

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

IN THE MATTER OF APPLICATION NUMBER 79937
FILED BY KOBEH VALLEY RANCH LLC
ON JUNE 15, 20 10, TO APPROPRIATE THE
WATERS OF UNDERGROUND (EUREKA COUNTY)

PROTEST



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 79937

, 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

STATE ENGINEER'S OFFICE

2010 JUL 29 AM 8:18

PROTEST

Subscribed and sworn to before me this *27th* day of

27th

day of

JULY

, 20 10



Toni M. Wright
Notary Public

State of NEVADA

County of EUREKA

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