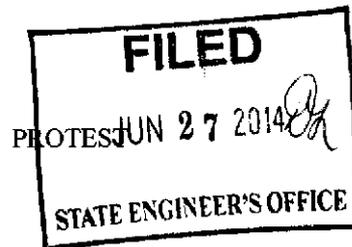


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 83752
FILED BY Mike and Barbara Stremler
ON April 18th, 20 14



Comes now Joe Saval Company, LLC

Printed or typed name of protestant

whose post office address is P.O Box 296

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

whose occupation is Ranching Company

and protests the granting

of Application Number 83752

, filed on April 18th

, 20 14

by Mike and Barbara Stremler

for the

waters of Spring (Jersey Hot Spring)

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:

Please see Attachment #1 for summary of 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

Agent or protestant

Michael Stanka P.E. [Agent]

Printed or typed name, if agent

Address

3032 Silver Sage Drive, Suite 101

Street No. or PO Box

Carson City, Nevada 89701

City, State and ZIP Code

State of Nevada

County of

Carson City

Subscribed and sworn to before me on

June 27, 2014

(775) 885-9283

Phone Number

by

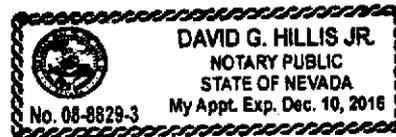
David G. Hillis Jr.

michael@stankaconsulting.com

E-mail

Signature of Notary Public Required

STATE ENGINEER'S OFFICE
JUN 27 10 38 AM '14



Notary Stamp or Seal Required

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

Attachment #1 - Summary of protest grounds to Application 83752

1. **Insufficient Water Available At Source:** Application 83752 requests a diversion of 0.30 cfs and 200 acre foot annually for irrigation purposes. The source, Spring (Jersey Hot Spring) aka Jersey Spring "F", has had 9 flow measurements recorded over the previous 5 year period. These measurements are listed on page 3 of the Preliminary Order of Determination for waters of Jersey Hot Springs, et al dated March 31, 2014. The highest measurement was reported to be 60 gallons per minute (gpm) and the average was calculated to be 43 gpm. These measurements are far below the requested diversion rate of 0.30 cfs (134.5 gpm). Additionally, the amount of water requested (200 AFA) far exceeds the total amount of water the spring could produce (97 AFA @ 60 gpm and only 69 AFA @ 43 gpm). Even before accounting for existing rights and prior appropriations, there is insufficient water available for appropriations to support the request under Application 83572. Application 83752 should thus be denied based on the documented fact that there is insufficient water available at the proposed source of supply. [NRS 533.370 (2)].
2. **Conflicts With Existing Rights:** Application 83752 is junior to one vested right, and two active applications currently before the State engineer. The Joe Saval Company, LLC applications 83719 and 83720 are senior applications to the Stremmers Application 83752. The Joe Saval Company, LLC applications 83719 and 83720 and vested right V-09798 (per Preliminary Order of Adjudication for Jersey Hot Spring) will fully use all the water available at the spring source. Therefore application 83752 should be denied because it will conflict with existing rights and there will be no unappropriated water at the source. [NRS 533.370 (2)]
3. **Incomplete Application:** Application 83752 lists the manner of use as irrigation, diversion rate of 0.30 cfs, and an annual use of 200 acre feet. The application does not list the total acreage to be irrigated. Per NRS 533.340 (1), the application shall contain the number of acres to be irrigated. Application 83752 should be denied because it is incomplete and does not conform to requirements per NRS 533.340 (1).
4. **Detrimental To Public Interest:** The Stremmers have been using water from this spring under a vested claim. The preliminary order of determination for Jersey Hot Spring has denied the validity of this claim, and therefore this water is currently being diverted by the Stremmers without a valid right and in trespass. The Joe Saval Company currently has the senior rights and applications to the source. Granting this application would over appropriate the water from the spring, harm existing rights, be detrimental to wildlife and wetlands, and exacerbate the existing conflict over access and use of the Protestants senior rights.

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