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

* * * * * * *

IN THE MATTER OF APPLICATION NUMBER 72304 }
FILED BY TUFFY RANCH PROPERTIES, LLC of }
SPARKS, NEVADA }
On March 4, 2005 }

PROTEST

FILED
JUN 03 2005
STATE ENGINEER'S OFFICE

Comes now, White Pine County, Nevada whose mailing and physical address is 801 Clark Street #4, Ely, Nevada 89301 and whose occupation is County Government and protests the granting of application no. 72304 filed on March 4, 2005 by Tuffy Ranch Properties, LLC of Sparks, Nevada to appropriate the waters of an un-named underground source situated in SE ¼ NE ¼ Section 10, T.5N., R.66E., M.D.B.&M. or at a point from which the SE corner of said Section 10 bears S 01° 15' 11" E a distance of 3,442.63 feet (approx. 25 miles N of Pioche, NV) State of Nevada, for the following reasons and on the following grounds, to-wit:

1. It is unknown what effect these withdrawals will have on White Pine County aquifers.

2. The applicants cannot put the water to beneficial use. The applicants do not possess a Right of Way or an easement to transport water from the underground source to a municipality.

3. The point of diversion for the underground water source is not within proximity of a municipality.

4. The applications appear to be speculative, which is not within the guidelines of Nevada water law.

5. The applications are not in the best public interest for the Basin. Public land resources in the basin which are dependent on the present hydrologic balance would be negatively impacted.

6. The hydrologic balance of the basin would be altered. The applicants would need to transport the water outside of Basin to put it to beneficial use as stated, creating conditions whereby surface waters, including the alluvial aquifer would be depleted to provide a deeper recharge.

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.

JON L. MULLER, P.E.
County Engineer
953 Campton Street
Ely, Nevada 89301

Subscribed and sworn to before me
this 2nd day of June, 2005

Notary Public
White Pine County
State of Nevada

RACHAEL LUCE
Notary Public - State of Nevada
Appointment Recorded in White Pine County
No: 98-4651-17 - Expires October 3, 2006

$25 Filing Fee must accompany Protest. Protest must be filed in duplicate. All copies must contain original signature.