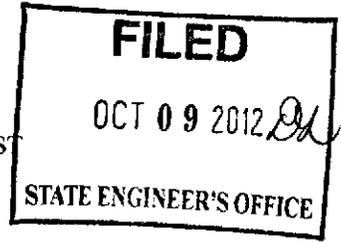


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82078
FILED BY Mike and Barbara Stremler
ON August 21, 2012



PROTEST



Comes now Joe Saval Company L.L.C.

Printed or typed name of protestant

whose post office address is P.O. Box 296, Battle Mountain, Nevada 89820

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

whose occupation is Ranching / Agriculture

and protests the granting

of Application Number 82078

, filed on August 21

, 2012

by Mike and Barbara Stremler

for the

waters of Seven Devils (Sou) Hot Springs

situated in Pershing

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 Sheet

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STATE ENGINEERS OFFICE

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

Michael Stanka P.E. (Agent)

Printed or typed name, if agent

Address

301 West King Street

Street No. or PO Box

Carson City, Nevada 89703

City, State and ZIP Code

(775) 885-9283

Phone Number

michael@stankaconsulting.com

E-mail

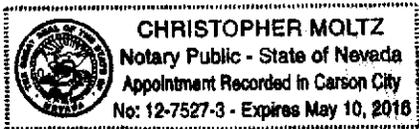
Subscribed and sworn to before me this

8th

day of

October

, 2012



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.

**ATTACHMENT TO PROTEST OF JOE SAVAL COMPANY L.L.C. AGAINST
APPLICATION 82078 FILED AUG 21, 2012
BY MIKE AND BARBARA STREMLER**

Application no. 82078 was filed to change a portion of V09887. V09887 is a **PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES**. This proof was filed by Mike and Barbara Stremler on January 29, 2010 for waters of Seven Devils / SOU Hot Springs.

There are several competing water rights, as listed by NDWR, which list the source as Seven Devils / SOU Hot Springs. The following is a list of these rights.

82078	Mike and Barbara Stremler
V10018	Robert B and Sallie F Lincoln
V09887	Mike and Barbara Stremler
V04741	Mike and Barbara Stremler
79659	Joe Saval Company L.L.C.
10105	Robert and Sallie Lincoln

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Seven Devils / SOU Hot Springs has a finite amount of water available for appropriation. The Lincoln's proof of appropriation V10018 has the most senior priority date and also would possible account for the majority if not all of the waters of Seven Devils / SOU Hot Springs. The Joe Saval Company L.L.C. stockwater rights no. 79659 originated from the Lincoln base right 10105 which is the same lands as claimed in Lincoln's proof V10018. It is anticipated during an adjudication that the Saval's stockwater right will be considered to have the same priority date as the Lincoln proof V10018 and therefore be senior to any Stremler rights.

The base right for the Stremler change application no. 82078 is a vested claim for stock watering (V09887). This application seeks to change 0.09 c.f.s. (64 AFA) from stockwater use to irrigation use. 0.09 c.f.s. would equate to the stockwatering of 2,880 cattle or 14,400 sheep. V09887 lists continuous watering of 300 head of stock, which would only equate to a maximum of 6.79 acre feet per year. Additionally, it is highly questionable if the Stremlers could ever show successor of interest for 2,880 cattle.

This water source has not been adjudicated by the Nevada State Engineer. To date, there has been numerous protest and actions regarding these rights. The Stremler proof list a priority date junior to the Lincoln proof. At the current time, and even with improvements to the source, there does not appear to be enough water to fulfill 100% of the competing rights. It would threaten to prove detrimental to the public interest to grant an application to change an unadjudicated proof of appropriation that seeks to use more water than is claimed under the proof. Therefore, Application 82078 must be denied pursuant to NRS 533.370(2) because granting it would threaten to prove detrimental to the public interest.