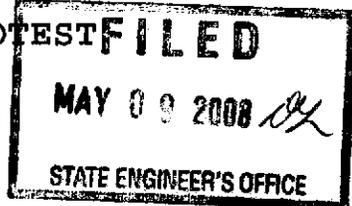


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

2008 MAY -9 AM 10:41

In the Matter of Amended Application Number )  
76754 Filed By TRI General Improvement )  
District on February 15, 2008, for Permission )  
to Change the Point of Diversion of Water )  
Appropriated under Application No. 65060 )

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 76754, filed on February 15, 2008 by TRI General Improvement District, for permission to change the point of diversion of water appropriated under Application No. 65060, for the following reasons and on the following grounds, to wit:

1. The water rights sought for change by Application No. 76754 were the subject of the State Engineer's Ruling No. 5747, which ruling is currently challenged by multiple appeals. The State Engineer should not act on Application No. 76754 until the appeals of Ruling No. 5747 are resolved. The resolution of the appeals of Ruling No. 5747 could affect the existence or amount of water rights sought for change by Application No. 76754.

2. Application No. 76754 seeks to change the point of diversion under Application No. 65060. As of April 30, 2008, Application No. 65060 had not yet been permitted and was approved by the State Engineer in Ruling No. 5747 subject to "an approved monitoring plan," among other things. Based upon information and belief, as of April 30, 2008, the monitoring plan required by Ruling No. 5747 for Application No. 65060 had not been submitted to or approved by the State Engineer. The State Engineer should not approve Application No. 76754 because the conditions for approval of Application No. 65060 do not appear to have been met.

3. 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

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to control over-demand on the source and to protect both the public and other right holders of both surface and groundwater rights.

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 Truckee River and reducing inflows to Pyramid Lake, for the reasons stated above and because of the connection, both legal and physical, between groundwater and surface water in the basin, and which depleted Truckee River flows 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.

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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.  
Christopher W. Mixson, Esq.  
3811 W. Charleston Blvd., Suite 110  
Las Vegas, NV 89102  
Tel: (702) 366-1900  
Agents for the Pyramid Lake Paiute Tribe

Subscribed and sworn to before me this 8th day of May, 2008.



  
Notary Public

State of Nevada

County of Clark

My Commission Expires: June 9, 2008

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