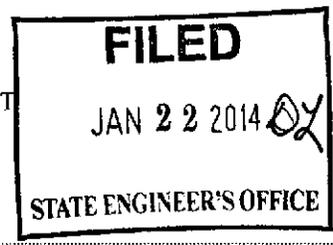


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 83256  
FILED BY Marigold Mining Company  
ON November 18, 20 13



PROTEST



Comes now Daniel and Eddyann Filippini

Printed or typed name of protestant

whose post office address is HC-61, Box 65, Badger Ranch Road, Battle Mountain, NV 89820

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

whose occupation is Ranching

and protests the granting

of Application Number 83256, filed on November 18, 20 13

by Marigold Mining Company for the

waters of Trout Creek situated in Humboldt

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 Attachment 1 for Protest Grounds

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 *Therese A. Ure*

Agent or protestant

Therese A. Ure, Schroeder Law Offices, P.C.

Printed or typed name, if agent

Address 440 Marsh Ave.

Street No. or PO Box

Reno, Nevada 89509

City, State and ZIP Code

State of Nevada

County of Washoe

Subscribed and sworn to before me on January 21, 2014

(775) 786-8800

Phone Number

by Lisa M. Moseley

counsel@water-law.com

E-mail LISA MOSELEY  
NOTARY PUBLIC  
STATE OF NEVADA  
My Commission Expires: 05-14-17  
Certificate No: 13-10958-2



Notary Stamp or Seal Required

*Lisa Moseley*  
Signature of Notary Public Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF THE COMPTROLLER  
ALBANY, NEW YORK



**Protestant: Daniel & Eddyann Filippini**

**In re Protest to Application 83256**

Attachment 1:

- 1) Filippinis are the authorized permit holder from the United States Department of Interior, managed by the Bureau of Land Management, for stock grazing in the North Buffalo Allotment. Filippinis hold vested water rights V09731, V09733, V09738, and V09739. V09731 is for stock watering on Trout Creek and its Tributaries. The other vested rights are in the general location of Trout Creek and may be hydraulically connected to the waters of Trout Creek. Application 83256 should be denied as it will conflict with, injure, or otherwise impair Filippinis' vested rights.
- 2) Application 83256 should be denied as it will conflict with existing rights and/or protectable interests.
- 3) Application 83256 should be denied as its underlying water right, Permit 3691/Certificate 583 has been abandoned.
- 4) Application 83256 should be denied as there is no unappropriated water in Trout Creek.
- 5) Application 83256 should be denied as moving the point of diversion to the headwaters will cause an injury to downstream users.
- 6) Application 83256 should be denied as it may cause the nearby springs including Mud Spring and Ames Spring to go dry.
- 7) Application 83256 should be denied as it may cause the nearby springs to dry up and thus dry up water sources accessed by wildlife that customarily used the sources.
- 8) Application 83256 is deficient because the works are not adequately described to determine the overall impact on the human health, stock and domestic animals, and environment.
- 9) Application 83256 is deficient because it does not adequately describe the proposed method of applying and utilizing the water.
- 10) Application 83256 is deficient because it does not demonstrate the magnitude of the use of water.

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- 11) Given the designated state of the Clover Area Basin, and the prior existing rights in the watershed, the State Engineer should require a hydrological or environmental study prior to issuing any permits related to this application.
- 12) Application 83256 should be denied as it will remove water from the stream system that would have otherwise been available for stock watering.
- 13) If granted, Application 83256 will prove detrimental to the public interest.
- 14) If Application 83256 is permitted, the permit must contain express conditions to ensure existing appropriations will be satisfied.
- 15) If Application 83256 is permitted, an amount of water must be left in the stream channel to fulfill the existing vested rights for stock watering.
- 16) If Application 83256 is considered for permit, only the consumptive use portion of the irrigation right should be available for transfer.

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