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

IN THE MATTER OF APPLICATION NUMBER 79268
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF an Underground Source.

PROTEST

FILED
22 APR 2010
STATE ENGINEER'S OFFICE

Comes now U.S. Department of the Interior, Bureau of Land Management, Schell Field Office
Printed or typed name of protestant

whose post office address is HC33 Box 33500; Ely, Nevada 89301-9402
Street No. or PO Box, City, State and ZIP Code

whose occupation is Public Land Management and protests the granting

of Application Number 79268, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of an Underground Source 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 attachment.

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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 Mary D'Aversa
Agent or protestant

Mary D'Aversa, Field Manager
Printed or typed name, if agent

Address HC33 Box 33500
Street No. or PO Box

Ely, Nevada 89301-9402
City, State and ZIP Code

(775) 289-1800
Phone Number

ALICIA HANKINS
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 03-82359-17
MY APPT. EXPIRES JUNE 12, 2011

Subscribed and sworn to before me this 19th day of April, 20 10

Alicia Hankins
Notary Public

State of Nevada
County of White Pine

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

Attachment for BLM Protest to Application 79268

The U.S. Department of the Interior, Bureau of Land Management, Ely District Office (BLM) protests application 79268 for the following reasons and on the following grounds, to wit:

Application 79268 requests permission to appropriate 6 cfs (4343.82 AFY) from an underground source on public land managed by the BLM and to export said water outside its hydrographic basin. Application 79268 is one of 9 filed by Southern Nevada Water Authority to withdraw a total of 70 cfs (50,677.9 AFY) from underground sources in the Snake Valley groundwater basin. The total amount of water requested in the 9 applications exceeds the perennial yield for the Snake Valley (Groundwater Basin 195). Withdrawal of groundwater from the Snake Valley may impact basin-wide water table levels and prove deleterious to existing approved use of surface and groundwater resources.

The entire Snake Valley occurs in the Ely District and possesses approximately 123 known springs with 51 occurring on public land used in parts of 22 BLM grazing allotments. The springs on lands managed by BLM are considered Public Water Reserves since they qualify under the Executive Order 107 signed in 1926. In the case of these 51 springs, BLM was informed and believes PWR 107 provides reserved protection for the maintenance of flows required for stock watering uses from public springs and water holes.

Lowering of the groundwater table in the Snake Valley is a reasonable expectation considering the volume of water requested for withdrawal by the Southern Nevada Water Authority. Effects to surface water resources may include the diminution or complete loss of flow from springs and concomitant loss of range value to BLM, grazing permittees, and citizens of the State of Nevada and the United States of America.

Large-scale withdrawal of groundwater would negatively affect riparian vegetation in and around surface water sources and would alter or destroy wildlife habitat across the Snake Valley basin. Wildlife species directly affected includes, but is not limited to; BLM sensitive species Sage Grouse and State of Nevada sensitive species longitudinal gland springsnail. Other species of plants and animals of high value to the citizens of the State of Nevada and United States of America are found in the Snake Valley.

The requested point of diversion associated with Application 79268 and the other 8 filed by the Southern Nevada Water Authority are located on BLM managed public lands. As of the date of this application, the Southern Nevada Water Authority does not have a valid right-of-way authorizing access on public land or for the purpose of constructing works to pump and transport water across public land.

BLM requests that Application 79268 be denied on the grounds that it separately and in conjunction with 8 other applications, would:

1. Conflict with existing rights by adversely affecting federal reserved rights to protect and maintain public use of springs and water holes on public land and adversely affecting certificated rights for stock watering beneficial uses. Existing permitted or reserved rights for stock watering would be placed in jeopardy as surface and groundwater sources are depleted through basin dewatering and/or lowering of the water table to such a degree that water from surface sources or wells would be unavailable for use.

   The proposed withdrawal, in combination with other applications in the Snake Valley basin by the same applicant, would apparently exceed basin recharge and sustainability rates. As such, it is reasonable to expect approved surface water uses would be adversely affected and in conjunction with 8 other applications to withdraw and export water from the Snake Valley would *in toto* reach a point where water tables are lowered to an extent that natural surface water sources may cease to exist.

2. The proposed appropriation and use threatens to prove detrimental to the public interest. The Snake Valley basin within the Ely District BLM is managed in the multiple-use doctrine for the benefit of the public both nationally and locally. Twenty-two grazing allotments are used on public land within the boundaries of the Snake Valley basin. BLM believes it would prove detrimental to the public interest for water resources to be impacted to the extent that values placed upon the rangelands in Snake Valley by the BLM, grazing allotment permittees, and citizens of the United States of America are adversely affected. Existing approved uses on public lands for the grazing of livestock would become nullified by withdrawal of water from the basin and the drying-up of surface water sources on public land.

   The surface water resources that would be depleted through water withdrawal actions would affect federally recognized and State of Nevada recognized plant and animal species of concern. BLM is required to ensure that species and their critical habitat are not placed in jeopardy. BLM believes that the magnitude of water withdrawal proposed by the Southern Nevada Water Authority would place federal and State of Nevada species of concern in jeopardy by eliminating surface water resources and associated habitat.