

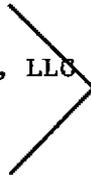
IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 72591

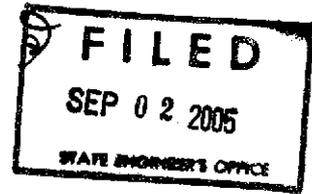
FILED BY Coyote Springs Investment, LLC

ON April 13, 20.05, TO APPROPRIATE THE

WATERS OF Underground



PROTEST



Comes now Paul Rauch, Agent for U.S. Fish and Wildlife Service

whose post office address is 911 NE 11th Avenue, Portland, OR 97232

whose occupation is Chief, Division of Engineering and protests the granting

of Application Number 72591, filed on April 13, 20.05

by Coyote Springs Investment, LLC to appropriate the

waters of Underground situated in Lincoln

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 and that an order be entered for such relief as the State Engineer deems just and proper.

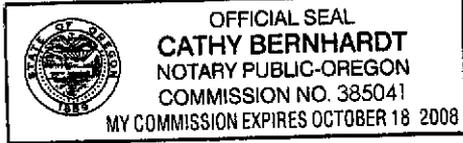
Signed [Signature] Agent or protestant

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



[Signature] 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.

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 Pahrnagat Valley and the White River Groundwater Flow System. Lake Valley basin is located upgradient from Pahrnagat Valley and pumping of groundwater from that basin could reduce the groundwater influx to Pahrnagat 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 Pahrnagat Valley, or result in a reversed gradient causing groundwater outflow from Pahrnagat Valley to Lake Valley. Senior water rights held by the Fish and Wildlife Service in the Pahrnagat Valley could be adversely impacted. Such an impact to the water rights and resources of the Pahrnagat 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, Pahrnagat 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.