ROBERT C. MADDOX & ASSOCIATES

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November 30, 2007

By Facsimile Only

Tim Wilson, P.E., Hearing Officer
Susan Joseph-Taylor, Esq., Chief Hearing Officer
Office of the State Engineer
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701

Re: January 9, 2008 Hearing re Carson Valley / Carson River: Application Numbers 74510 through 74514, and 75645 through 75647

Dear Mr. Wilson and Ms. Joseph-Taylor:

Protestant Pyramid Lake Paiute Tribe of Indians hereby withdraws its protests against these eight applications, and therefore will not participate further in the hearing process.

The Tribe notes as a matter of interest that the applicant for 74510-74514 requests to change the place of use from an existing specific place of use of approximately 981 acres to a much larger place of use of approximately 1,720 acres, apparently in an attempt to obtain approval for the use of the water on any 981 acres within the 1,720 acres. The Tribe is not aware that the State Engineer has ever allowed that approach where the use remains agricultural, rather than where the request involves also a change of manner of use from agricultural to municipal or wildlife/wetlands.

Please let me know if you have any questions or comments.

Very truly yours,

ROBERT C. MADDOX & ASSOCIATES

Don Springmeyer

DS/tls
cc: See attached list

PARTIES	REPRESENTING	RE: APPLICATIONS
T. Scott Brooke, Esq. Brooke • Shaw • Zumpft 1590 Fourth Street, Suite 100 Minden, Nevada 89423 Ph: 775-782-7171 / Fx: 775-782-3081	Applicant, Bently Family Limited Partnership	74510, 74511, 74512, 74513, 74514
Robert O. Anderson, P.E. R.O. Anderson Engineering, Inc. P.O. Box 2229 Minden, Nevada 89423 Ph: 775-782-2322 / Fx: 775-782-7084	Applicant, Flying Eagle Ranch, LLC	75645, 75646, 75647
Thunderbird Ranch Corp. 575 State Route 88 Gardnerville, Nevada 89460	Protestant, Thunderbird Ranch Corp.	75645, 75646, 75647

FILED
DEC 0 8 2006
STATE ENGINEER'S OFFICE

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

RECEIVED
2006 DEC -8 PM 3:45
STATE ENGINEERS OFFICE

In the Matter of Application Number 74511 Filed By Bently Family Limited Partnership on July 14, 2006, For Permission to Change the Place of Use of Water Appropriated under Permit No. 60673	**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 74511, filed on July 14, 2006 by Bently Family Limited Partnership, for permission to change the place of use of water appropriated under Permit No. 60673, for the following reasons and on the following grounds, to wit:

1. Granting the application would threaten to prove detrimental to the public interest in light of the need for a comprehensive solution to water supply and demand problems, both surface and groundwater, in the upper Carson River basins, and in light of the obligations of the State Engineer pursuant to NRS Chapters 533, 534, and 278 to require that there be adequate plans to protect existing rights, uses and commitments of surface and groundwater, and to exercise all appropriate authority and discretion to control over-demand on the source and to protect both the public and other right holders of both surface and groundwater rights.

2. Upon information and belief, the transfer involves water rights that have been abandoned and the application should therefore be denied.

3. Upon information and belief, the transfer involves a change to a place of use requiring a higher delivery duty which would therefore further and additionally deplete the over-appropriated groundwater resource, diminish flows of the surface water in the Carson River, and therefore threaten to prove detrimental to the public interest.

4. Granting 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 depleting flows in the Carson River and reducing inflows to Lahontan Reservoir, for the reasons stated above, to the detriment of senior surface water right holders in the Newlands Project, which senior right holders are

entitled to divert Truckee River water through the Truckee Canal to make up for insufficient Carson River flows which are the primary source to satisfy their rights, and which greater diversions of Truckee River water away from Pyramid Lake would operate to the detriment of the threatened and endangered species inhabiting Pyramid Lake and the lower Truckee River, and impair instream flows.

5. Granting the application may 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.

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

7. This Protestant incorporates in this Protest by reference as if fully set forth herein every relevant protest ground set forth in any other Protest filed by any other Protestant regarding this application.

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THEREFORE this 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

Don Springmeyer, Esq.
Bruce E. Cyra, Esq.
3811 W Charleston Blvd Suite 110
Las Vegas NV 89102
Tel: (702) 366-1900
Agents for the Tribe

Subscribed and sworn to before me this 8th day of December, 2006.

Notary Public

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

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.