

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

FILED  
MAY 05 2009  
STATE ENGINEERS OFFICE

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In the Matter of Application Number 77924  
Filed By the City of Fernley on  
January 22, 2009 for Permission to Change  
the Place of Use and Manner of Use of a  
Portion of Water Appropriated Under the  
Truckee River Decree Claim No. 3

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 77924, filed on January 22, 2009 by the City of Fernley, for permission to change the place of use and manner of use of a portion of water appropriated under the Truckee River Decree Claim No. 3; *United States vs. Orr Water Ditch Co., et al., In Equity No. A3*, for the following reasons and on the following grounds, to wit:

Conditional protest grounds 1-3 are asserted only in the event and if for any reason the State Engineer does not continue to require the Applicant to comply with all applicable laws and regulations of other jurisdictions, including, but not limited to, the Secretary of the Interior:

1. Conditional - The proposed use of Newlands Project water rights for municipal and domestic purposes is subject to the regulatory authority and approval of the Secretary of the Interior, which has not been obtained.

2. Conditional - The proposed transfer of decreed agricultural water rights for municipal use, using irrigation facilities for the conveyance of the municipal water, and extending water deliveries outside of the irrigation season, is not contemplated and is not allowed under the existing Operating Criteria and Procedures (OCAP) for the Newlands Project.

3. Conditional - The applicant has not obtained permission or contracts to use federal facilities for the transportation of the water it is seeking to transfer.

DJ



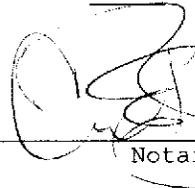
THEREFORE the Protestant requests that the above-referenced application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

**ANGIUS & TERRY LLP**



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Agents for the Tribe

Subscribed and sworn to before me this <sup>4th</sup> day of May, 2009.



Notary Public



State of Nevada

County of Clark

My Commission Expires: Jun 15, 2011

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