sensitive, unique and State protected wildlife species are dependent including the Amargosa toad, Oasis Valley speckled dace, southwestern willow flycatcher, and numerous other resident wildlife species. Previous State Engineer's rulings including #4669 and #5954 have denied similar applications within the Oasis Valley hydrographic basin on the grounds, in part, that withdrawal of additional groundwater from the basin would impair existing rights and would prove detrimental to the public interest.

THEREFORE the Protestant requests that the application beDenied.....
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 *Richard L. Haskins, Jr.*
Agent or protestant

RICHARD L. HASKINS, JR.
Printed or typed name, if agent

Address.....1100 Valley Road.....
Street No. or P.O. Box No.

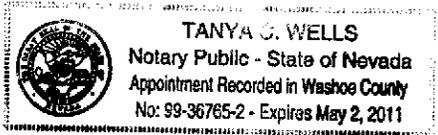
.....Reno, NV...89512.....
City, State and Zip Code No.

Subscribed and sworn to before me this *8th* day of *April*, 20*09*

Tanya C. Wells
Notary Public

State of *Nevada*

County of *Washoe*

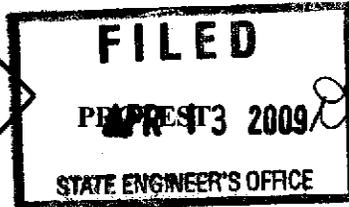


**+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
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OK

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

IN THE MATTER OF APPLICATION NUMBER 77905
FILED BY U.S. DEPT. OF ENERGY
ON 20 JANUARY, 2009, TO APPROPRIATE THE
WATERS OF Basin #228, OASIS VALLEY



STATE ENGINEERS OFFICE
2009 APR 13 PM 1:58

RECEIVED

Comes now JAMES E. MOORE
whose post office address is 3216 EL CAMINO ROAD, LAS VEGAS, N.V. 89146
whose occupation is WILDLIFE BIOLOGIST and protests the granting
of Application Number 77905 filed on 20 JANUARY, 2009
by UNITED STATES DEPARTMENT OF ENERGY to appropriate the
waters of UNDERGROUND situated in Basin #228, OASIS VALLEY, Nye

County, State of Nevada, for the following reasons and on the following grounds, to wit:

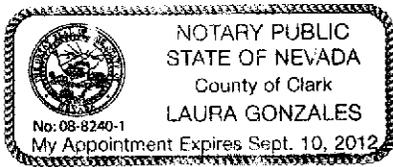
THE OASIS VALLEY SUPPORTS RARE AND ENDEMIC SPECIES WHOLLY
DEPENDENT ON SPRING OUTFLOWS AND PERENNIAL SPRING POOLS. SUCH
SPECIES INCLUDE THE AMMOCOSA TOAD, OASIS VALLEY SPECKLED DACE,
AND OASIS VALLEY SPRING SNAIL - ALL FOUND ONLY IN THE SUBJECT BASIN #228.
GRANTING THE SUBJECT APPLICATION WILL IRREVERSIBLY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



\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
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OK

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

IN THE MATTER OF APPLICATION
NUMBER....77905.....
FILED BY....U.S. DEPARTMENT OF ENERGY,
ON JANUARY 20, 2009 TO APPROPRIATE
THE WATERS OF BASIN #228, OASIS VALLEY

FILED
APR 13 2009
STATE ENGINEER'S OFFICE
PROTEST

STATE ENGINEERS OFFICE
2009 APR 13 PM 2:05
RECEIVED

Comes now.....The Center for Biological Diversity....("Center").....
Printed or typed name of protestant

whose post office address is.....P.O. Box 710, Tucson, AZ 85702-0710.

whose occupation isNon-profit conservation advocacy..... and protests the granting

of Application Number77905....., filed onJanuary 20, 2009.....

byU.S. Department of Energy.....to appropriate the
waters ofBasin #228, Oasis Valley.....situated in ...Nye.....

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Groundwater Basin #228 has been identified as a "Designated Groundwater Basin" under NRS 534.120, signifying that permitted ground water rights approach or exceed the estimated average annual recharge and the water resources are being depleted or require additional administration (from NDWR "Water Word Dictionary"). This is supported by USGS Report 01-4239 by Reiner and others, which reported an annual deficit. This application for 435 afa would further deplete the basin's groundwater resources. These resources are critically important to the survival of the Amargosa toad, which the Center petitioned for listing under the Endangered Species Act ("ESA") in February 2008, and for which the Center has recently issued a Notice of Intent to Sue as provided for by the ESA. Groundwater is also important for the well-being and continued existence of springsnails and desert fish found within the basin, or down gradient from the basin. Species of concern include the federally listed Desert Hole pupfish, Ash Spring Amargosa pupfish and the Ash Meadows speckled dace. Groundwater and springs are critically important water sources for wildlife such as bighorn sheep and pronghorn antelope. Additional groundwater rights in this basin would negatively affect these and other wildlife species of concern.

THEREFORE the Protestant requests that the application beDENIED.....
and that an order be entered for such relief as the State Engineer deems just and proper.

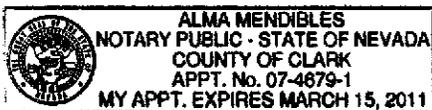
Signed *Rob Mrowka*
Agent or protestant

.....Rob Mrowka.....
Printed or typed name, if agent

Address.....4261 Lily Glen Ct.....
Street No. or P.O. Box No.

.....North Las Vegas, NV 89032.....
City, State and Zip Code No.

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



Alma Mendibles
Notary Public

State of Nevada
County of Clark

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