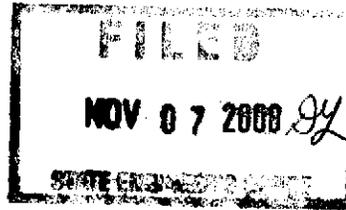


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



RECEIVED
2008 NOV -7 AM 9:56
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER..77341.....
FILED BY. TPC AGGREGATES LLC.....
ON...AUGUST 25....., 2008..., TO APPROPRIATE THE
WATERS OF . BASIN # 165 (JEAN LAKE VALLEY)

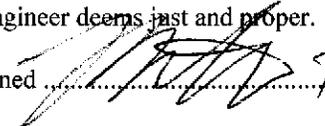


PROTEST

Comes now. The Las Vegas Valley Water District.....
Printed or typed name of protestant
whose post office address is..1001 S. Valley View Blvd., Las Vegas, NV 89153.....
Street No. Or P.O. Box, City, State and Zip Code.
whose occupation is ...municipal water purveyor..... and protests the granting
of Application Number .77341....., filed on .August 25, 2008 by TPC Aggregates LLC.....to appropriate the
waters of ..underground (Basin # 165 Jean Lake Valley).....situated in ...Clark.....
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 see Exhibit A attached hereto.....
.....

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.

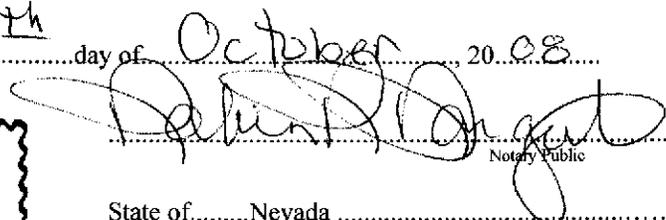
Signed  P.E.
Agent or protestant

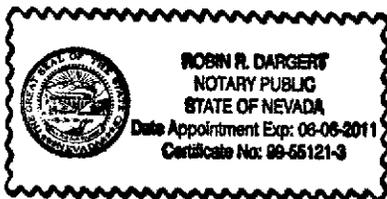
.....Michael A. Stanka, P.E.....
Printed or typed name, if agent

Address.....108 North Minnesota Street.....
Street No. or P.O. Box No.

.....Carson City, Nevada 89703.....
City, State and Zip Code No.

Subscribed and sworn to before me this ^{6th} day of October, 2008.


Notary Public



State of.....Nevada.....

County ofCarson City.....

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

BY

EXHIBIT A

Las Vegas Valley Water District Protest to Application No. 77341

This water right application should be denied based on the following grounds:

1. According to current estimates of perennial yield and known committed water rights, there is no unappropriated water available for appropriation by the applicant in Basin No. 165 (Jean Lake Valley). Additionally, Basin No. 165 is a designated basin (See Order No. 966).
2. The Las Vegas Valley Water District (LVVWD) holds senior water rights in adjacent hydrographic Basin No. 164 (Ivanpah Valley-North Part), which LVVWD uses to supply municipal water service to Jean, Nevada.
3. Granting this application would adversely affect the existing rights of LVVWD.
4. Given the water quality issues in and around the area of Jean, Clark County, Nevada, granting this application would lead to further degradation of water quality.
5. Granting the application in light of these protest grounds would threaten to prove detrimental to the public interest.