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

IN THE MATTER OF APPLICATION NUMBER 83036
FILED BY Pyramid Lake Paiute Tribe
ON August 22, , 20 13

PROTEST

FILED
OCT 04 2013
STATE ENGINEER'S OFFICE

Comes now Truckee Meadows Water Authority
Printed or typed name of protestant

whose post office address is P.O. Box 3013 Reno, NV 89520-3013
Street No. or PO Box, City, State and ZIP Code

whose occupation is municipal water supplier for the Truckee Meadows and protests the granting

of Application Number 83036, filed on August 22, , 20 13

by Pyramid Lake Paiute Tribe for the

waters of Truckee River situated in Washoe
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

SEE EXHIBIT A ATTACHED HERETO

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THEREFORE the Protestant requests that the application be Denied as filed, or granted subject to the conditions on Exhibit A
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed
Agent or protestant

David Nelson
Printed or typed name, if agent

Address P.O. Box 3013
Street No. or PO Box

Reno, NV 89520-3013
City, State and ZIP Code

775-834-8021
Phone Number

dnelson@tmwa.com
E-mail

State of Nevada
County of Washoe

Subscribed and sworn to before me on October 4, 2013

by David Nelson

Elizabeth Crook
Signature of Notary Public Required

ELIZABETH CROOK
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 05-98686-2 - Expires July 29, 2017

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

EXHIBIT A
To Protest of Truckee Meadows Water Authority to Application No. 83036

The Truckee Meadows Water Authority ("TMWA") conditionally protests the granting of Application No. 83036 because, on its face, it seeks to change the full decreed irrigation duty of a portion for Truckee River Decree Claim No. 601 to wildlife and instream use. It proposes to change the existing place of use to the Truckee River from the existing point of diversion at the Pioneer Ditch to and including Pyramid Lake.

Claim No. 601 has an irrigation duty of 4.0 acre feet per acre. In order to avoid a conflict with and injury to existing rights, the quantity of water changed must be limited to the consumptive use component, or 2.5 acre feet per acre, as the State Engineer has determined in connection with similar applications and in Nevada State Engineer Ruling No. 6035. The consumptive use limitation of 2.5 acre feet per acre equates to 447.73 acre feet at a diversion rate of 2.80 cubic feet per second. TMWA requests that the Application either be denied, or that, if approved, it be conditioned so that only the consumptive portion of the originally decreed water right may be changed to the new manner of use. The consumptive use portion available at the Pioneer Ditch should be limited to 2.5 acre feet per acre, or 447.73 acre feet at a diversion rate of 2.80 cubic feet per second, and the remainder of 269.33 acre feet at a diversion rate of 1.68 cubic feet per second should remain in the River and be available for downstream users.

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