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

In the Matter of Temporary Transfer Application Number 74186-T Filed By the City of Fernley on April 12, 2006 for Permission to Temporarily Change the Place of Use and Manner of Use of Transfer Application Number 73844	**PROTEST**

FILED
AUG 21 2006
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 Temporary Application Number 74186-T, filed on April 12, 2006 by the City of Fernley, for permission to temporarily change the place of use and manner of use of transfer Application Number 73844, for the following reasons and on the following grounds, to wit:

1. The water rights sought for transfer are protested in a separate pending application: Application Number 73844. The relevant protest grounds made for Application Number 73844 are incorporated herein by reference.

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

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

4. The applicant does not own or have ownership interest in the proposed place of use and does not have the authority, or the consent of the landowner, to deliver water to the proposed place of use.

5. The application should not be approved because it involves the proposed transfer of alleged water rights which have been forfeited and/or abandoned.

6. Granting the application would be contrary to the previously-stated position of the State Engineer that temporary transfers or changes are only to be allowed during emergency or drought.

7. The application seeks to transfer the full decreed water duty amount of 4.5 acre-feet per acre. Applications, if granted,

should be granted for no more than the consumptive use portion of the decreed water duty amount.

8. Granting the application would threaten to prove detrimental to the public interest for the reasons set forth above.

9. Granting the application would threaten to prove detrimental to the public interest in ways that are not yet known to this Protestant, but which may arise or first become known to this Protestant in the period between the date of filing of the Application and the hearing on the protested Application - by way of example Fernley's Application #57555 was filed on May 1, 1992, and the hearing was not held until February 6, 2006 - and in light of the position of the State Engineer that a specifically stated protest ground may not be amended regardless of the extensive passage of time between the date the protest is required to be filed, and the date of the hearing on a protested application.

10. 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.

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.

ROBERT C. MADDOX & ASSOCIATES

By: _____
(agent for Pyramid Lake Paiute Tribe)
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Subscribed and sworn to before me this 21st day of August, 2006.

TANYA SMITH
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-2455-2 - Expires June 9, 2008

Tanya Smith
Notary Public

State of Nevada

County of Washoe

My Commission Expires: June 9, 2008

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