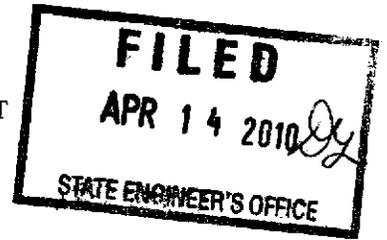


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79319  
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 79319, 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 79316-19.

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

*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

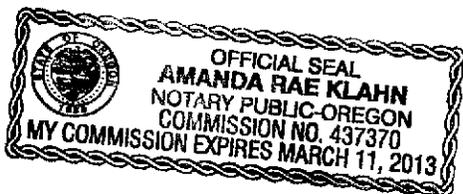
Portland, OR 97232

City, State and ZIP Code

(503) 231 - 6145

Phone Number

Subscribed and sworn to before me this 4th day of April, 2010



*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 79316-19**

Application Nos. 79316 through 79319 were filed by the Southern Nevada Water Authority on January 28, 2010 requesting a combined diversion rate of 32 cubic feet per second from an underground source in Three Lakes North, groundwater basin 168. The purpose of the proposed applications is municipal use. Basin 168 is part of the Death Valley Regional Groundwater Flow System. The proposed groundwater wells are located on the Desert National Wildlife Refuge and are northeast and 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. 79316 through 79319 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 Desert NWR and 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.

The total amount of water sought by the applications may exceed the quantity of unappropriated water available in Basin 168 (2,587 ac-ft) as determined by the State Engineer in Ruling 5465.

The proposed points of diversion are upgradient of Corn Creek Springs on Desert National Wildlife Range and all of the springs at Ash Meadows National Wildlife Refuge and will potentially injure the water resources and senior water rights of the Service at Desert National Wildlife Range and Ash Meadows National Wildlife Refuge.

The proposed groundwater development is not in the public interest for several reasons. First, the proposed points of diversion are located on the Desert National Wildlife Refuge. For an activity such as groundwater pumping to be allowed on the refuge requires a Compatibility Determination per the Refuge Improvement Act of 1977. Given the unknown impacts from such an activity on the Service's resources, this is likely not a compatible use. Second, the impacts from the proposed diversions threaten biological resources and endangered species at Desert National Wildlife Range, Ash Meadows National Wildlife Refuge, Devil's Hole National Monument and other locations in the Death Valley Regional Groundwater Flow System.