

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

FILED  
SEP 02 1998  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 63992  
FILED BY Washoe County, Nevada  
ON March 27, 19 98, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

Comes now U.S. Fish and Wildlife Service  
Printed or typed name of protestant  
whose post office address is 1340 Financial Blvd, Suite 234, Reno, Nevada 89502  
Street No. or P.O. Box, City, State and Zip Code  
whose occupation is conservation, protection, and enhancement of fish, wildlife, and their habitat  
and protests the granting  
of Application Number 63992, filed on March 27, 1998  
by Washoe County, Nevada to appropriate the  
waters of Underground situated in Washoe  
Underground or name of stream, lake, spring or other source

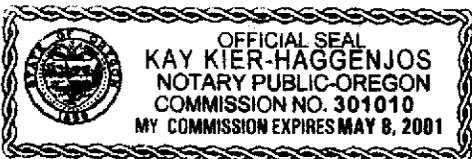
County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please see attached

THEREFORE the protestant 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 Thomas J. Dwyer  
Agent or protestant  
Printed or typed name, if agent  
Address U.S. Fish and Wildlife Service, 911 N.E 11th Ave.  
Street No. or P.O. Box No.  
Portland, Oregon 97232-4181  
City, State and Zip Code No.

Subscribed and sworn to before me this 31 day of August, 19 98



Kay Kier-Haggenjos  
Notary Public  
State of Oregon  
County of Multnomah

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

JK

**ADDITIONAL INFORMATION TO SUPPORT THE PROTEST  
OF THE U.S. FISH AND WILDLIFE SERVICE  
IN THE MATTER OF APPLICATIONS 63867 THROUGH 63372**

Water Right Application Nos. 63992 through 64009 were filed by Washoe County, Nevada, on March 27, 1998, requesting a combined diversion rate of 90 cubic feet per second from Basin 016, Duck Lake Valley, and Basin 021, Smoke Creek Desert, Washoe County, Nevada. The water is to be withdrawn from eighteen groundwater wells and is for municipal use. The U.S. Fish and Wildlife Service requests that Application Nos. 63360 through 63372 be denied because:

Granting of these applications may damage habitat for wildlife and species that are endangered or threatened under the Endangered Species Act and, therefore, may not be in the public interest.

We believe ground water pumping has the potential to reduce the underflow of ground water from Duck Lake Valley and Smoke Creek Desert to Pyramid Lake. Ground water pumping could also result in the loss of wetlands in Duck Lake Valley and Smoke Creek Desert. Monitoring by the U.S. Geological Survey suggests ground water could flow from the Smoke Creek Desert toward Pyramid Lake (BLM 1993). The potential loss of ground water may reduce water volume and surface elevation in the lake. Pyramid Lake is habitat for the federally listed endangered cui-ui (*Chasmistes cujus*) and threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*). Maintenance of sufficiently high water levels in Pyramid Lake is critical to provide cui-ui river access to spawn. Until the concerns expressed herein are adequately addressed, the Service recommends that the State Engineer deny these applications because they are not in the public interest.

**Literature Cited**

U.S. Bureau of Land Management, 1993. Bedell Flat Pipelines Rights-of-Way, Washoe County, Nevada, Draft Environmental Impact Statement. U.S. Bureau of Land Management, Carson City District Office, Carson City, Nevada.