

4. The proposed period of use is from January 1 to December 31 of each year, whereas the prior use was limited to the irrigation season. The new period of use will be less efficient and will adversely affect other water users including the Protestant, and will violate NRS 533.370(1)(b) (State Engineer may not approve an application if it will "lessen the efficiency of the district in its delivery or use of water. . .").

5. The application should not be approved because it involves the proposed transfer of alleged water rights a portion of which were under challenge in a legal proceeding that was pending on or before April 1, 1999, and which portion have been forfeited and/or abandoned.

6. Granting the application will threaten to prove detrimental to the public interest in light of the declining quantity and quality of the groundwater available in the Fernley hydrographic basin to serve existing permits and commitments, and in light of the obligations of the State Engineer pursuant to NRS Chapters 534 and 278 to require that there be adequate plans to protect existing uses and commitments of ground water and to require that the subject rights, or an appropriate portion of them, be devoted to ground water recharge to protect existing users and customers before any additional rights are allocated to new development.

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 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

Nancy Jasculca

Don Springmeyer, Esq.
Nancy Jasculca, 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 23rd day of April, 2007.

Debra Lockwood
Notary Public



State of Nevada
County of Washoe

My Commission Expires: 10-12-08

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