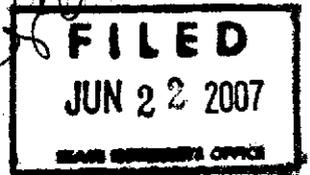


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

2007 JUN 22 PM 1:51

In the Matter of Application Number 75413
Filed By Lyon County on March 5, 2007, for
Permission to Change the Point of Diversion
and Place of Use of Water Appropriated under
Permit No. 46384

) STATE ENGINEER
)
) 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 75413, filed on March 5, 2007 by Lyon County, for permission to change the point of diversion and place of use of water appropriated under Permit No. 46384, 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 over-appropriation of the groundwater available in the basin, and the resulting inability of the perennial yield to serve existing permits and commitments with groundwater, 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 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. The base water rights sought for change by Application No. 75413 have their origin in Application No. 27199 which was filed in 1972 to appropriate groundwater. It appears that the Proof of Beneficial Use associated with the water rights currently sought for change by Application No. 75413, which proof was originally required to be filed on or before February 11, 1978 according to the permit terms under Application No. 27199, has not been made, and the appropriation has not been pursued with reasonable diligence and should be cancelled because the water has not been put to beneficial use within a reasonable time. Therefore, the base water rights sought for change by Application No. 75413 have been forfeited and/or abandoned, the application should be denied, and Permit No. 46384 should be cancelled.

3. 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 and because of the connection, both legal and physical, between groundwater and surface water in the basin, 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.

4. 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.

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

6. 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

Nancy Jasculca

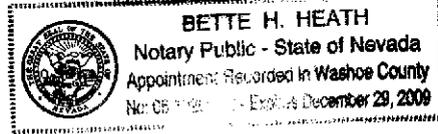
Don Springmeyer, Esq.
Nancy Jasculca, Esq.
3811 W. Charleston Blvd., Suite 110
Las Vegas, NV 89102
Tel: (702) 366-1900
Agents for the Tribe

Subscribed and sworn to before me this 22nd day of June, 2007.

Bette Heath

Bette Heath, Notary Public

State of Nevada
County of Washoe ss.



My Commission Expires: December 29, 2009

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