

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

IN THE MATTER OF APPLICATION NUMBER 82194  
FILED BY Joe Saval Company, LLC  
ON October 11, 2012



PROTEST



Comes now Ellison Ranching Company

Printed or typed name of protestant

whose post office address is HC 32 Box 240, Tuscarora, Nevada 89834

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

whose occupation is livestock rancher and protests the granting

of Application Number 82194, filed on October 11, 2012

by Joe Saval Company, LLC for the

waters of Fish Creek Spring situated in Lander

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 spring is located in a common use allotment and the allowance of 1,147 head of cattle during the period of use would result in consumption of all production of the source which would result in curtailing the grazing use of the protestant in the area.
2. The applicant has filed for 1,147 head of cattle of several sources and based on the several applications, would therefore become additive which is in excess of the permit to graze in the area and beneficial use could not be accomplished.
3. Ellison Ranching Company holds a water right on Fish Creek for irrigation, and Fish Creek Spring, although limited in production is at the head of Fish Creek and use by that number of cattle would eliminate the spring's contribution to the flow.

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.

RECEIVED  
2012 NOV 28 AM 10:57  
STATE ENGINEER'S OFFICE

Signed

*Gary E. DiGrazia*

Agent or protestant

Gary E. DiGrazia, Attorney for Ellison Ranching Company

Printed or typed name, if agent

Address

P.O. Box 1358

Street No. or PO Box

Elko, Nevada 89893

City, State and ZIP Code

775-738-8091

Phone Number

gdclaws@frontier.net

E-mail

Subscribed and sworn to before me this 26<sup>th</sup> day of November, 2012



Notary Public - State of Nevada  
County of Elko  
SHARON S. MATHIAS  
No. 98-4277-6 My Commission Expires October 25, 2015

*Sharon S. Mathias*  
Notary Public

State of Nevada

County of Elko

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.