

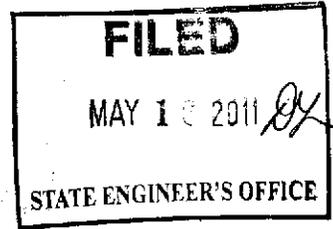
IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NO.: 80804T

FILED BY: Rand Properties

ON May 13, 2011

PROTEST



Comes now Rand Properties, LLC, by their Attorney/Agent, John R. Zimmerman
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 _____ and protests the granting
of Application Number 80804T, filed on April 28, 2011

by Julian Tomera Ranches Inc. Battle Mountain Division for the

waters of Crippen 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.

STATE ENGINEER'S OFFICE
2011 MAY 16 PM 1:2

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 [Signature]
Agent or 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 of Nevada, County of Washoe
Signed and sworn to before me this 13 day of May, 2011 by John R. Zimmerman.



[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.

ATTACHMENT
TO
PROTEST OF APPLICATION 80804T

Rand Properties protests the granting of this temporary application on the following grounds.

First, the Applicant has not justified a reason for seeking a temporary change application of a claim of vested right. The Applicant should be required to submit a permanent change application. The Applicant has not used the water from this source on the place of use claimed under the claim of vested right since at least 1985 and, contrary to the water law, has been using the water to irrigate land outside the claimed place of use.

Second, the validity of the underlying claim of vested right is suspect because the Applicant's predecessors did not continuously and substantially use the water under this claim on the claimed place of use. Accordingly, the State Engineer should first determine the validity of the claim of vested right before acting on any application to change.

Third, the diversion rate is greater than the diversion rate claimed in the claim of vested right. In the claim of vested right the claimant asserted that 3.0 cubic feet/second were required for each 100 acres of land irrigated. Because there are only 293.53 acres requested under this application, the diversion rate cannot exceed 8.8 cfs. Expanding the diversion rate would adversely affect Rand Properties' claim of vested right V10017.

Fourth, the Applicant is expanding the place of use by increasing the acreage irrigated under the claim of vested right. Additionally, the Applicant is expanding the season of use for irrigation because the claim of vested right only claimed the use of water for an 8-month irrigation season.

Lastly, the Applicant does not have a right to access the diversion point under the application because it is located on private property.