

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

FILED
AUG 31 1998
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 6388J
FILED BY FIVE CREEK LIMITED LIABILITY CO.
ON MARCH 18, 1998 TO APPROPRIATE THE
WATERS OF BARBER CREEK
PROTEST

Comes now JOHN W. COLYER
whose past office address is 775 FOOTHILL ROAD GARDNERVILLE, NV 89410
whose occupation is SELF EMPLOYED, and protests the granting
of Application Number 6388J, filed on MARCH 18, 1998
by FIVE CREEK LIMITED LIABILITY COMPANY to appropriate the
waters of BARBER CREEK situated in DOUGLAS COUNTY, NV

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

PLEASE SEE ATTACHMENT

THEREFORE the protestant requests that the application be DENIED
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [Signature]
Printed or typed name, of agent
Address _____
Street No. or P.O. Box No. _____
City, State and Zip Code No. _____

Subscribed and sworn to before me this 28 day of Aug, 1998
[Signature]
Notary Public
State of Nevada
County of Lyon

CAROLEE BECKHAM
Notary Public - State of Nevada
Appointment Recorded in Lyon County
APPOINTMENT EXPIRES AUG 29, 1999

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

August 28, 1998

State of Nevada
Division of Water Resources
201 S. Fall Street, Room 211
Carson City, Nevada 89710

Gentlemen:

This letter is to protest Application #63882.

We ranch approximately 115 acres and the majority of our irrigation water comes from Barber Creek. Ranching in northern Nevada is marginal at best. Any diversion of the existing water supply to a new consumer will severely limit our ability to graze cattle on our property.

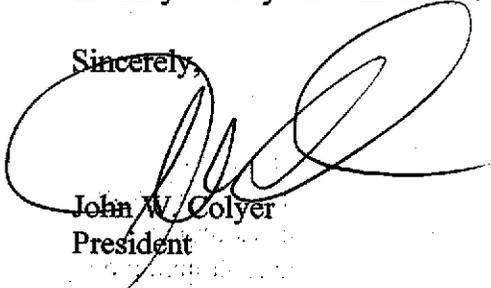
The developers claimed they would be responsible for damage caused to irrigation systems that resulted from their project. Now they refuse to meet their obligation. They said publicly that they would not pursue access to the water that has been used by neighboring ranches for generations. Now that turns out not to be true either.

This pattern of behavior leads me to ask what other underhanded, devious tricks are planned by them for the future.

Please be advised that this is a critical issue to our ranching operation and we intend to pursue this aggressively.

Thank you for your consideration.

Sincerely,



John W. Colyer
President

Encl.