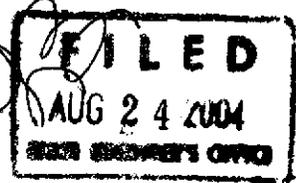


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 71268
FILED BY Randy Venturacci
ON June 3, 20 04, TO APPROPRIATE THE
WATERS OF Dry Valley Creek and Tributaries



PROTEST



Comes now Fahnestock Enterprises, Inc., dba Western Turf & Fahnestock Properties LLC *SLF 8/23/04*
Printed or typed name of protestant

whose post office address is P. O. Box 20065, Reno, NV 89515
Street No. Or P.O. Box, City, State and Zip Code

whose occupation is Owner and protests the granting

of Application Number 71268, filed on June 3, 20 04

by Randy Venturacci, Applicant to appropriate the

waters of Dry Valley Creek and Tributaries situated in Washoe
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:

The Nevada State Engineer's office, Division of Water Resources, has determined the Warm Springs Basin as designated and has previously denied new appropriations for irrigation use by Ruling No. 2478.

The State Engineer's office indicates a perennial yield of 3000 acre feet annually for this basin.

The Basin Abstract for Warm Springs shows 7300 +/- acre feet annually of committed water rights at the present time. Therefore, this protest is being filed to prevent further over appropriation of the basin.

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 *Suzan L. Ferguson*
Agent or protestant

Suzan L. Ferguson, Agent
Printed or typed name, if agent

Address 5405 Mae Anne Avenue
Street No. or P.O. Box No.

Reno, Nevada 89523
City, State and Zip Code No.

Subscribed and sworn to before me this 23rd day of AUGUST, 20 04

Alison Knight
Notary Public

State of NEVADA

County of WASHOE



225 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

01:20 PM 08/24/04

SLF