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

In the Matter of Application Number 73226 Filed By Aqua Trac, LLC on September 7, 2005 To Appropriate Underground Water	)	**PROTEST**

FILED
DEC 0 8 2005
STATE ENGINEER'S OFFICE

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 73226, filed on September 7, 2005 by Aqua Trac, LLC, for permission to appropriate underground waters of the State of Nevada, for the following reasons and on the following grounds, to wit:

1. The combined amount of water production by this application and the other pending applications filed by Aqua Trac, for new groundwater appropriations from the Winnemucca Lake Basin, exceeds the perennial yield of the basin.

2. Granting the application would threaten to prove detrimental to the Tribe and the public interest because it has its proposed point of diversion in a basin area being considered for wetland development.

3. The proposed appropriation would conflict with existing groundwater and/or surface water rights of the Pyramid Lake Paiute Tribe.

4. Granting the application would threaten to prove detrimental to the Tribe and the public interest for the reasons stated above, and because among other things, it would:

A. deplete water from the Pyramid Lake by inducing additional underflow from the Pyramid Lake Basin to the Winnemucca Lake Basin;

B. degrade or impair water quality in the Pyramid Lake Basin by decreasing flows in the lower Truckee River;

C. adversely affect basinwide groundwater levels to the detriment of Pyramid Lake and the groundwater resources of the Pyramid Lake Paiute Tribe.

D. have a detrimental effect on the quality of the Pyramid Lake Paiute Tribe's groundwater resources;

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 set., 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 7th day of December, 2005.

Bonnie A Smith
Notary Public

BONNIE A. SMITH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 97-1988-2 - Expires March 8, 2009

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.