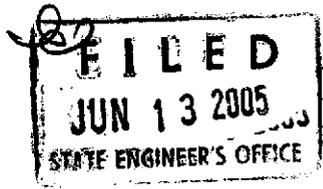


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

In the Matter of Application Number 72004  
Filed By Robert I. Cowles on  
December 10, 2004 to change the place and  
manner of use of water appropriated under  
Permit No. 61931

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 72004, filed on December 10, 2004 by Robert I. Cowles, for permission to change the place and manner of use of water appropriated under Permit No. 61931, for the following reasons and on the following grounds, to wit:

1. The application seeks to change the manner of use under Permit No. 61931 from one that is temporary in nature (mining, milling, and domestic) to a permanent use (municipal and domestic). Permit No. 61931 was specifically granted by the State Engineer on the basis that the mining and milling uses were considered temporary in nature and therefore were expected to have no long-term effect on the groundwater resource. The permanent nature of the proposed use will have a long term effect on the groundwater resource.
2. The water right for mining, milling and domestic purposes granted in Permit No. 61931 has not been diligently pursued to beneficial use. The permit for that water right should be cancelled or not extended.
3. According to the requests for extension of time to file proof of beneficial use under Permit No. 61931, some portion of the water granted for the mining, milling and domestic purpose was used and subsequently the mining and milling operations ceased. Therefore, by its own terms, Permit No. 61931 has expired and is no longer in effect.
4. If granted, the application would conflict with the express limitations and conditions specified by the State Engineer for the base water right, Permit No. 61931.
5. If granted, the application would deplete water from a fully appropriated groundwater basin or other fully appropriated source of supply.

6. The proposed appropriation would conflict with existing senior groundwater and/or surface water rights of the Pyramid Lake Paiute Tribe as well as with other senior surface water rights to the use of the waters of the Truckee River including the water rights decreed to the United States for the Newlands Reclamation Project.

7. Granting the application would be contrary to the public interest because, among other things, it would:

A. deplete flows in the lower Truckee River and impair instream flows;

B. degrade or impair water quality in the lower Truckee River;

C. adversely affect regional groundwater levels to the detriment of wells in the Dodge Flat area;

D. have a detrimental effect on groundwater quality in the Dodge Flat Area;

E. prevent or interfere with the conservation or recovery of the two principal fish in the lower Truckee River and Pyramid Lake, the endangered cui-ui and the threatened Lahontan cutthroat trout, in violation of (i) the Endangered Species Act, 16 U.S.C. §1531 et seq., and (ii) Nevada law protecting the cui-ui;

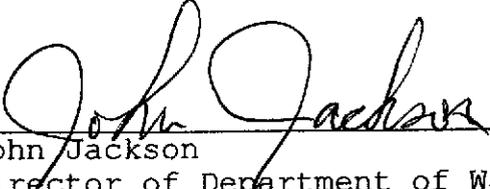
F. adversely affect the recreational value of Pyramid Lake;

G. interfere with the purposes for which the Pyramid Lake Indian Reservation was established; and

H. adversely affect the interests of the Tribe.

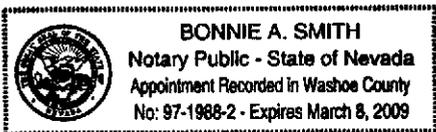
THEREFORE the protestant requests that the above-referenced application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

Signed: \_\_\_\_\_

  
John Jackson  
Director of Department of Water Resources  
Pyramid Lake Paiute Tribe  
P.O. Box 256  
Nixon, Nevada 89424  
Tel: (775) 574-1050

Subscribed and sworn to before me this 9th day of June, 2005.

Bonnie A Smith  
Notary Public



State of NEVADA

County of WASHOE

My Commission Expires: March 8, 2009

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