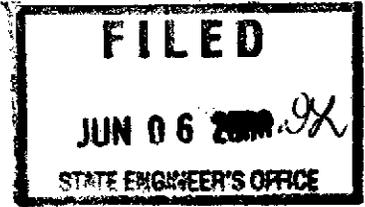


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



IN THE MATTER OF APPLICATION NUMBER.....76687.....,
FILED BY..GENE J. GHIGGIA AND BETTY A. GHIGGIA.....,
ON...JANUARY 30....., 2008....., TO
APPROPRIATE THE WATERS OF A SPRING

} PROTEST

Comes now.....J. R. Simplot Company, the successor by merger to Simplot Land & Cattle Company.....
Printed or typed name of protestant

whose post office address is.....PO Box 27 Boise, Idaho 83707.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation includes ...ranching and livestock grazing..... and protests the granting
of Application Number76687....., filed onJanuary 30....., 2008.....

by . Gene J. Ghiggia and Betty A. Ghiggia (together referred hereafter as "Ghiggia").....to appropriate the
waters ofa spring.....situated in..... NE1/4SW1/4 OF SECTION 35 T. 37N R. 69E. MDM, ELKO.....
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:

Historically the protestant and its predecessors have used the source identified in application no. 76687 to water livestock and
for other purposes pursuant to a vested claim identified as Nevada Division of Water Resource claim no. V04105. On July 23, 2004,
Ghiggia applied with the State Engineer to appropriate up to 0.05 cfs for domestic use from the same source as identified under the
protestant's vested claim no. 04105. After receiving permit no. 71491 on February 4, 2005 from the State Engineer for the July 23,
2004 application, Ghiggia disconnected the diversion historically used by the protestant to divert water from the source identified
under claim no. V04105. Water historically transported through a ditch and pipeline to the protestant's livestock watering troughs has
not been available for use by the protestant since that time. For this reason, the protestant objects to this application and to Ghiggia's
water use under the previous permit no. 71491 until such time as Ghiggia acknowledges the prior appropriation by the protestant and
allows the uninterrupted use of water from the spring identified under claim no. V04105 for use by the protestant to water livestock....

THEREFORE the protestant requests that the application be denied pending the acknowledgement of protestant's prior
appropriation and the uninterrupted resumption of protestant's historic use of water for livestock watering purposes as described above
and that an order be entered for such relief as the State Engineer deems just and proper.

J. R. Simplot Company

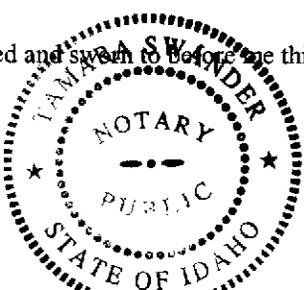
Signed [Signature]
Terry T. Ulling, Senior Vice President, Secretary and General Counsel

Printed or typed name, if agent

Address...PO Box 27.....
Street No. or P.O. Box No.

.Boise, Idaho 83707.....
City, State and Zip Code No.

Subscribed and sworn to before me this 4 day of June, 2008



[Signature]
Notary Public

State of...Idaho
County of ...Ada

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

[Handwritten mark]