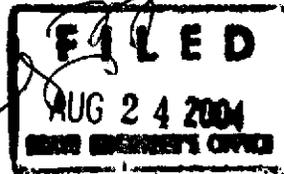


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

In the Matter of Application Number 71268
Filed By RANDY VENTURACCI
On August 13, 2004, to Appropriate the
Waters of DRY VALLEY CREEK & TRIBUTARIES



PROTEST

Comes now LASSEN COUNTY, whose post office address is 707 Nevada Street, Susanville, California 96130 and protests the granting of Application Number 71268, filed on August 13th, 2004 by RANDY VENTURACCI to appropriate the waters of DRY VALLEY CREEK & TRIBUTARIES situated in WASHOE County, State of Nevada, for the following reasons and on the following grounds, to wit:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO.

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 by:

WILLIAM D. BIXBY,
LASSEN COUNTY CAO

Address: 707 Nevada Street
Susanville, CA 96130

Subscribed and sworn to before me this _____ day of _____, 2004.

Notary Public

State of California, County of Lassen County

STATE ENGINEER'S OFFICE

ON SEP - 2 AM 10:47

RECEIVED

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

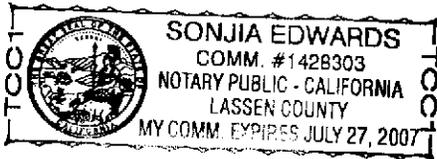
State of California

County of Lassen

On 8/31/04 before me, Sonja Edwards, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared William D. Bixby
Name(s) of Signer(s)

personally known to me - **OR** - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal

[Handwritten Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing:

EXHIBIT "A"

The U.S. Geologic Survey in late 2002 commenced a comprehensive Ground-Water Resource Evaluation of Dry Valley Washoe County, Nevada and Lassen County, California. Lassen County and Washoe County are cooperating agencies for purposes of funding this project. The objectives and scope of this 3-year study of the Nevada portion of Dry Valley are to: (1) describe the hydrogeologic framework; (2) characterize the groundwater flow system and water quality; and (3) quantify ground-water discharge. Additionally, Lassen County has received funding and has undertaken its own independent evaluation of the regional hydrology of hydrogeologic basins common to Lassen County and Washoe County. Based on the foregoing, and on information and belief, this Protestant offers the following reasons and following grounds:

1. Approval of the subject application will have an adverse impact on flows of Long Valley Creek and, accordingly, will adversely impact existing rights.
2. Approval of the subject application will have an adverse impact on existing down-gradient ground-water users.
3. Approval of the subject application will adversely impact existing water sources presently utilized by livestock and wildlife in the form of springs and seeps as well as vegetation dependent on discharge in and around the proposed point of diversion.
4. Approval of the subject application is not in the public interest because pumping of the volume of ground-water represented by the subject application, particularly when combined with other applications seeking to have the points of diversion changed to the same general area, will result in a water mining situation and long-term detrimental impact on the aquifer.
5. The applicant does not own or control the land upon which it seeks to divert ground-water under the subject application.
6. There is insufficient water in the proposed source.