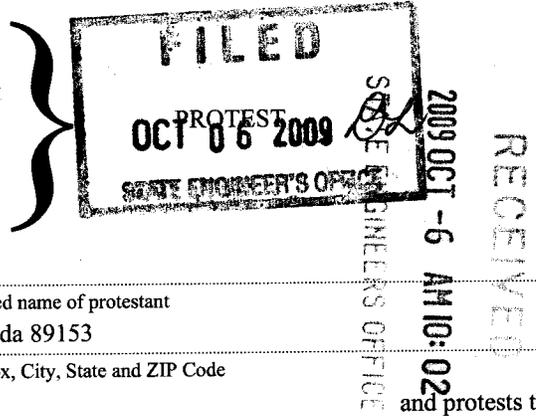


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 78767  
FILED BY USDI - Bureau of Land Management  
ON July 29, 20 09, TO APPROPRIATE THE  
WATERS OF an underground source in Basin No. 184

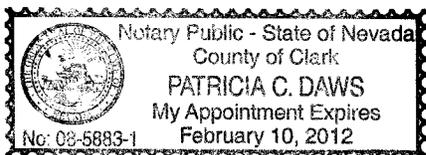


Comes now the Southern Nevada Water Authority  
Printed or typed name of protestant  
whose post office address is 1001 S. Valley View Blvd., Las Vegas, Nevada 89153  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is wholesale municipal water purveyor and protests the granting  
of Application Number 78767, filed on July 29, 20 09  
by USDI - Bureau of Land Management to appropriate the  
waters of an underground source in Basin No. 184 (Shoshone Ponds area) situated in White Pine  
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 attached 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 SNWA Engineering/Operations  
Printed or typed name, if agent  
Address 1001 S. Valley View Blvd.  
Street No. or PO Box  
Las Vegas, NV 89153  
City, State and ZIP Code  
(702) 862-3708  
Phone Number

Subscribed and sworn to before me this 5th day of October, 2009 by Kay Brothers xxx



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.

02

## Exhibit A

### Southern Nevada Water Authority Protest to Application No. 78767

The U.S. Bureau of Land Management's ("BLM" or the "Applicant") Application No. 78767 should be denied based on the following grounds:

1. Granting this application would adversely affect the livestock operations of the Southern Nevada Water Authority ("SNWA"). SNWA is the grazing permittee for the Scotty Meadows allotment and is informed and believes that the flowing wells that feed the Shoshone Ponds area have been utilized by SNWA's predecessors-in-interest since the mid-1930's for stockwatering purposes.
2. The application does not sufficiently describe the proposed point of diversion. There are two existing points of diversion in very close proximity to one another in the area of this application and it is unclear which point of diversion Application No. 78767 is referencing. An 8" diameter well known as the "South Well" was drilled in 1935 under the Federal Emergency Relief Act. In 1971 an 8" diameter well known as the "Shoshone Fish Pond Well" was drilled approximately 100 feet southeast of the South Well. The Applicant claims to be applying for water from "Shoshone Well #2." During the abrogation of Permit No. 58134 by BLM's Permit No. 60086, the point of diversion for "Shoshone Well #2" was described by referencing the Driller's Log (#15172) for the "Shoshone Fish Pond Well." This indicates that "Shoshone Well #2" and the "Shoshone Fish Pond Well" are one and the same.
3. If the Applicant meant to apply for a water right on the "South Well," approval of this application would conflict with existing rights because SNWA has applied for the entire flow from the "South Well" under Application Nos. 77517 and 77518 for wildlife and stockwatering purposes, respectively.
4. If the Applicant meant to apply for a water right on the "Shoshone Fish Pond Well," a.k.a. "Shoshone Well #2," approval of this application would conflict with the existing rights of the Nevada Department of Wildlife located at this point of diversion. Additionally, the Applicant has not demonstrated that the rate of flow for this flowing well is sufficient to support the applied for use.
5. Approval of this application would threaten to prove detrimental to the public interest because, among other reasons, the water resources in the Shoshone Ponds area are already appropriated for wildlife and stockwatering purposes under pending applications and existing water rights.