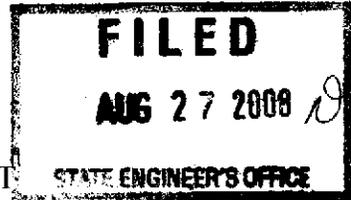


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 77181,
FILED BY Lund Family Limited Partnership
ON June 23, 2008, TO APPROPRIATE THE
WATERS OF 61771



PROTEST

Comes now TONY TUOTO

Printed or typed name of protestant

whose post office address is PO Box 6070, Incline Village, NV 89450

Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is Rancher/Real Estate

and protests the granting

of Application Number 77181, filed on June 23, 2008

by Lund Family Limited Partnership

to appropriate the

waters of 61771 situated in Douglas

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:

See Attached addendum

RECEIVED

AUG 27 2008

STATE ENGINEER'S OFFICE

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

State of Nevada
County of Douglas

Signed

Agent or protestant

TONY TUOTO

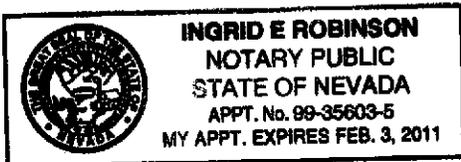
Printed or typed name, if agent

Address PO Box 6070

Street No. or P.O. Box No.

Incline Village, NV 89450

City, State and Zip Code No.



Ingrid E Robinson
Subscribed and sworn to before me this 27th day of Aug, 2008

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In the matter of application number 77181 filed by Lund Family Limited Partnership on June 23, 2008 to appropriate the waters of 61771, Tony Tuoto hereby requests that the application 77181 be denied for the following reasons:

1. The water rights appropriated in application 77181, were permanently removed from the point of diversion (a drilled well) described in application 52030 by application 61771 on June 9, 2000 with a completion of work filed on August 6, 2003 by applicants Robert H. and Arlene M. Brown. The applicant of application 77181, Lund Family Limited Partnership, did not own these rights at the time they existed on application 52030/certificate 13059 and were changed by application 61771. Furthermore, the applicant has never used the well (point of diversion) as described in application 52030 to irrigate the place of use as described in application 77181, nor does the applicant have an agreement of use with the owners of the pump used to operate the well at the point of diversion as described in application 52030. Additionally, the applicant of 77181 does not have a use (ingress/egress) agreement with the owners of the ditch that the well (at the point of diversion described in application 52030) is situated on. Given that the applicant of 77181 has never had rights on the well associated with 52030, nor does the applicant have agreements to use the pump and ditch that deliver the water from the well, Tony Tuoto requests that application 77181 be denied.
2. Application 77180 by Lund Family Limited Partnership proposes to move a portion of the same water right described in application 77181 to a point of diversion different than that specified in application 52030. Tony Tuoto requests that application 77181 be denied use of the point of diversion specified in application 52030. Tony Tuoto requests that all underground water rights appropriated by 77181 be assigned to the point of diversion as described in application 77180 — the point of diversion located on the applicants property and closest to the proposed new place of use described in applications 77180 and 77181.
3. Since water appropriated by application 61771 was removed from the point of diversion and place of use specified in application 52030, the existing place of use of application 52030 has been subdivided and now has multiple owners. Given that each owner of water rights on application 52030 has diverse and disjoint water needs, the well at the point of diversion of application 52030 currently has a oversubscribed rotation schedule (i.e. time for each owner to use the well during a specified period). There is simply no way to accommodate new users of the well without reducing allotted time that the current owners have hence limiting the current owners ability to use their water rights.
4. The well at the point of diversion described in application 52030 has recently been emitting sand and gravel and may be nearing end of life or reduced capacity. Given these facts, the current owners of water rights on the well do not wish to increase the amount of water pumped from the well as it may impede on our ability to use our water rights in the future.