

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

IN THE MATTER OF APPLICATION NUMBER 80185
FILED BY RUBY HILLS RANCH, LLC
ON OCTOBER 6, 2010, TO APPROPRIATE THE
WATERS OF UNDERGROUND (EUREKA COUNTY)



PROTEST

Comes now OWEN J. MILLER

Printed or typed name of protestant

whose post office address is HC 62 BOX 62195, EUREKA, NEVADA 89316

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

whose occupation is FARMING

and protests the granting

of Application Number 80185

, filed on OCTOBER 6

, 20 10

by RUBY HILLS 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:

- 1. THIS IS DRY OR PAPER WATER THAT HAS NOT BEEN PUMPED OR PUT TO BENEFICIAL USE FOR AT LEAST 15 YEARS.
- 2. IN LIGHT OF THE OVER APPROPRIATION OF DIAMOND VALLEY WATER BY THE STATE ENGINEER, WHY MAKE THIS PROBLEM WORSE BY PUMPING MORE WATER? ESPECIALLY BY CHANGING THE MANNER OF USE OF THE WATER THAT WAS PERMITTED AND INTENDED FOR AGRICULTURE.
- 3. THIS POINT OF DIVERSION WAS GIVEN FOR AGRICULTURE AND AT THIS TIME, THE WATER FROM THIS DIVERSION IS HARDLY KEEPING UP WITH THE AGRICULTURE NEEDS IT WAS INTENDED FOR. THE CURRENT POINT OF DIVERSION FOR THIS WATER IS THE SAME POINT OF DIVERSION FOR MY WATER RIGHT USED TO IRRIGATE. THERE SHOULD NOT BE MORE DEMAND PLACE ON AN ALEADY OVERSTRESSED DIVERSION.

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

Owen J. Miller
Agent or protestant

OWEN J. MILLER

Printed or typed name, if agent

Address

HC 62 BOX 62195

Street No. or PO Box

EUREKA, NEVADA 89316

City, State and ZIP Code

775-237-5006

Phone Number

Subscribed and sworn to before me this

22

day of

NOVEMBER

, 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.