

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

In the Matter of Application No. 76187
Filed By Park Cattle Company on
August 20, 2007 for Permission to Change
the Point of Diversion of Water Appropriated
under Permit No. 43833, Certificate No. 12478)

FILED
OCT 29 2007
PROTEST
STATE ENGINEER'S OFFICE

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RECEIVED

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 76187, filed on August 20, 2007 by Park Cattle Company for permission to change the point of diversion of water appropriated under Permit No. 43833, Certificate No. 12478, 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-commitment and 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 SE should not authorize the construction of any new wells or any changes to permitted water rights at least until he exercises his full authority to eliminate the over-commitment of the basin's water resources and all adverse effects of groundwater pumping on Carson River surface flows.
3. 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

OK

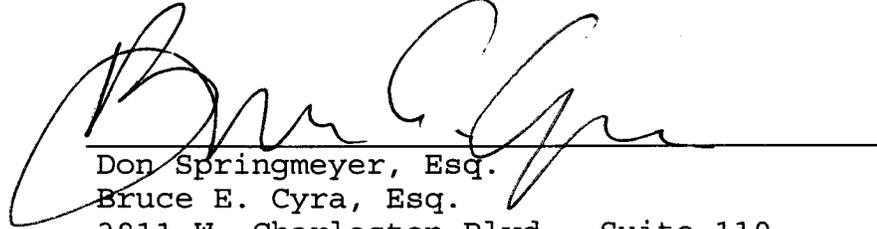
date the protest is required to be filed, and the date of the hearing on a protested application.

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

5. 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.

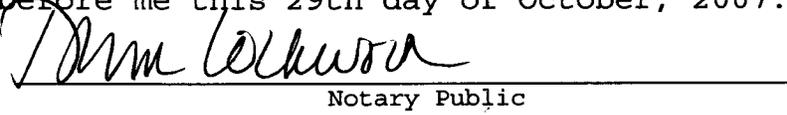
THEREFORE this Protestant requests that the above-referenced application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

Robert C. Maddox & Associates

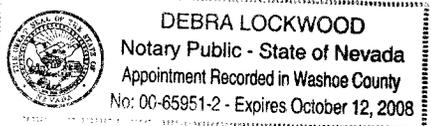


Don Springmeyer, Esq.
Bruce E. Cyra, Esq.
3811 W. Charleston Blvd., Suite 110
Las Vegas, NV 89102
Tel: (702) 366-1900
Agents for the Tribe

Subscribed and sworn to before me this 29th day of October, 2007.



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.