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

IN THE MATTER OF APPLICATION NUMBER 79936
FILED BY KOBEH VALLEY RANCH LLC
ON JUNE 15, 20 10, TO APPROPRIATE THE
WATERS OF UNDERGROUND (EUREKA COUNTY)

PROTEST

FILED
JUL 28 2010
STATE ENGINEER'S OFFICE

Comes now KENNETH F. BENSON
Printed or typed name of protestant

whose post office address is PO BOX 158, EUREKA, NEVADA 89316
Street No. or PO Box, City, State and ZIP Code

whose occupation is FARMER/RANCHER and protests the granting

of Application Number 79936, filed on JUNE 15, 20 10

by KOBEH VALLEY RANCH LLC to appropriate the

waters of UNDERGROUND situated in EUREKA
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:

Published reports appearing in "The Eureka Sentinel" make reference to forthcoming U.S.G.S. studies which could indicate greater contribution from the Kobeh Valley ground water basin in the Diamond Valley water basin than has been previously acknowledged or referenced by the State Engineer in all previous definitions of the Diamond Valley Flow System. The July 1, 2010 publication of said newspaper suggested a possible/probable flow through of 10,000 to 12,000 acre-feet annually which fact, if substantiated, would diminish the water balance within the Kobeh Valley designated water basin to the point that the acknowledged perennial yield of the Kobeh Valley basin would not support the annual acre-feet withdrawal of consumptive use water cumulatively advertised for proposed changes to the point of diversion advertised in 32 separate change applications affecting the Kobeh Valley water basin and submitted by Kobeh Valley Ranch LLC on the same date.

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 Kenneth F. Benson
Agent or protestant

KENNETH F. BENSON
Printed or typed name, if agent

Address PO BOX 158
Street No. or PO Box

EUREKA, NEVADA 89316
City, State and ZIP Code

775-237-5437
Phone Number

RECEIVED 2010 JUL 28 AM 8:18 STATE ENGINEER'S OFFICE

Subscribed and sworn to before me this 27th day of JULY, 20 10

Toni M. Wright
Notary Public

TONI M. WRIGHT
Notary Public, State of Nevada
Appointment No. 99-34907-8
My Appt. Expires Dec. 29, 2010

State of NEVADA
County of EUREKA

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.