

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

IN THE MATTER OF APPLICATION NUMBER 79367
FILED BY COMSTOCK COMPADRES LLC
ON JANUARY 29, 2010, TO APPROPRIATE THE
WATERS OF TOWN SPRING aka UNNAMED SPRING



FILED
MAR 26 2010
STATE ENGINEER'S OFFICE

PROTEST

Comes now DARRELL FERGUSON

Printed or typed name of protestant

whose post office address is P.O. BOX 224, CEDARVILLE, CA 96104

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

whose occupation is EMPLOYEE OF WASHOE COUNTY and protests the granting

of Application Number 79367, filed on JANUARY 29, 2010

by COMSTOCK COMPADRES LLC, to change the place of use, manner of use, and point of diversion of to appropriate the

waters of TOWN SPRING aka UNNAMED SPRING (Permit 9810 Cert. 2090) situated in VYA, NEVADA

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 attached Continuation Page 1 of 1

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STATE ENGINEERS OFFICE

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. Denied, issued subject to prior rights, etc., as the case may be

Signed Agent or protestant

WAYNE S. CHIMARUSTI, ESQ.

Printed or typed name, if agent

Address 300 WEST SECOND STREET

Street No. or PO Box

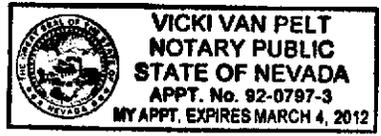
CARSON CITY, NV 89703

City, State and ZIP Code

(775) 885-9066; FAX (775) 883-1987; EMAIL wscsq@sbcglobal.net

Phone Number

Subscribed and sworn to before me this 26th day of MARCH, 2010



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.

IN THE OFFICE OF THE STATE ENGINEER OF NEVADA

Continuation Page 1 of 1 to Protest

IN THE MATTER OF APPLICATION NUMBER 79367)
FILED BY COMSTOCK COMPADRES LLC) **PROTEST**
ON JANUARY 29, 2010, TO APPROPRIATE THE)
WATERS OF TOWN SPRING aka UNNAMED SPRING)

DARRELL FERGUSON, whose post office address is P.O. Box 224, Cedarville, CA 96104, and whose occupation is as an employee of Washoe County, Nevada, protests the granting of Application 79367, filed on January 29, 2010, by Comstock Compadres LLC, to appropriate the waters of Town Spring aka Unnamed Spring (Permit 9810, Certificate 2090), situated in Vya Nevada, for the following reasons and on the following grounds, to wit:

1. Application to change place of diversion, manner of use, place of use does not contain sufficient information for a full understanding of the proposed changes in place of use, manner of use, and point of diversion.
2. The applicant does not have the ability to construct the work necessary to apply the water to intended beneficial use with reasonable diligence, in that the applicant has commenced legal proceedings in the Ninth Judicial District Court of the State of Nevada to dissolve itself. (NRS 533.701[1])
3. The applicant does not have the financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence in that the applicant has commenced legal proceedings in the Ninth Judicial District Court of the State of Nevada to dissolve itself. (NRS 533.701[2])
4. The proposed change of use threatens to be detrimental to the public interest. (NRS 533.372)
5. Applicant does not have an ownership interest or a contractual relationship with the owner of all or a portion of the proposed places of use. (*Bacher v. State Engineer*, 122 Nev. 1110 [2006])
6. The application lacks sufficient specificity that a reasonable mind could not understand the changes contemplated by the application, and it is therefore incomplete. (NRS 533.371[1])
7. The proposed use conflicts with existing rights. (NRS 533.37[5])

Initials of Protestant's Agent: 

PROTEST TO APPLICATION 79367
FILED BY COMSTOCK COMPADRES LLC ON 01/29/2010
TO APPROPRIATE THE WATERS OF TOWN SPRING aka UNNAMED SPRING
PROTESTANT: DARRELL FERGUSON

Continuation Page 1 of 1