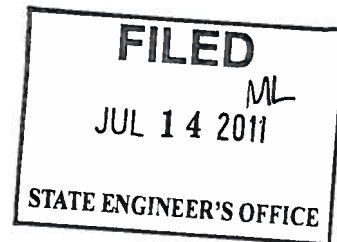


# IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
 FILED BY National Fish and Wildlife Foundation  
 ON March 24, 2011, and amended on May 10, 2011



PROTEST



Comes now Nichol Merritt Ditch Company, Inc.

Printed or typed name of protestant

whose post office address is 150 Densmore Lane, Yerington Nevada 89447

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

whose occupation is \_\_\_\_\_ and protests the granting

of Application Number 80700, filed on March 24, 2011, and amended on May 10, 2011

by National Fish and Wildlife Foundation for the

waters of Claim Nos. 23, 23-A, 35, 44, 67 and 89 of the Walker River Decree situated in Lyon

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 application requests transfer of the full duty rather than the consumptive use amount. The duty must be limited to the consumptive use otherwise, the application amounts to a request for a new appropriation of water.
2. Granting this application and any subsequent applications of this nature may threaten to prove detrimental to the public interest by causing shrink and ditch loss on the delivery ditches effected.
3. Ditch assessments are secured by National Fish and Wildlife Foundation. The National Fish and Wildlife Foundation is not supplying enough security to assure payment of future ditch assessments.

THEREFORE the Protester 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

Glenn Sciarani  
 Agent or protestant

Glenn Sciarani, President

Printed or typed name, if agent

Address

150 Densmore Lane

Street No. or PO Box

Yerington, NV 89447

City, State and ZIP Code

775-781-1896

Phone Number

E-mail

Subscribed and sworn to before me this 13<sup>th</sup> day of July, 20 11



Kathy J. Hall  
 Notary Public  
 State of Nevada  
 County of Lyon

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