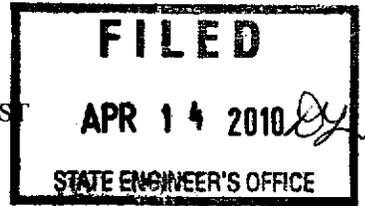


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79315
FILED BY Southern Nevada Water Authority
ON January 28, 2010, TO APPROPRIATE THE
WATERS OF Underground



PROTEST

Comes now James Darwin Crammond, Agent for U.S. Fish and Wildlife Service

Printed or typed name of protestant

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

Street No. or PO Box, City, State and ZIP Code

whose occupation is Chief, Water Resources Branch

and protests the granting

of Application Number 79315, filed on January 28, 2010

by Southern Nevada Water Authority to appropriate the

waters of Underground 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:

Please see Attachment A: Additional Information to Support the Protest of the U.S. Fish and Wildlife Service in the Matter of Applications 79309 -79315.

RECEIVED

APR 14 2010

STATE ENGINEER'S OFFICE

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

Handwritten signature of James Darwin Crammond

Agent or protestant

James Darwin Crammond

Printed or typed name, if agent

Address

911 NE 11th Ave.

Street No. or PO Box

Portland, OR 97232

City, State and ZIP Code

(503) 231 - 6145

Phone Number

Subscribed and sworn to before me this 8th day of April, 2010



Handwritten signature of Amanda Rae Klahn, 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.

**ADDITIONAL INFORMATION TO SUPPORT THE PROTEST
OF THE U.S. FISH AND WILDLIFE SERVICE
IN THE MATTER OF APPLICATIONS 79309-15**

Application Nos. 79309 through 79315 were filed by the Southern Nevada Water Authority on January 28, 2010 requesting a combined diversion rate of 42 cubic feet per second from an underground source in Indian Springs, groundwater basin 161. The purpose of the proposed applications is municipal use. Basin 161 is part of the Death Valley Regional Groundwater Flow System. The proposed groundwater wells are located upgradient from Ash Meadows National Wildlife Refuge (NWR) and the Devil's Hole Unit of Death Valley National Park.

The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79309 through 79315 be denied because:

1. Water is not available to appropriate in the manner described.
2. Granting of these applications will cause injury to Service-owned senior water rights for water on the Ash Meadows NWR.
3. The proposed activity is not likely compatible with the purposes of the national wildlife refuges. Granting of these applications will threaten or damage habitat for species that are endangered, threatened, or considered for future listing under the Endangered Species Act and, therefore, is not in the public interest.

According to the Basin Summary for Basin 161 from the State Engineer's Office, the perennial yield is 500 ac-ft annually and the existing water rights are 1,380 ac-ft annually. Therefore, the existing water rights already exceed the perennial yield and there is no unappropriated water remaining in this basin.

The Service is also concerned about impacts to senior water rights at Ash Meadows NWR. Ash Meadows NWR is supported by groundwater discharge from the regional carbonate aquifer and all of the current spring discharge is protected through state appropriative water rights. The Service holds water rights to 17,673.8 acre-feet of the total spring flow at Ash Meadows NWR. Applications 79309 through 79315 would impact these senior water rights.

Finally, the proposed groundwater development is not in the public interest. The impacts from the proposed diversions threaten biological resources and endangered species at Desert National Wildlife Range, Ash Meadows National Wildlife Refuge, and Devil's Hole.