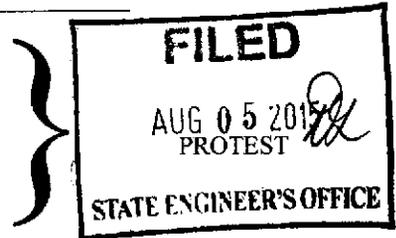


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 66080
FILED BY Nye County Board of Commissioners
ON July 19, 20 00



DCNR/DWR/SNBO RECEIVED
AUG 05 2015

Comes now USDI - Bureau of Land Management, Southern Nevada District Office
Printed or typed name of protestant
whose post office address is 4701 N. Torrey Pines Drive, Las Vegas Nevada 89130
Street No. or PO Box, City, State and ZIP Code
whose occupation is Public Land Management and protests the granting
of Application Number 66080, filed on July 19, 20 00
by Nye County Board of Commissioners for the
waters of underground situated in Nye
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 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
Agent or protestant
Timothy Z. Smith
Printed or typed name, if agent

Address 4701 North Torrey Pines Drive
Street No. or PO Box
Las Vegas, Nevada 89130
City, State and ZIP Code
702-515-5000
Phone Number
State of Nevada
County of Clark
Subscribed and sworn to before me on 8/3/15
by Shannon Hecht
E-mail

Signature of Notary Public Required



Notary Stamp or Seal Required

STATE ENGINEER'S OFFICE
AUG 10 7 AM 9:00

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Application 66080 was originally filed in February 2000 by the Nye County Board of Commissioners as part of a group of ten water right applications (Applications 66072 – 66081). The Nevada State Engineer has denied nine of the ten applications, with Application 66080 being the only water right application still pending. In general, the nine applications were denied due to the fact that the proposed points of diversion associated with the applications were located on lands within the Nevada National Security Site (previously known as the Nevada Test Site) that had been withdrawn from public access. The point of diversion for Application 66080 is not located within the Nevada National Security Site boundary.

The Nevada State Engineer relies on the estimated perennial yield of a hydrographic basin to determine the amount of water available for appropriation. The Nevada Division of Water Resources Hydrographic Area Summary describes the perennial yield for Crater Flat as a combined yield of 24,000 acre-feet for six hydrographic basins. The six hydrographic basins include Mercury Valley (225), Rock Valley (226), Fortymile Canyon (227A), Oasis Valley (228), Crater Flat (229) and Amargosa Desert (230). Hydrographic basins 225 – 229 are considered to be up-gradient or tributary to the Amargosa Desert (230).

As detailed in Ruling 5750, the perennial yield estimate of 24,000 acre-feet consists of 17,000 acre-feet annually discharged by springs in Ash Meadows and 7,000 acre-feet available for groundwater pumping. The 17,000 acre-feet discharged by springs in Ash Meadows are appropriated by senior certificated water rights held by the U.S. Fish and Wildlife Service. Committed groundwater rights in Amargosa Desert are currently equal to approximately 27,320 acre-feet, nearly three times more than what was available for groundwater pumping.

The BLM requests that the proposed actions under application 66080 be denied, because public lands and limited water supplies and sensitive resources within the Amargosa Desert hydrographic basin and within the Amargosa River watershed in Nevada and California would be negatively affected by the actions proposed under the application in question. These resources include springs within Ash Meadows National Wildlife Refuge, resources (seven threatened and endangered [T&E] plant species, three T&E fish species and 1 listed insect species) within the BLM Ash Meadows Area of Critical Environmental Concern. The proposed action would also likely impact 12 T&E plant species, seven special status plant species, 14 T&E animal species and 13 animal sensitive/species of concern in the BLM-CA managed Amargosa Canyon ACEC.

For these reasons listed above, the BLM urges the State Engineer to deny application 66080.

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