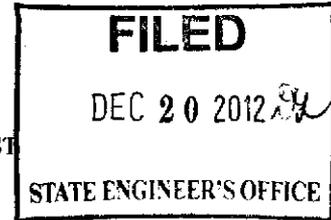


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82268  
FILED BY Saddler Ranch LLC  
ON November 02, 20 12



PROTEST



Comes now Mark Moyle Farms, LLC

Printed or typed name of protestant

whose post office address is P.O. Box 842, Fallon, Nevada 89407

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

whose occupation is Farmer / Rancher

and protests the granting

of Application Number 82268, filed on November 02, 20 12

by Saddler Ranch, LLC % Doug Frazer, P.O. Box 831, Forest Knolls, CA 94933 for the

waters of Big Shipley Springs and Tributaries Complex situated in Eureka

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 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

*Mark Moyle*

Agent or protestant

Mark Moyle

Printed or typed name, if agent

Address

P.O. Box 842

Street No. or PO Box

Fallon Nevada 89407

City, State and ZIP Code

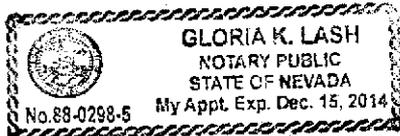
(775) 761-4725

Phone Number

nhc.moyle@gmail.com

E-mail

Subscribed and sworn to before me this 20th day of December 20 12



*Gloria K. Lash*

Notary Public

State of

*Nevada*

County of

*Carson*

RECEIVED  
2012 DEC 20 PM 2:51  
STATE ENGINEERS OFFICE

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

**EXHIBIT "A" to Protest of Mark Moyle Farms, LLC  
To  
Application No. 82268**

- 1. Application No. 82268 seeks to appropriate large quantities of groundwater from the Diamond Valley Hydrographic Basin (Basin No. 153). The Protestant, Mark Moyle Farms, LLC and affiliated entities, own numerous groundwater rights within Basin 153. The proposed use of water under Application No. 82268 would conflict with Protestants use of water under its numerous existing groundwater rights in Basin No. 153.**
- 2. Nevada State Law does not allow for a surface water right to be converted to a groundwater right.**
- 3. There is no unappropriated water in Basin No. 153.**
- 4. The granting of Application No. 82268 would be detrimental to the public interest.**
- 5. Application No. 82268 seeks to appropriate large quantities of groundwater for irrigation purposes. Granting the applications would violate previous orders entered by the State Engineer including, but not necessarily limited to Order No. 717. That order provides, among other things, that all "applications filed after December 31, 1978 to appropriate groundwater for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied."**
- 6. The historic acreage of land irrigated under Proof No. V-03289 may be insufficient to support the quantity of water sought to be appropriated under Application No. 82268.**
- 7. The historic flow of water in the Big Shipley Springs & Tributary Complex under Proof No. V-03289 may be insufficient to support the quantity of water sought to be appropriated under application 82268.**
- 8. The Protestant requests that the State Engineer conduct and adjudication of the surface water rights in Basin No. 153, including those claimed under Proof No. V-03289.**
- 9. The Protestant requests that the State Engineer postpone action on Application No. 82268 until an adjudication of vested and all other surface water rights in Basin No. 153 has been completed.**
- 10. The Protestant requests that water rights, if any, granted under Application No. 82268 be conditioned on the implementation of a monitoring program approved by the State Engineer. If impacts to existing rights or public interest are demonstrated**

by the monitoring program, the Applicant should be required to mitigate those impacts to the satisfaction of the State Engineer and the affected party.

11. Upon information and belief, some or all of the water rights claimed under Proof No. V-03289 have been abandoned.

12. Application No. 82268 requests a Duty of 4.5 acre-feet, when the State Engineer has determined that a Duty of 2.7 acre-feet is sufficient for irrigating meadow hay.

13. Application No. 82268 requests water to irrigate 1,657.28 acres of land. There is no evidence or Proof of Beneficial Use (PBU) to support that 1657.28 acres of land was irrigated under Proof V-03289.

14. Application No. 82268 requests water from January 1<sup>st</sup>- December 31<sup>st</sup> annually. If this water is to be used for irrigation purposes, it should be appropriated from April 1<sup>st</sup>- October 31<sup>st</sup> annually. This time period represents the irrigation season.

15. The Protestant reserves the right to supplement this protest as additional information becomes available concerning Application No. 82268.