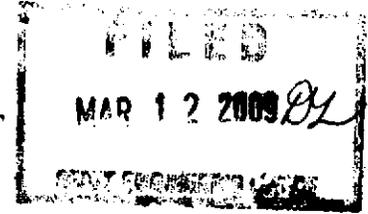


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 77693
FILED BY Jean Development Company
ON December 17, 2008, TO APPROPRIATE THE
WATERS OF Effluent



PROTEST



Comes now 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 77693, filed on December 17, 2008
by Jean Development Company aka Gold Strike Hotel & Gambling Hall
to appropriate the
waters of Effluent 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:

See Attached

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 Paul G. Taggart
Agent or protestant

Paul G. Taggart, Esq. (Agent)
Printed or typed name, if agent

Address 108 N. Minnesota St
Street No. or P.O. Box No.
Carson City, NV 89703
City, State and Zip Code No.

Subscribed and sworn to before me this 12th day of March, 2009



Notary Public
State of Nevada
County of Carson City

2009 MAR 12 PM 4:19

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

DL

Exhibit A

The Las Vegas Valley Water District (LVVWD or Protestant) water system at Jean, Nevada consists of several wells and distribution systems that supply both potable and non-potable water to residential and commercial customers in the basin, including Applicant's Gold Strike Casino.

Protestant owns multiple water rights in the basin. Specifically, Protestant owns Permits 17691 (Certificate 6058), 21997 (Certificate 8378), 51133 (Certificate 13800), 51543 (Certificate 13801), 51544 (Certificate 13802), 52732 (Certificate 14634), 52733, 52734, 52735 (Certificate 14635), 54983, and 76210 and protests the granting of Application No. 77693 on the following grounds:

- 1) **No Water Available for Appropriation.** The source of the water sought for appropriation under Application No. 77693 is fully appropriated and there is no additional water from this source available for appropriation. Since the early 1990s, Protestant has received annual credit for the infiltration of the effluent from the Rapid Infiltration Basin ponds (RIBs) that are the source of the water sought for appropriation under Application No. 77693. These recharge credits are a critical component in LVVWD's ability to provide municipal water service to existing customers in the Jean area, including the Applicant.
- 2) **Harm to Senior Water Rights.** In determining the permitted annual withdrawal of water allowed under LVVWD's Permits, credit for the recharge back into the groundwater basin from the RIBs is given and will continue to be given based on data supplied to the State Engineer by LVVWD. Said recharge credit allows for additional pumping under LVVWD's permits. These recharge credits provide the basin with additional Municipal water rights that service residential and commercial facilities in the basin, including the Nevada State Prison and Applicant's Gold Strike Casino. Approving Application No. 77693 would diminish LVVWD's senior water rights, which are based in part on the recharge credits the Applicant seeks to appropriate.
- 3) **Detrimental to Public Interest.** If Application No. 77693 is granted, LVVWD's ability to provide municipal service to the public in the basin will be significantly impaired, including service to the Nevada State Prison and Applicant's Gold Strike Casino. Therefore, granting Application No. 77693 would be detrimental to the public interest and Application No. 77693 should be denied.

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