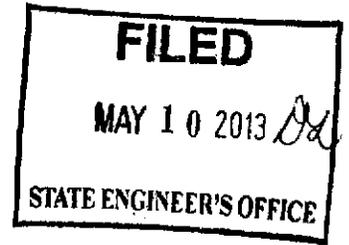


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82610
FILED BY Martha P. Hoots, formerly Martha P. Sims
ON May 8, 20 13



PROTEST



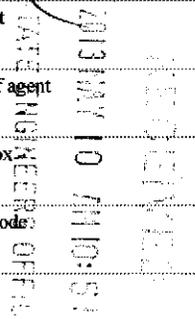
Comes now Martha P. Hoots
Printed or typed name of protestant
whose post office address is P.O. Box 36, Deeth, NV 89823
Street No. or PO Box, City, State and ZIP Code
whose occupation is Rancher and protests the granting
of Application Number 82610, filed on March 12, 20 13
by Tommy, LLC for the
waters of an underground source located in Clover Valley Basin situated in Elko
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:

County, State of Nevada, for the following reason and on the following grounds, to wit:

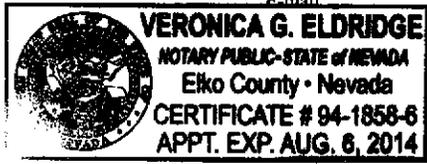
Please see attached document.

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 John E. Marvel
Agent or protestant
John E. Marvel, Esq.
Printed or typed name, if agent
Address 217 Idaho Street, P.O. Box 2645
Street No. or PO Box
Elko, Nevada 89803
City, State and ZIP Code
775-738-9881
Phone Number
jmarvel7@yahoo.com
E-mail



State of Nevada
County of ELKO
Subscribed and sworn to before me on May 8, 2013
by John E. Marvel



Veronica G. Eldridge
Signature of Notary Public Required

Notary Stamp or Seal Required

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

ATTACHMENT:
PROTEST OF APPLICATION NO. 82610

Martha P. Hoots protests the granting of Tommy, LLC's water Application 82610 for irrigation purposes within Clover Valley, a designated water basin. At the present time, the water resources of Clover Valley are near full capacity, and which water conditions are getting worse due to the current drought. Clover Valley has a perennial yield of 19,000 acre feet annually ("afa"), and the current active annual duty of Clover Valley is 18,843.78 afa.

Tommy, LLC's Application 82610 is for 2.0 cubic-feet per second ("cfs"), totaling 1,447.93 afa. If approved, Tommy, LLC's water appropriation will over-appropriate Clover Valley's groundwater resources, resulting in an annual duty of 20,291.71 afa. Such a condition would adversely impact existing senior wells located in Clover Valley, who are already experiencing water limitations.

Pursuant to N.R.S. 533.370(2), the State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:

1. There is no unappropriated water at the proposed source;
2. the proposed use or change conflicts with existing rights;
3. the proposed use or change conflicts with protectable interest in existing domestic wells as set forth in NRS Section 533.024; or
4. the proposed use or change threatens to prove detrimental to the public interest.

N.R.S. 533.370(2) further states, in pertinent part:

"If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication."

Here, Tommy, LLC's Application 82610 would be in violation of N.R.S. 533.370(2) as there is already a high concentration of existing rights, the additional burden on the water supply will conflict with those existing rights, including those of Protestant, and the proposed use threatens to prove detrimental to the public interest.

In addition, Tommy, LLC's Application 82610 must be denied as the Office of the State Engineer in its Ruling #6156, previously rejected a water application for a similar use of water within the Clover Valley water basin on the grounds stated above. As there has been no change in circumstances in the Clover Valley area warranting the State Engineer to change its determination of such a similar water use, approving Application 82610 herein would arbitrarily contradict the State Engineer's previous ruling denying the same.

Granting Application 82610 to appropriate additional waters of Clover Valley will be a further burden on the already limited water resources of Clover Valley; will perpetuate the current drought conditions in Clover Valley; prove detrimental to the surface waters, underground aquifers, existing uses and rights of Clover Valley and adjacent water basins; and, will adversely impact and conflict with the existing rights of the Protestant.