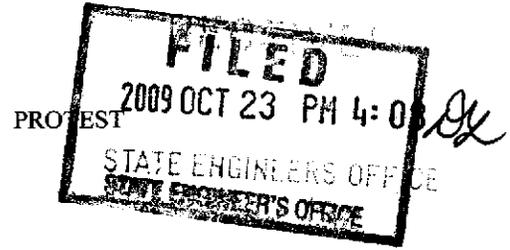


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 78941-T  
FILED BY Mike and Barb Stremler  
ON October 1, 20 09, TO APPROPRIATE THE  
WATERS OF Jersey Hot Springs



Comes now Joe Saval Co., LLC

Printed or typed name of protestant

whose post office address is PO Box 296 Battle Mountain Nevada 89820

Street No. or PO Box, City, State and ZIP Code

whose occupation is Ranching Company and protests the granting

of Application Number 78941-T, filed on October 1, 20 09

by Mike and Barb Stremler to appropriate the

waters of Jersey Hot Springs situated in Pershing

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:

See Attachment "A"

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

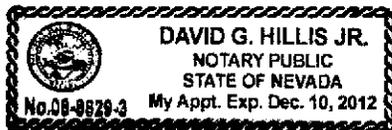
Michael Stanka P.E. [Agent] Printed or typed name, if agent

Address 301 W. King Street Street No. or PO Box

Carson City, Nevada 89703 City, State and ZIP Code

(775) 841-2266 Phone Number

Subscribed and sworn to before me this 23rd day of October, 20 09



David G. Hillis Jr. [Signature] 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.

[Handwritten mark]

Attachment "A"

**1) Granting of Application 78941-T will impair senior water rights held by the Protestant.**

- A. Application No. 78941-T seeks to change the Point of Diversion, Place and Manner of Use of Vested Claim No. V05761.
  - 1. Said Claim to water has not been validated or confirmed.
  - 2. Said claim is junior to Protestant's vested rights on the same source.
- 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 status in an adjudication.
- C. Currently Protestant's rights are impaired by the Applicant's permitted Temporary Application No. 78154T. Granting of Application No. 78941-T will continue to deny the Protestant their water rights pursuant to their Vested Claim V09798.
  - 1. Jersey Hot Spring, per State Engineer Ruling 6010, has a historical and current flow of 0.1114 c.f.s.
  - 2. Protestant's Vested Claim V09798 is senior to the Applicant's Vested Claim V05761. Both Vested Claims are for water from the Jersey Hot Springs.
  - 3. Protestant's Vested Claim V09798 lists a historical use of 0.046875 c.f.s.
  - 4. Only 0.0667 c.f.s. is available from Jersey Hot Spring after the Protestant utilizes their senior rights under Vested Claim V09798.
  - 5. Application No. 78941-T is to change 0.1137 c.f.s. of flow from Jersey Hot Spring. Only 0.0667 c.f.s. is available, therefore application No. 78941-T should be denied because there is not enough flow available from Jersey Hot Spring without impacting the Protestant's senior rights.
- D. Until all claims and rights of the source are determined through an adjudication, the Protestant requests that this application be denied.

**2) Granting of Application No. 78941-T threatens to prove detrimental to Public Interest.**

- A. The Applicant proposes to utilize a pipeline from Jersey Hot Springs to the proposed Point of Diversion. It is the Protestant's belief that the applicant does not possess the required BLM "right of ways" or authorization to use public lands for this pipeline.
- B. Due to the fact that granting Application No. 78941-T will deny the Protestant's senior right to Jersey Hot Spring, and the Applicant does not possess the required permissions and right of ways to operate a pipeline, granting of this application threatens to prove detrimental to the public interest.
- C. The granting of Application No. 78941-T would likely prove to be detrimental to the public interest because it would appropriate all of the water without provision for wildlife in the area and is in conflict with the designation of the area as a Public Water Reserve.