

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

FILED
MAY 07 2004
STATE ENGINEER'S OFFICE

In the Matter of Application Number 70869
Filed By Gary and Billie Jo Snow on
February 09, 2004 to Change Place of Use
of the Waters of the Truckee and Carson
Rivers

PROTEST

Comes now The Pyramid Lake Paiute Tribe of Indians, whose post office address is P.O. Box 256, Nixon, Nevada 89424, whose occupation is a federally recognized Tribe of Indians, the governing body of the Pyramid Lake Indian Reservation, organized pursuant to the Indian Reorganization Act of 1934, with a Constitution and By-laws approved by the Secretary of Interior, and protests the granting of Application Number 70869, filed on February 09, 2004 by Gary and Billie Jo Snow, to change the place of use of the waters on the Truckee and Carson Rivers situated in Washoe, Churchill, Storey and Lyon Counties, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Granting or approving the above referenced application by the State Engineer and/or the Secretary of the Interior would conflict with and tend to impair the value of the Pyramid Lake Tribe's existing rights to waters of the Truckee River because the Tribe is entitled to the use of all of the waters of the Truckee River which are not subject to valid, vested, and perfected rights and the applicants do not have vested rights to use the waters of the Truckee River on the proposed places of use described in their applications.

2. Granting or approving the above referenced application by the State Engineer would threaten to prove detrimental to the public welfare and would be inequitable in that it would: (i) be likely to jeopardize the continued existence of Pyramid Lake's two principal fish; (ii) prevent or interfere with the conservation of those endangered and threatened species; (iii) take or harm those threatened and endangered species; (iv) adversely affect the recreational value of Pyramid Lake; and (v) interfere with the purposes for which the Pyramid lake Indian Reservation was established.

3. The application should not be approved because it involves the proposed transfer of alleged water rights that were under challenge in a legal proceeding that was pending on or before April 1,

1999.

4. On information and belief, said application involves the transfer of alleged water rights that have been abandoned or forfeited. Such alleged water rights cannot and should not be transferred.

5. The Pyramid Lake Paiute Tribe of Indians would be adversely affected if the above referenced application were granted because it would result in greater diversions of Truckee River water away from Pyramid Lake to the detriment of the threatened and endangered species inhabiting Pyramid Lake.

THEREFORE, the protestant requests that the above referenced application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

NOTARY PUBLIC OFFICE
916-7 81 9-16

Signed:

Robert S. Pelcyger

Robert S. Pelcyger
Fredericks, Pelcyger & Hester, LLC
1075 S. Boulder Rd., Ste 305
Louisville, CO 80027
Tel: (303) 673-9600

David Hornbeck
1675 Lakeside Drive
Reno, NV 89509
Tel: (775) 323-6655

Attorneys for the Pyramid Lake
Paiute Tribe of Indians

Subscribed and sworn to before me this 6th day of May, 2004.

Brenda S. Proskey

Notary Public

State of Colorado

County of Boulder



My Commission Expires
2-11-08

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

AND