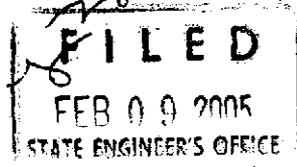


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 71861
FILED BY NEVADA CEMENT COMPANY -
PRESIDENT, NICK STIREN
ON NOVEMBER 9, 2004, TO APPROPRIATE THE
WATERS OF UNDERGROUND



PROTEST

Comes now Washoe County
Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106
Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting
of Application Number 71861, filed on NOVEMBER 9, 2004.

by NEVADA CEMENT COMPANY to appropriate the
waters of underground situated in Washoe
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:

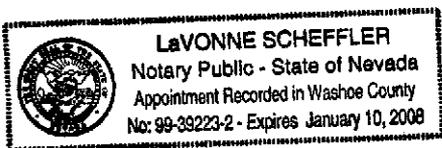
Please refer to attached Exhibit "A".

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.

RECEIVED
FEB 09 10 03:20
STATE ENGINEER'S OFFICE

Signed [Signature]
Agent or Protestant
Vahid Behmaram, Water Rights Supervisor
Printed or typed name, if agent
Address Washoe County Dept. of Water Resources
Street No. or P.O. Box No.
4930 Energy Way, Reno, NV 89502-4106
City, State, and Zip Code No.

Subscribed and sworn to before me this 3/rd day of January, 2005.



[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.

Exhibit "A"

Applications 71861 and 71965

The applications referenced above are to appropriate 36 acre-feet annually and 10.08 acre-feet annually, respectively. Nevada Cement is the applicant for application 71861 for a Mining manner of use. RTI Railroad Services, Inc. is the applicant for application 71965 for an industrial manner of use.

State Engineer's Supplemental Rulings 3786A and 3787A, Confirmed by Nevada Supreme Court, grants 13,000 acre-feet and holds Washoe County's applications 53406, 53408, 53241 & 53434 in abeyance until further information is available. Washoe County's applications if granted will fully appropriate the waters of the Honey Lake Basin. Therefore, there is no water in the source of proposed appropriations.

Washoe County would stipulate to approval of these applications for a finite period of time not to exceed five years.

STATE ENGINEER'S OFFICE
CIVIL ENGINEER
CARRINGTON