

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;

H. deplete the groundwater supply within the Pyramid Lake Indian Reservation portion of the Winnemucca Lake Basin;

I. deplete the surface water supply within the Pyramid Lake Indian Reservation portion of the Winnemucca Lake Basin;

J. adversely affect springs and flowing wells within the Pyramid Lake Indian Reservation portion of the Winnemucca Lake Basin;

K. adversely affect regional groundwater levels to the detriment of the Pyramid Lake Indian Reservation portion of Mud Lake Slough; and

L. otherwise 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  
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 2nd day of August, 2005.



Nathan D. Dunn  
Notary Public

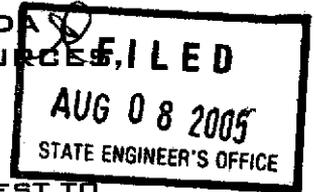
State of Nevada

County of Washoe

My Commission Expires: Jan - 31, 2007

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

BEFORE THE STATE ENGINEER, STATE OF NEVADA  
DEPARTMENT OF CONSERVATION & NATURAL RESOURCES  
DIVISION OF WATER RESOURCES



IN THE MATTER OF  
APPLICATION NUMBER: 72475  
FILED BY: AQUA TRAC, LLC C/O NATHAN AMAN  
ON: APRIL 4, 2005, TO APPROPRIATE THE  
WATERS OF: UNDERGROUND

PROTEST & REQUEST TO  
DENY APPLICATION 72475;  
PETITION FOR HEARING  
PURSUANT TO N.R.S. 533.365;  
PETITION FOR HYDROLOGICAL &  
ENVIRONMENTAL STUDY  
PURSUANT TO N.R.S. 533.368

COMES NOW: CHURCHILL COUNTY

WHOSE ADDRESS IS: 155 NORTH TAYLOR STREET, SUITE 153, FALLON NV 89406

WHOSE OCCUPATION IS: A POLITICAL SUBDIVISION OF THE STATE OF NEVADA AND PROTESTS  
THE GRANTING OF APPLICATION NUMBER: 72475 FILED ON: APRIL 4, 2005 BY: AQUA TRAC,  
LLC, C/O NATHAN AMAN, TO APPROPRIATE THE WATERS OF: UNDERGROUND SITUATED IN:  
WASHOE COUNTY, STATE OF NEVADA, FOR THE FOLLOWING REASONS AND ON THE  
FOLLOWING GROUNDS, TO WIT:

1. THE COUNTY COMMISSIONERS HAVE NOT BEEN PROPERLY NOTICED PURSUANT TO N.R.S. 533.363. SUCH NOTICE SHOULD BE RECEIVED BY THE COUNTY PRIOR TO THE READY FOR ACTION DATE SUCH THAT THE COMMISSIONERS CAN PROPERLY NOTICE AND CONDUCT PUBLIC MEETING PURSUANT TO N.R.S. 533.363 (4). THIS WOULD ALLOW THE GENERAL PUBLIC TO LODGE PROTESTS IN ADDITION TO THE COMMISSIONER RECOMMENDATIONS WHICH MAY BE PROVIDED FOR CONSIDERATION BY THE STATE ENGINEER.
2. DUE TO THE LARGE MAGNITUDE OF THE AQUA TRAC, LLC APPLICATIONS SEEKING NEW APPROPRIATIONS FROM MULTIPLE GROUNDWATER BASINS IN EXCESS OF 113,000 AFA, THE STATE ENGINEER SHOULD REQUIRE THE ASSOCIATED HYDROLOGICAL AND ENVIRONMENTAL STUDIES PURSUANT TO N.R.S. 533.368 TO ADEQUATELY ADDRESS POTENTIAL IMPACTS TO EXISTING RIGHTS AND THE ENVIRONMENT. THE PROTESTANT RESERVES THE RIGHTS TO ADD TO OR AMEND THEIR PROTEST AS A RESULT OF THESE STUDIES OR AS OTHER INFORMATION BECOMES AVAILABLE.
3. WHEN A DETERMINATION HAS BEEN MADE THAT A STUDY IS TO BE PERFORMED, FAILURE OF THE PART OF THE STATE ENGINEER TO CONSULT WITH THE GOVERNING BODY OF THE COUNTY OR COUNTIES IN WHICH THE POINT OF DIVERSION AND THE PLACE OF USE IS LOCATED CONCERNING THE SCOPE AND PROGRESS OF THE STUDY. NRS 533.368 (4).
4. A PROJECT OF THIS MAGNITUDE WILL REQUIRE N.E.P.A. COMPLIANCE AS WELL AS AN ENVIRONMENTAL IMPACT REPORT. THE STATE ENGINEER SHOULD WITHHOLD HEARINGS AND ACTIONS ON THESE APPLICATIONS UNTIL THESE STUDIES / PROCESSES ARE COMPLETED.