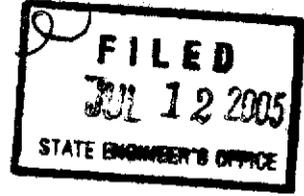


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 72451,
FILED BY AQUA TRAC, LLC, ON APRIL 4, 2005, TO APPROPRIATE
THE WATERS FROM AN UNDERGROUND SOURCE.

PROTEST



Comes now Truckee Meadows Water Authority
Printed or typed name of protestant

whose post office address is P O Box 30013
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is Water Purveyor for the Truckee Meadows and protests the granting of Application Number 72451, filed on April 4, 2005 by Aqua Trac, LLC to appropriate the waters of an Underground Source in Basin 7-92A Lemmon Valley West
Underground or name of stream, lake, spring or other source
Decree situated in Washoe County, State of Nevada, for the following reasons and on the following grounds, to wit:

TMWA hereby files a protest on Application No. 72451 for the following reasons:

1. There is no unappropriated water for the proposed source of supply in the hydrographic basin designated.
2. The proposed use will conflict with existing water rights, including without limitation, water rights held by the Truckee Meadows Water Authority.
3. The proposed use threatens to prove detrimental to the public interest.
4. The State Engineer has rejected previous applications for similar uses of water within the same basin on grounds 1 through 3 above.
5. The applicant has not provided proof of its intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence, and of its financial ability and reasonable expectation actually to construct the work and apply the water to the beneficial use with reasonable diligence.

THEREFORE the Protestant requests that the application be Denied.

Denied, issued subject to prior rights, etc., as the case may be

Signed Kenneth C. Briscoe
Agent or protestant

Kenneth C. Briscoe
Printed or typed name, if agent

Address P O Box 30013
Street No. or P.O. Box No.

Reno, NV 89520-3013
City, State and Zip Code No.

Subscribed and sworn to before me this 7th day of July, 2005



Heather Edmunson
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.**

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STATE ENGINEER'S OFFICE

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