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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 8, 2008 Hearing re Carson Valley / Carson River: Application Numbers 75680 and 75681

Dear Mr. Wilson and Ms. Joseph-Taylor:

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

The Tribe notes as a matter of interest that the existing place of use denominated for these two applications, shows on 2006 aerial photography that approximately 10% is not possible to use for irrigation as it is taken up with a residence, outbuilding and driveway. This is entirely aside from the actual non-use of the water for irrigation as noted by the other protestants.

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

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

FILED
JUL 20 2007
STATE ENGINEER'S OFFICE

In the Matter of Application Number 75681 Filed By David L. Novotny and Leanne Jennings on May 10, 2007, For Permission to Change the Point of Diversion of Water Appropriated under Claim No. 309 of the Carson River Decree

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 75681, filed on May 10, 2007 by David L. Novotny and Leanne Jennings, for permission to change the point of diversion of water appropriated under Claim No. 309 of the Carson River Decree, *United States vs. Alpine Land and Reservoir Company*, 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. 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.

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.

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 20th day of July, 2007.

Debra Lockwood
Notary Public

DEBRA LOCKWOOD
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 00-65951-2 - Expires October 12, 2008

State of Nevada

County of Washoe

My Commission Expires: 10-12-08