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

IN THE MATTER OF APPLICATION NUMBER 72589,
FILED BY Coyote Springs Investment, LLC
ON April 13, 20 05, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

FILED
SEP 2 2005
STATE ENGINEER'S OFFICE

Comes now Paul Rauch, Agent for U.S. Fish and Wildlife Service
Printed or typed name of protestant
whose post office address is 911 NE 11th Avenue, Portland, OR 97232
Street No. Or P.O. Box, City, State and Zip Code
whose occupation is Chief, Division of Engineering and protests the granting
of Application Number 72589, filed on April 13, 20 05
by Coyote Springs Investment, LLC to appropriate the
waters of Underground situated in Lincoln
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 Attachment A: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Applications 72589 through 72601.

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 [signature]
Agent or protestant

Paul Rauch (Agent)
Printed or typed name, if agent

Address 911 NE 11th Avenue
Street No. or P.O. Box No.

Portland, OR 97232
City, State and Zip Code No

Subscribed and sworn to before me this 25th day of August, 20 05

Cathy Bernhardt
Notary Public

State of Oregon

County of Multnomah

OFFICIAL SEAL
CATHY BERNHARDT
NOTARY PUBLIC-OREGON
COMMISSION NO. 385041
MY COMMISSION EXPIRES OCTOBER 18 2008

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

Attachment A: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Applications 72589 through 72601.

The proposed groundwater development threatens the biological and water resources of the U.S. Fish and Wildlife Service in Pahranagat Valley and the White River Groundwater Flow System. Lake Valley basin is located upgradient from Pahranagat Valley and pumping of groundwater from that basin could reduce the groundwater influx to Pahranagat Valley. The perennial yield for Lake Valley (Basin 183) is currently listed as 12,000 acre feet, and committed resources already amount to 28,981 acre feet. Applications 72296 through 72349 and 72565 through 72577 in Basin 183 (filed in March/April 2005) seek to appropriate more than 150,000 acre feet per year from underground sources. The applications that are the subject of this protest seek an additional combined flow of 94,000 acre feet per year from underground sources. An additional withdrawal would only add to the current exceedance of the perennial yield for the basin. Such a withdrawal of groundwater in excess of the perennial yield could result in reduced groundwater flow from Lake Valley to Pahranagat Valley, or result in a reversed gradient causing groundwater outflow from Pahranagat Valley to Lake Valley. Senior water rights held by the Fish and Wildlife Service in the Pahranagat Valley could be adversely impacted. Such an impact to the water rights and resources of the Pahranagat National Wildlife Refuge and environs could adversely impact threatened and endangered species and their designated critical habitats; including Hiko White River springfish, White River springfish, Pahranagat roundtail chub, Southwestern willow flycatcher, and Bald eagle; which depend on these water sources for survival. The Southwestern willow flycatcher also occurs in Meadow Valley Wash, also downgradient from Lake Valley. Other water right applications and groundwater development projects in adjacent basins seek to withdraw additional groundwater. The combined volume from all of these applications and water rights exceeds the available water in the White River flow system. Without more information to demonstrate that water is available for appropriation without adversely impacting existing water rights and water-related resources, these applications should be denied.