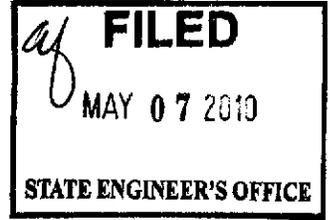


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79646  
FILED BY Stillwater Farms, Inc., a Nevada corporation  
ON February 24, 20 10, TO APPROPRIATE THE  
WATERS OF Stillwater Slough Drain Water



PROTEST



Comes now James Darwin Crammond, Agent for U.S. Fish and Wildlife Service  
Printed or typed name of protestant  
whose post office address is 911 NE 11th Avenue, Portland, Oregon 97232  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Chief, Water Resources Branch and protests the granting  
of Application Number 79646, filed on February 24, 20 10

by Stillwater Farms, Inc., a Nevada corporation to appropriate the  
waters of Stillwater Slough Drain Water (Newlands Reclamation Project) situated in Churchill  
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:  
Please see Attachment: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Application 79646.

STATE ENGINEER'S OFFICE  
RECEIVED  
MAY -7 AM 8:47

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 Darwin Crammond  
Printed or typed name, if agent

Address

911 NE 11th Avenue  
Street No. or PO Box  
Portland, Oregon 97232  
City, State and ZIP Code  
(503) 231-6145  
Phone Number

Subscribed and sworn to before me this 5<sup>th</sup> day of May, 20 10



[Signature]  
Notary Public

State of Oregon  
County of Multnomah

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

**ADDITIONAL INFORMATION TO SUPPORT THE PROTEST  
OF THE U.S. FISH AND WILDLIFE SERVICE  
IN THE MATTER OF APPLICATION 79646**

Application No. 79646 was filed by Stillwater Farms, Inc. on February 11, 2010 requesting a diversion rate of 25 cubic feet per second (18,099 ac-ft annually) from Stillwater Slough Drain Water, within the Newlands Project (a U.S. Reclamation project) in Churchill County, Nevada (Newlands Reclamation Project). The purpose of the proposed application is wildlife use.

The U.S. Fish and Wildlife Service (Service) requests that the application be denied because:

1. Water is not available to appropriate in the manner described.
2. The applicant does not have legal access to the point of diversion.
3. This application is for drain water from the Stillwater Slough and drain water from irrigation ditches within in the Newlands Reclamation Project. This water is already fully appropriated to the United States, is under the control of the Secretary of the Interior for the benefit of the Newlands Reclamation Project and is not available for further appropriation under state law.
4. Water within a Federal Reclamation Project is not subject to further appropriation under Federal law. The water within the Newlands Reclamation Project is not subject to appropriation.
5. Under current project operations, there is no water of any type available at the point of diversion. Operational spills, irrigation waste water, excess water and drain water are being diverted through an existing water control structure to wetlands at Stillwater National Wildlife Refuge, not to Stillwater Slough.
6. This application is inconsistent with Nevada law for the appropriation of irrigation waste water, excess water and drain water.