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

IN THE MATTER OF APPLICATION NUMBER.....71170.....,
FILED BY...THE SOUTHERN NEVADA WATER AUTHORITY.....,
ON.....MAY 6, 2004, TO APPROPRIATE THE
WATERS OF INDIAN SPRINGS VALLEY-UNDERGROUND SOURCE.

} PROTEST

FILED
JUL 23 2004
STATE ENGINEER'S OFFICE

Comes now.....U.S. Department of Interior—Bureau of Land Management, Las Vegas Field Office.....
Printed or typed name of protestant

whose post office address is.....4701 N. Torrey Pines Dr., Las Vegas, NV 89130-2301.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is .....Federal government land management agency..... and protests the granting

of Application Number .....71170....., filed on .....May 6, 2004...

by .....The Southern Nevada Water Authority.....to appropriate the

waters of .....Indian Springs Valley-Underground Source.....situated in .....Clark.....
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:

.....See Attachment.....

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

..... John J. Jamrog, Assistant Field Manager-Renewable Resources.....
Printed or typed name, if agent

Address.....4701 N. Torrey Pines Dr.....
Street No. or P.O. Box No.

.....Las Vegas, NV 89130-2301.....
City, State and Zip Code No.

Subscribed and sworn to before me this 20th day of July, 2004

LINDA SUE MURPHY
Notary Public, State of Nevada
Appointment No. 04874261
My Appt. Expires Jan. 29, 2008

Linda Sue Murphy
Notary Public

State of.....Nevada.....

County of .....Clark.....

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

ATTACHMENT

The Department of Interior-Bureau of Land Management, Las Vegas Field Office (BLM) is protesting water rights application number 71170, filed by the Southern Nevada Water Authority (SNWA) to appropriate ground water in Indian Springs Valley (Hydrographic Basin 161).

This application is one of a group of seven filed by SNWA to annually withdraw a cumulative total of 42 cubic feet per second (about 30,400 acre-feet) of ground water from an area of about 6 square miles between the town of Indian Springs and the Spring Mountains. The cumulative total amount of water requested under the seven applications greatly exceeds the estimated annual perennial yield of Hydrographic Basin 161. Pumping of large volumes of water from this relatively small area will capture natural recharge from the Spring Mountains, remove water from aquifer storage, reduce or eliminate discharge at several local spring riparian areas (Cactus, Mesquite, and Indian), and result in excessive water-table drawdowns.

Activities that degrade the condition of natural vegetation on public lands or impair management of special status species habitat are not consistent with provisions of the BLM Las Vegas Resource Management Plan and other existing BLM policies. Water-table drawdowns resulting from the proposed pumping would damage the health and vigor of approximately 85 acres of mesquite woodland habitat distributed on public and private lands along the US-95 corridor in Indian Springs Valley. Mesquite woodlands in southern Nevada provide nesting sites and food resources for a number of desert breeding birds, stopover sites for neotropical and other migratory birds, and habitat for many bat species. Many of these species are identified on BLMs list of Nevada sensitive species (see table 1 at end of text). BLM sensitive species are taxa that are <u>not</u> already included as BLM Special Status Species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. BLM policy is to provide these species with the same level of protection as is provided for candidate species, that is to ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed. The sensitive species designation is normally used for species that occur on Bureau administered lands for which BLM has the capability to significantly affect the conservation status of the species through management. A number of other bird and reptile species of local concern (as listed under the Clark County Multiple Species Habitat Conservation Plan) also are known to occur within and adjacent to mesquite woodlands. Mesquite woodlands also provide diverse recreational opportunities for many local users.

The proposed pumping of large volumes of ground water in Indian Springs Valley could alter the direction or magnitude of existing regional ground-water flow gradients near the Nevada Test Site. Historic underground testing of nuclear weapons released large quantities of radionuclides to ground water below some areas of the Nevada Test Site. A change in regional ground-water flow gradients could induce the transport of radionuclides from contaminated areas of the Nevada Test Site to adjacent public lands managed by BLM. Under provisions of its Las Vegas Resource Management Plan, BLM

will maintain the quality of waters presently in compliance with State and/or Federal water quality standards and minimize releases of hazardous materials to public lands.

Table 1. Avian and bat species on the BLM Nevada Sensitive Species List known to use mesquite woodlands in southern Nevada for foraging, breeding sites, or migratory stopovers.

Bird Species

Phainopepla	*Phainopepla nitens*
Lucy's Warbler	*Vermivora luciae*
Golden eagle	*Aquila chrysaetos*
Swainson's hawk	*Buteo swainsoni*
Yellow warbler	*Dendroica petechia*
Yellow-breasted chat	*Icteria virens*
MacGillivray's warbler	*Opororis tolmiei*
Bell's vireo	*Vireo bellii*
Gray vireo	*Vireo vicinior*
Orange-crowned warbler	*Vermivora celata*
Wilson's warbler	*Wilsonia pusilla*

Bat Species

Greater western mastiff bat	*Eumops perotis californicus*
Allen's big-eared bat	*Idionycteris phyllotis*
California leaf-nosed bat	*Macrotus californicus*
Small-footed myotis	*Myotis ciliolabrum*
Long-eared myotis	*Myotis evotis*
Fringed myotis	*Myotis thysanodes*
Cave myotis	*Myotis velifer*
Long-legged myotis	*Myotis volans*
Yuma myotis	*Myotis yumanensis*
Big free-tailed bat	*Nyctinomops macrotis*
Pale Townsend's big-eared bat	*Plecotus townsendii pallescens*
Pacific Townsend's big-eared bat	*Plecotus townsendii townsendii*
Spotted bat	*Euderma maculatum*