

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

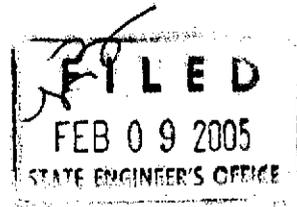
IN THE MATTER OF APPLICATION NUMBER 71965

FILED BY RTI RAILROAD SERVICES, INC.

ON DECEMBER 6, 20 04, 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 71965, filed on DECEMBER 6, 20 04,

by RTI RAILROAD SERVICES, INC. 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  
05/10/05 10:00 AM  
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 31<sup>st</sup> day of JANUARY, 20 05.



[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 <sup>53421</sup> 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.

RECEIVED  
JUL 1 1965  
STATE ENGINEER