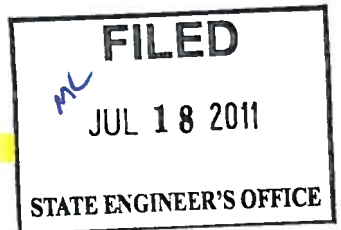


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80700  
FILED BY National Fish and Wildlife Foundation  
ON May 10, 20 11

PROTEST



Comes now Bryan Bowker, Regional Director, Bureau of Indian Affairs, Western Region

Printed or typed name of protestant

whose post office address is 2600 N. Central Avenue, 4th floor, Phoenix, AZ, 85004

Street No. or PO Box, City, State and ZIP Code

whose occupation is Federal Official

and protests the granting

of Application Number 80700 as corrected, filed on May 10, 20 11

by National Fish and Wildlife Foundation (Walker Basin Restoration Program) for the

waters of the Walker River and its Tributaries

situated in Churchill, Lyon, and Mineral

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 ATTACHMENT "I".

RECEIVED  
2011 JUL 18 AM 9:29  
STATE ENGINEERS OFFICE

THEREFORE the Protester requests that the application be Denied

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

Bryan Bowker, Regional Director

Printed or typed name, if agent

Address

2600 N. Central Avenue, 4th floor

Street No. or PO Box

Phoenix, AZ 85004

City, State and ZIP Code

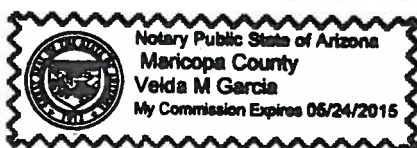
(602) 379-6600

Phone Number

Bryan.Bowker@bia.gov

E-mail

Subscribed and sworn to before me this 15th day of July, 20 11



Notary Public

State of Arizona

County of Maricopa

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

Attachment 1  
Protest of the Bureau of Indian Affairs to Application No. 80700

The Bureau of Indian Affairs (BIA) is the legal owner of land and water rights held in trust on behalf of the Walker River Paiute Tribe and individual Indians decreed by the Federal Walker River Decree (Reservation Water Rights). BIA is also the owner and operator of the Walker River Indian Irrigation Project which delivers the Reservation Water Rights to lands on the Walker River Indian Reservation. The Reservation Water Rights have the most senior priority date in the Walker River Decree (November 29, 1859). The BIA diverts and delivers the Reservation Water Rights downstream of the proposed point of diversion and proposed place of use in the Application.

The BIA protests the change of use described in Application No. 80700 for the following reasons:

1 - The Application does not comply with NRS 533.345, which requires every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated to contain such information as may be necessary to a full understanding of the proposed change. The Application does not include: (a) any technical information regarding the administration of the proposed change of use; or (b) a description of how the administration of the water rights at the existing point of diversion and place of use would be different than the administration of the water rights at the proposed point of diversion and place of use.

2 - The Application does not comply with NRS 533.345, which requires every application for a permit to change the place and diversion, manner of use or place of use of water already appropriated to contain such information as may be necessary for a full understanding of the proposed change. The Application lacks any precise identification or location of the groundwater wells referenced in the Application; therefore, it is not possible to verify whether or how the groundwater rights associated with the wells will be withdrawn.

3 - The proposed use of water under the Application may conflict with the Reservation Water Rights. The Application bundles in one package seven different irrigation water rights (with thirteen different priority years), all of which are junior to the Reservation Water Rights. The Applicant proposes to convey the bundled water through the Reservation to Walker Lake potentially in conflict with the Reservation Water Rights. The Application refers to a conveyance agreement with the Tribe and BIA; no such agreement currently exists although the BIA anticipates working cooperatively with the Applicant on such an agreement.

4 - The United States reserves the right to identify additional grounds for its protest and objections to this Application based on the State Engineer's review of this Application and any additional information and issues that may arise during pre-hearing investigations or otherwise, and to incorporate the objections filed by any other party filing a protest to this Application.