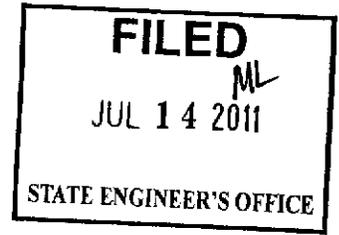


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON March 24, 2011, and amended on May 10, 20 11



PROTEST



Comes now Nichol Merritt Ditch Company, Inc.

whose post office address is 150 Densmore Lane, Yerington Nevada 89447  
Printed or typed name of protestant  
Street No. or PO Box, City, State and ZIP Code

whose occupation is \_\_\_\_\_ and protests the granting

of Application Number 80700, filed on March 24, 2011, and amended on May 10, 20 11

by National Fish and Wildlife Foundation for the

waters of Claim Nos. 23, 23-A, 35, 44, 67 and 89 of the Walker River Decree situated in Lyon  
an underground source 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. The application requests transfer of the full duty rather than the consumptive use amount. The duty must be limited to the consumptive use otherwise, the application amounts to a request for a new appropriation of water.
- 2. Granting this application and any subsequent applications of this nature may threaten to prove detrimental to the public interest by causing shrink and ditch loss on the delivery ditches effected.
- 3. Ditch assessments are secured by National Fish and Wildlife Foundation. The National Fish and Wildlife Foundation is not supplying enough security to assure payment of future ditch assessments.

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  
Glenn Sciarani, President  
Printed or typed name, if agent

Address 150 Densmore Lane  
Street No. or PO Box  
Yerington, NV 89447  
City, State and ZIP Code  
775-781-1896  
Phone Number

STATE ENGINEER'S OFFICE  
RECORDED  
JUL 14 2011

Subscribed and sworn to before me this 13<sup>th</sup> day of July, 20 11  
E-mail



[Signature]  
Notary Public  
State of Nevada  
County of Lyon

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.