

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

IN THE MATTER OF APPLICATION NO.: 80737

FILED BY: Rand Properties

ON May 13, 2011

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}  
}

PROTEST

**FILED**  
MAY 27 2011 *dx*  
STATE ENGINEER'S OFFICE

Comes now Rand Properties, LLC, through its attorney, John R. Zimmerman, Esq.  
Printed or typed name of protestant

whose address is c/o John R. Zimmerman, 50 W. Liberty St., Ste. 750, Reno, NV 89501  
Street No. or PO Box, City, State and Zip Code

whose occupation is Construction and Ranching and protests the granting

of Application Number 80737, filed on April 04, 2011

by Julian Tomera Ranches Inc. Battle Mountain Division for the

waters of Trout Creek situated in Lander  
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

See attached.

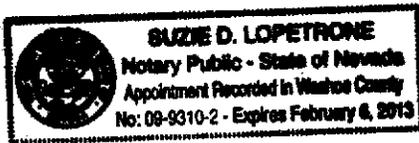
THEREFORE, the Protestant requests that the application be denied  
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed *John R. Zimmerman* Agent, Protestant  
By: John R. Zimmerman Printed or typed name, if agent  
Address: 50 W. Liberty Street, Suite 750 Street No. or PO Box  
Address: Reno, NV 89501 City, State and Zip Code  
Phone: 775.323.1601 Phone Number  
Email: jzimmerman@parsonsbehle.com Email

STATE ENGINEER'S OFFICE  
2011 MAY 27 PM 2:55

State of Nevada, County of Washoe  
Signed and sworn to before me this 7 day of May, 20 11 by John R. Zimmerman.



*Suzie D. Lopetrone*  
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 ATTACHMENT

ATTACHMENT  
TO  
PROTEST OF APPLICATION NO. 80737

Rand Properties protests the granting of Application 80737 on the following grounds.

First, the Application would conflict with existing water rights because Rand Properties currently uses the pipeline described in the Application for irrigation, stockwatering and domestic uses, as described under Proof of Appropriation 02678.

Second, the proposed point of diversion is located on private property and the applicant does not have the right to access the property under Proof of Appropriation V07581. Accordingly, the Application should be denied because the applicant does not have the ability to access the proposed point of diversion.

Third, the applicant does not own or control the diversion works or pipeline that are situated on private property, and therefore, does not own or control the proposed means of diversion and does not have the right to use the proposed means of diversion.