

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

IN THE MATTER OF APPLICATION NUMBER 77599
FILED BY US Fish and Wildlife Service
ON November 17, 2008, TO APPROPRIATE THE
WATERS OF Apcar Springs, etc

JAN 26 2009
PROTEST

2009 JAN 26 PM 3:49

Comes now Southern Nevada Water Authority (SNWA)
Printed or typed name of protestant
whose post office address is 1001 S. Valley View Blvd, Las Vegas, NV 89153
Street No. Or PO Box, City, State and Zip Code.
whose occupation is wholesale regional water purveyor and protests the granting
of Application Number 77599, filed on November 17, 2008
by US Fish and Wildlife Service to appropriate the
waters of Apcar Springs aka Pipeline Jones Spring, 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 Exhibit A

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 Kay Brothers
Agent or protestant
Kay Brothers, Deputy General Manager
Printed or typed name, if agent

Address 1001 S. Valley View Blvd.
Street No. or PO. Box No.
Las Vegas, NV 89153
City, State and Zip Code No

Subscribed and sworn to before me this 23rd day of January, 2009
Patricia C. Daws
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.

BY

Exhibit A

1. SNWA is in receipt of a letter dated January 26, 2009, from Cynthia Martinez of the U.S. Fish and Wildlife Service (Applicant) to the Nevada State Engineer. SNWA agrees with the applicant that Application Nos. 77575 and 77599 should be held in abeyance until no sooner than the finalization of the Moapa dace ecological habitat study and the pump test required under State Engineer Order 1169.
2. Following completion of the Moapa dace ecological habitat study and the pump test required under State Engineer Order 1169, SNWA believes that the State Engineer should convene a meeting of the Applicant, SNWA and any other protestants to Application Nos. 77575 and 77599 for the purpose of determining whether a consensus for the disposition of Application Nos. 77575 and 77599 has been achieved.
3. Unless and until a consensus is achieved between the Applicant and SNWA regarding proper disposition of Application Nos. 77575 and 77599 and forwarded to the Nevada State Engineer in writing, SNWA maintains protests to Application Nos. 77575 and 77599 on the following grounds:
 - a. The source of water is tributary to the Muddy River and subject to the Muddy River Decree and related actions. Per the Muddy River Decree and Nevada State Engineer Orders 1169 and 1194, all water rights and flows from the Muddy River and tributaries, including all spring flow referenced in Application Nos. 77575 and 77599, are fully appropriated.
 - b. SNWA owns, leases, and/or controls multiple rights of and to the Muddy River and tributaries under said decree, as well as multiple groundwater rights in the region, senior to Application Nos. 77575 and 77599. Approval of Application Nos. 77575 and 77599 would impair the ability of the SNWA to fully use and manage its senior water rights.