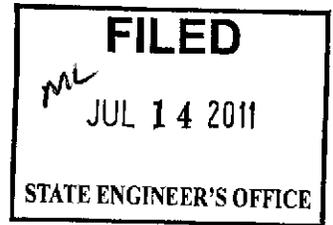


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80840  
FILED BY Utilities Inc. of Central Nevada  
ON May 9, 20 11



PROTEST



Comes now FNBN-RESCON I, successor in interest to First National Capital, LLC

Printed or typed name of protestant

whose post office address is 7555 East Redfield Rd., Scottsdale, Arizona 85260

Street No. or PO Box, City, State and ZIP Code

whose occupation is national banking association

and protests the granting

of Application Number 80840, filed on May 9, 20 11

by Utilities Inc. of Central Nevada for the

waters of underground situated in Nye

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 ATTACHMENT.

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

Agent or protestant

John Mistler, Regional President of Stearns Bank as Servicer

Printed or typed name, if agent

Address

7555 East Redfield Rd.

Street No. or PO Box

Scottsdale, Arizona 85260

City, State and ZIP Code

480.391.5907

Phone Number

johnm@stearnsbank.com

E-mail

Subscribed and sworn to before me this 14th day of July, 20 11



Notary Public

State of Arizona

County of Maricopa

RECEIVED  
2011 JUL 14 PM 10:16  
STATE ENGINEERS OFFICE

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

## **Information for Water Rights Protest**

Protestant, upon information and belief, files this protest to the above-captioned application for the following reasons:

1. Protestant is the successor-in-interest to First National Capital, LLC which provided a loan to PV Land Investments, LLC (the "Borrower") on or about March 28, 2007, pursuant to which the Borrower pledged certain assets to secure payment of the loan including, without limitation, certain water rights.

2. Attached hereto as Exhibit A is the Deed of Trust dated March 28, 2007, recorded March 30, 2007 at Instrument No. 682569, Official Records of Nye County, Nevada wherein the Borrower is Trustor, First National Capital, LLC is Beneficiary and the Trustor (Borrower) pledged all of its right, title and interest in "water and water rights."

3. To further secure its interest in the water rights that are the subject of the application to which Protestant is protesting, Protestant's predecessor-in-interest filed a UCC Financing Statement on May 2, 2007, with the Secretary of the State of Nevada, Document No. 2007014164-8, a copy of which is attached hereto as Exhibit B. The water rights that are the subject of the application to which Protestant is protesting are specifically described in the UCC Financing Statement.