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

IN THE MATTER OF APPLICATION NUMBER 81325
FILED BY Gary Snow Livestock and Grain
ON November 16, 20 11

PROTEST

FILED
JAN 24 2012
STATE ENGINEER'S OFFICE

Comes now Nye County and Nye County Water District
Printed or typed name of protestant

whose post office address is PO Box 153, Tonopah, NV 89049 and 1210 E. Basin Road, Suite 6, Pahrump, NV 89060
Street No. or PO Box, City, State and ZIP Code

whose occupation is a political subdivisions of the State of Nevada and protests the granting

of Application Number 81325, filed on November 16, 20 11

by Gary Snow Livestock and Grain for the

waters of Well No 2 underground situated in Nye
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:
See attached Exhibit "A"

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
Agent or protestant

George N. Benesch
Printed or typed name, if agent

Address 190 W. Huffaker Lane, Suite 408
Street No. or PO Box

Reno, NV 89511
City, State and ZIP Code

775-827-3100
Phone Number

gbenesch@sbcglobal.net
E-mail

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Subscribed and sworn to before me this 23rd day of January, 20 12

BETTY MELARKEY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 89-0049-2 - Expires March 10, 2014

Notary Public

State of Nevada
County of Washoe

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

Exhibit "A" to Protests to
Applications 81311 to 81331

Applications 81311 through 81333, inclusive (the subject Applications) were filed by Gary Snow Livestock and Grain (the Applicant) on November 15 and 16, 2011. The subject Applications seek to appropriate spring and ground water for stock watering associated with the Ralston Allotment administered by the Tonopah Field Office of the Battle Mountain District of the Bureau of Land Management. The subject Applications all seek to appropriate heretofore appropriated water under rights in good standing and further seek to utilize existing improvements of the present appropriator.

Nye County and Nye County Water District respectfully submit their opposition to the granting of Applications 81311 to 81331, inclusive on the following grounds:

1. **Applications are Speculative**. The subject Applications are speculative. The Applicant at the date of filing and the date of this Protest has no grazing allotment or present ability to put the water to beneficial use as contemplated by the subject Applications. This state's water law does not allow an applicant to tie up water for some use it might find in the future.

2. **No Unappropriated Water.** There is no unappropriated water in the proposed source. Each of the subject Application seeks to appropriate water that is heretofore appropriated under permits and/or claims of vested rights in good standing. There is no water from the proposed source at the proposed point of diversion available to fulfill the subject Applications.

3. **Adverse Impact on Existing Rights.** Each of the subject Applications appears to be a top-filing on existing rights and, if granted, will adversely impact the existing right.

4. **Applicant Does Not Own or Control Existing Rights or Improvements.** The Applicant under the subject Applications has not alleged and cannot demonstrate any ownership or control of existing rights on the source or rights to improvements thereunder. The right to water under the subject Applications is not an appurtenance to the Ralston Allotment and the termination of the Allotment, if any there ultimately is, does not extinguish existing or the previous owner's right to water under permits and/or claims of vested right (administered under state law) that may be associated therewith.

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