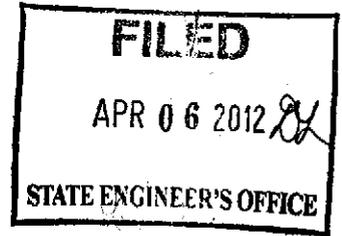


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 81573
FILED BY EDWIN L. WIEGAND CHARITABLE LLC
ON FEBRUARY 8, 20 12



PROTEST



Comes now U.S. BOARD OF WATER COMMISSIONERS

Printed or typed name of protestant

whose post office address is 410 NORTH MAIN STREET, YERINGTON, NV 89447

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

whose occupation is (*) SEE BELOW

and protests the granting

of Application Number 81573, filed on FEBRUARY 8, 20 12

by EDWIN L. WIEGAND CHARITABLE LLC for the

waters of THE EAST WALKER RIVER 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:

(*) TO ACT AS WATER MASTER OR BOARD OF COMMISSIONERS TO APPORTION AND DISTRIBUTE THE WATERS OF THE WALKER RIVER, ITS FORKS AND TRIBUTARIES IN THE STATE OF NEVADA AND IN THE STATE OF CALIFORNIA.

SEE EXHIBIT "A" ATTACHED HERETO.

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

KAREN A. PETERSON, ESQ. - ALLISON MacKENZIE LAW FIRM

Printed or typed name, if agent

Address

402 NORTH DIVISION STREET

Street No. or PO Box

CARSON CITY, NV 89703-4168

City, State and ZIP Code

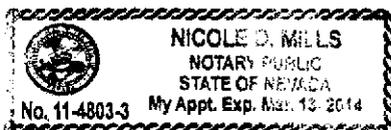
(775) 687-0202

Phone Number

kpeterson@allisonmackenzie.com

E-mail

Subscribed and sworn to before me this 6TH day of APRIL, 20 12



Notary Public

State of NEVADA

County of CARSON CITY

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

Exhibit "A"
United States Board of Water Commissioners Protest to
Edwin L. Wiegand Charitable LLC
Application No. 81573

1. Application 81573 was filed on February 8, 2012 by Edwin L. Wiegand Charitable LLC to appropriate 60 cfs of water from the East Walker River for hydro-power generation. The Application states that the use is non consumptive and that the owner has the water rights to make the project viable. Edwin L. Wiegand Charitable LLC owns a total of 11.984 cfs of water under the Walker River Decree with varying years of priority. The Application is for a new appropriation of water from the East Walker River. The East Walker River has been previously adjudicated by the United States District Court in United States v. Walker River Irrigation District, Case in Equity, C-125. The United States Board of Water Commissioners ("Board") was appointed by the Court to act as a Water Master or Board of Commissioners to apportion and distribute the waters of the Walker River, its forks and tributaries in the state of Nevada and in the state of California, including water for storage and stored water, in accordance with the provisions of the Decree. Any diversion of water for power generation must not diminish or interfere with the quantity or quality of water that would normally be in the river system used for irrigation purposes and to meet the demands of water right holders pursuant to the Decree. It is not clear from the Application that this proposed appropriation would not decrease or interfere with the water in the system used for irrigation purposes and to meet the demands of water right holders pursuant to the Decree or would not result in a consumptive use of water that would impact the existing water right holders of the river system.

2. Any new non-consumptive diversion of water for power purposes must be on a run of the river basis and subject to the terms and conditions of the Decree, the 1953 *Rules and Regulations for the Distribution of Water of the Walker River Stream System under the Provisions of Paragraph 15 of Decree in Equity, No. C-125*, and any and all other applicable orders of the C-125 Court regarding the apportionment and distribution of the waters of the Walker River. The Board and its Water Master must have complete authority to administer any and all diversions for the hydro-power generation; to require the installation of any gauging devices, gates or other facilities at locations necessary to insure there is no consumptive use of water by the project and that water is properly diverted and returned to the river so as not to decrease or interfere with the water in the system used for irrigation purposes and to meet the demands of water right holders pursuant to the Decree; that any such gauges, gates or facilities are subject to the Board's approval and control; and that any costs associated with the operation and administration of the diversion for power generating facilities must be born by the Edwin L. Wiegand Charitable LLC, its successors or assigns and/or the power producer. During the non-irrigation season under the Decree, the hydro-power generation must be operated so that there will be no impact on the stockwatering, storage or other demands of water right holders as allowed by the Decree.

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Exhibit "A"
United States Board of Water Commissioners Protest to
Edwin L. Wiegand Charitable LLC
Application No. 81573

3. The Board reserves the right to add additional terms to this protest to ensure any diversion under this Application does not decrease or interfere with the water in the East Walker River used for irrigation purposes and to meet the demands of water right holders pursuant to the Decree or the duty of the Board to apportion and administer the waters of the East Walker River based upon any further information provided by the Edwin L. Wiegand Charitable LLC regarding this proposed diversion and in support of its Application.