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

IN THE MATTER OF APPLICATION 80700
FILED BY THE NATIONAL FISH &
WILDLIFE FOUNDATION

**RESPONSE OF APPLICANT NATIONAL
FISH & WILDLIFE FOUNDATION TO
MOTION OF U.S. BOARD OF WATER
COMMISSIONERS FOR
CLARIFICATION**

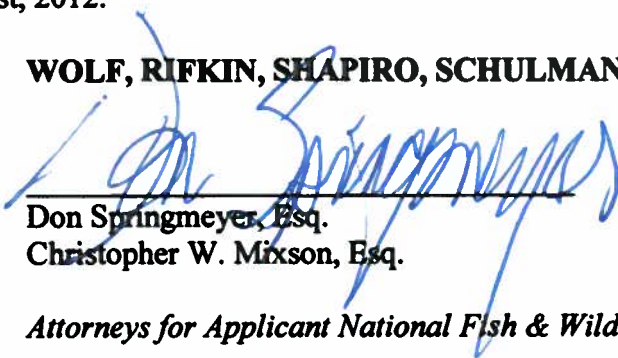
The Applicant herein, National Fish & Wildlife Foundation (“NFWF”), hereby responds to the August 10, 2012 Motion of the U.S. Board of Water Commissioners (the “Board”) for clarification of the State Engineer’s July 17, 2012, Interim Order and Notice of Hearing. The Board asks the State Engineer to reconsider his decision, and to let the Board participate in the evidentiary hearing regarding Application 80700 as a full party, with rights to present and cross-examine witnesses, present evidence, and generally present a full case to the State Engineer, as a protesting, adverse party, regarding Application 80700.

NFWF understands that the Walker Decree Court Regulations say what they say. In Applicant’s view it is far beyond the original intent of the Regulation, or the appropriate purview of the Board as a putative arm of the Decree Court itself, to be taking an adversary role, as opposed to a factually informative role, in this proceeding. Applicant intends to fully explore

those points with the Decree Court, but takes no position regarding the Board's Motion at this time.

Dated this 28th day of August, 2012.

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP



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CERTIFICATE OF MAILING

I certify that I am an employee of the law office of Wolf, Rifkin, Shapiro, Schulman and Rabkin, LLP, and that on this date I caused to be served by U.S. mail, postage prepaid, a true and correct copy of the foregoing **RESPONSE OF APPLICANT NATIONAL FISH & WILDLIFE FOUNDATION TO MOTION OF U.S. BOARD OF WATER COMMISSIONERS FOR CLARIFICATION** on the following persons and/or entities:

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