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

FILED
DEC 08 2005
STATE ENGINEER'S OFFICE

In the Matter of Application Number 73246 Filed By the City of Fernley on September 13, 2005 for Permission to Change the Place of Use and Manner of Use of a Portion of Water Appropriated Under the Truckee River Decree Claim #3	**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 73246, filed on September 13, 2005 by the City of Fernley, for permission to change the place of use and manner of use of a portion of water appropriated under the Truckee River Decree Claim #3; United States vs. Orr Water Ditch Co. et al. in Equity A3; TCID Serial No. 841, for the following reasons and on the following grounds, to wit:

1. The proposed use of Newlands Project water rights for municipal and domestic purposes is subject to the regulatory authority and approval of the Secretary of the Interior, which has not been obtained.

2. The proposed transfer is not in the best interests of the United States or the Newlands Reclamation Project.

3. The proposed transfer of decreed agricultural water rights for municipal use, utilizing irrigation facilities for the conveyance of the municipal water, and extending water deliveries outside of the irrigation season, is not contemplated and is not allowed under the existing Operating Criteria and Procedures (OCAP) for the Newlands Project.

4. The applicant has not obtained permission to use federal facilities for the transportation of the water it is seeking to transfer.

5. The proposed period of use is from January 1 to December 31 whereas the prior use was limited to the irrigation season. The new use will be less efficient and will adversely affect other water users including the Protestant.

6. 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 and have been forfeited and/or abandoned.

7. 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.

8. Granting the application would threaten to prove detrimental to the public interest.

9. The water rights sought to be transferred are needed to recharge the aquifer on which the City of Fernley relies for municipal and domestic use and therefore should not be transferred for municipal use.

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.