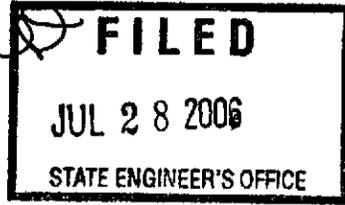


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 74338
FILED BY JACKRABBIT PROPERTIES, LLC
ON MAY 25, 20 06, TO APPROPRIATE THE
WATERS OF UNDERGROUND

PROTEST



Comes now Washoe County
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting
of Application Number 74338, filed on MAY 25, 20 05,

by JACKRABBIT PROPERTIES, LLC to appropriate the
waters of UNDERGROUND 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:

Please refer to attached Exhibit "A".

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.

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STATE ENGINEERS OFFICE

Signed [Signature]
Agent or Protestant

Vahid Behmaram, Water Rights Manager
Printed or typed name, if agent

Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.
4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 26 day of JULY, 20 06.



[Signature]
Notary Public
State of Nevada
County of Washoe

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

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Exhibit "A"

Applications 74337 through 74341

The above referenced applications propose to appropriate 11 cfs of underground water to irrigate 320 acres of land within the Smoke Creek Desert. The duty associated with these applications would be 1280 acre-feet annually based on a customary duty of 4 acre-feet per acre of irrigated land.

Pending applications 63992 through 64004, in the name of Washoe County, are on file with the State Engineer to appropriate all unappropriated water from the Smoke Creek Desert.

NRS 533.370 states that:

The State Engineer is prohibited by law from granting an application to appropriate the public waters of State of Nevada where:

- A. There is no unappropriated water at the proposed source;*
- B. The proposed use or change conflicts with existing rights;*
- C. The proposed use or change conflicts with protectible interests in the existing domestic wells as set forth in NRS 533.024; or*
- D. The proposed use or change threatens to prove detrimental to the public interest.*

Therefore, until applications 63992 through 64004 are denied and all appeal process have been exhausted, there is no unappropriated water in the proposed source to support applications 74334 through 74341.

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