

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

FILED
AUG 28 1998
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 63882
FILED BY FIVE CREEK LIMITED LIABILITY COMPANY
ON 2 MARCH, 1998, TO APPROPRIATE THE
WATERS OF BARBER CREEK

COMPANY
PROTEST

Comes now DAVID W. BIGGS
Printed or typed name of protestant

whose post office address is 896 BOLLN CR., GARDNERVILLE, NV 89410
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Mgmt CONSULTANT, and protests the granting

of Application Number 63882, filed on 2 MARCH, 1998

by FIVE CREEK LIMITED LIABILITY COMPANY to appropriate the

waters of BARBER CREEK situated in DOUGLAS
Underground or name of stream, lake, spring or other source

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

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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 [Signature]
Agent or protestant

Printed or typed name, if agent
Address 896 Bolln Cr
Street No. or P.O. Box No.
Gardnerville, Nevada 89410
City, State and Zip Code No.

Subscribed and sworn to before me this 27th day of August, 1998



[Signature]
Notary Public
State of Nevada
County of Douglas

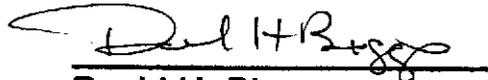
\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to Protest of
Application Number 63882

1) During attempted filings and previous discussions with the State Water Engineer's office staff, I was informed that no new water rights will be issued unless water use before a certain date (determined by existing water rights) can be documented. I was informed that existing water rights cover the available water.

Since the water filed for on this application has not been routinely diverted and used in past history, the application should be denied.

2) If the water is diverted at the point indicated on the application, indigenous vegetation along the creek will be negatively impacted. The adverse environmental impact would have a negative effect on value of our property, which the creek flows across.



David H. Biggs
896 Bollen Cr.
Gardnerville, NV 89410

27 Aug 98
Date