

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

IN THE MATTER OF APPLICATION NUMBER 78154T
FILED BY Mike & Barb Stremler
ON March 13, 2009, TO APPROPRIATE THE
WATERS OF Jersey Hot Springs

FILED
APR 16 2009
PROTEST
STATE ENGINEER'S OFFICE

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2009 APR 16 PM 3:03

RECEIVED

Comes now Joe Saval Co., LLC
whose post office address is PO Box 296 Battle Mountain Nevada 89820
whose occupation is Ranching company and protests the granting
of Application Number 78154T, filed on March 13, 2009
by Mike & Barb Stremler to appropriate the
waters of Jersey Hot Spring situated in Pershing

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

See Attachment

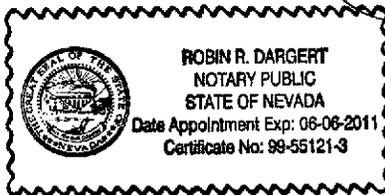
THEREFORE the Protestant requests that the application be Denied
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Tamara Mahe
Agent or protestant

Tamara Mahe (Agent)
Printed or typed name, if agent

Address 108 N. Minnesota St
Carson City, NV 89703

Subscribed and sworn to before me this 16th day of April, 2009



Robin R. Dargert
Notary Public
State of Nevada
County of Carson City

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

BY

Attachment A

1) Granting of Application 78154T will impair the water rights held by Protestant.

- a. Application 78154T seeks to change the Point of Diversion, Place and Manner of Use of Vested Claim number V05761.
 - i. Said claim to water has not been validated or confirmed.
 - ii. Said claim is junior to Protestant vested rights on the springs.
- b. The Jersey Hot springs are on the range allotment of the Protestant and water from the source has historically been used by the Protestant (see Vested Claim V09798). Protestant can prove their senior right in adjudication.
- c. Protestant has recently filed applications and proofs to document their right to waters from Jersey Hot Springs and on nearby springs that are currently under protest by the applicant.
- d. Currently Protestant's rights are impaired by the applicant and allowing additional water or changes to existing claims would further impair Protestant's rights.
- e. Until all claims and rights on the source are determined, the Protestant asks that this application be denied.

2) Granting of Application 78154T would prove detrimental to Public Interest

- a. It is the Protestant's believe that the applicant is using water in excess of their vested claim with no claim or right to support the additional diversions.
- b. Currently the applicant is illegally diverting water by way of truck fill stations at the Jersey Hot Springs and at the end of the Jersey Hot Springs pipeline. It is unclear if this application is an attempt to legitimize one of these diversion or if it is requesting an additional fill station.
- c. Due to the uncertainty of the application and the ongoing illegal and excessive diversions, granting of this application would be detrimental to the public interest.