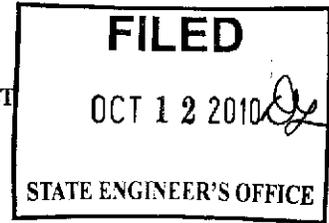


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80123
FILED BY SPRING CREEK UTILITIES COMPANY
ON AUGUST 31, 2010, TO APPROPRIATE THE
WATERS OF SEC 36 T33N R 56E / TRACT 301 WELL



PROTEST



Comes now OTIS & MARILYN TIPTON

Printed or typed name of protestant

whose post office address is P.O. BOX 1555, ELKO, NV 89803

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

whose occupation is ROAD SUPERVISOR/DEPUTY COUNTY CLERK

and protests the granting

of Application Number 80123

, filed on AUGUST 31

, 20 10

by SPRING CREEK UTILITIES COMPANY

to appropriate the

waters of UNDERGROUND

situated in SEC 36 T 33 N 4 56 E, ELKO

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:

Our sole source of domestic water in Lipparelli Subdivision is well water. Surface irrigation water, under Certificate 14765, derives from springs and runoff. Because our past protests have not been heard, we have gone from a year around flow on Stoffer Creek to seven months of the year. It is time that the Division of Water Resources heed to protests because of over allocation in the area. In September of 1984, the State Engineer issued an Order curtailing underground water sources in the Dixie Creek-Tenmile Creek Area Ground Water Basin inclusive of all sections in T.33N. R.56E. M.D.B.&M. This not a lack of quantity of water for the Spring Creek Community but a lack of quality of water. High levels of arsenic can be remediated by other means than drilling new wells and blending.

THEREFORE the Protestant requests that the application be denied based upon prior Order and over allocation in basin,

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

OTIS & MARILYN TIPTON

Agent or protestant

OTIS & MARILYN TIPTON

Printed or typed name, if agent

Address

PO BOX 1555

Street No. or PO Box

ELKO, NV 89803

City, State and ZIP Code

(775) 753-6382

Phone Number

Subscribed and sworn to before me this

54th

day of

OCTOBER

, 20 10



Kelly A. Scow

Notary Public

State of NEVADA

County of ELKO

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