

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



2006 MAY 23 PM 3:54

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 In the Matter of Application Number 73967)
 Filed By Robyn DeJonker on March 6, 2006) **PROTEST**
 For a Permit to Appropriate the Public)
 Waters of the State of Nevada)
)

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 73967, filed on March 6, 2006 by Robyn DeJonker, for a permit to appropriate the public waters of the State of Nevada, for the following reasons and on the following grounds, to wit:

1. There is no unappropriated water in the source of supply giving consideration to other pending applications that were filed prior to and have priority over Application No. 73967.
2. The proposed appropriation would conflict and interfere with existing groundwater and surface water rights of the Pyramid Lake Paiute Tribe.
3. The proposed point of diversion and place of use for Application No. 73967 are identical to the proposed points of diversion and places of use as filed by Joseph Rudy Rissone under Application No. 52359 and Kim McCreary under Application No. 68667. Application No. 52359 was canceled by the State Engineer and Application 68667 is currently ready-for-action, but protested. The State Engineer should not consider Application No. 73967 until Application No. 68667 is resolved and until the questions of ownership are resolved.
4. Granting the application, and the subsequent development of groundwater under the application, would threaten to prove detrimental to the Tribe, to the purposes for which the Pyramid Lake Indian Reservation was created, and to the public interest by:

- A. depleting flows in the lower Truckee River and impairing instream flows;
- B. degrading or impairing water quality in the lower Truckee River;

C. adversely affecting regional groundwater levels and the productivity of the Tribe's existing and planned wells;

D. preventing or interfering 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; and

E. adversely affecting the recreational value of 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.

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Agents for the Tribe

Subscribed and sworn to before me this 24th day of May, 2006.

Betty H. Hest
Notary Public

State of Nevada

County of Washoe

My Commission Expires: December 29, 2009

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