

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

FILED  
15 APR 2010  
STATE ENGINEER'S OFFICE  
PROTEST

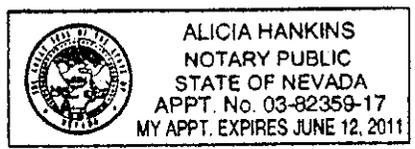
RECEIVED  
2010 APR 15 PM 1:32  
STATE ENGINEERS OFFICE

IN THE MATTER OF APPLICATION NUMBER 79320  
FILED BY Southern Nevada Water Authority  
ON January 28, 2010, TO APPROPRIATE THE  
WATERS OF an Underground Source

Comes now the U.S. Department of Interior, Bureau of Land Management, Caliente Field Office  
Printed or typed name of protestant  
whose post office address is P.O. Box 237; Caliente, NV 89008  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Public Land Management and protests the granting  
of Application Number 79320, filed on January 28, 2010  
by Southern Nevada Water Authority to appropriate the  
waters of an Underground Source situated in Lincoln  
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

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 Victoria Barr  
Agent or protestant  
Victoria Barr, Field Manager  
Printed or typed name, if agent  
Address P.O. Box 237  
Street No. or PO Box  
Caliente, NV 89008  
City, State and ZIP Code  
775-726-8109  
Phone Number



Subscribed and sworn to before me this 12<sup>th</sup> day of April, 2010  
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 79320

The U.S. Department of the Interior, Bureau of Land Management, Ely District Office (BLM) protests application 79320 for the following reasons and on the following grounds, to wit:

Application 79320 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 79320 is one of 3 filed by Southern Nevada Water Authority to withdraw a total of 26 cfs (18,823.22 AFY) from underground sources in the Tikapoo Valley - Northern Part groundwater basin. The total amount of water requested in the 3 applications exceeds the perennial yield for the Tikapoo Valley - Northern Part (Groundwater Basin 169A). Withdrawal of groundwater from the Tikapoo Valley - Northern Part may impact basin-wide water table levels and prove deleterious to existing approved use of surface and groundwater resources.

The entire Tikapoo Valley - Northern Part occurs in the Ely District and possesses approximately 7 known springs on public land used in parts of 4 BLM grazing allotments. These springs are considered Public Water Reserves by the BLM since they qualify under the Executive Order 107 signed in 1926. In the case of the 7 springs in the Tikapoo Valley - Northern Part, 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 Tikapoo Valley - Northern Part is a reasonable expectation considering the volume of water requested *in toto* for withdrawal by the Southern Nevada Water Authority. Effects to surface water resources would 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 Tikapoo Valley - Northern Part basin. Wildlife species directly affected includes, but is not limited to; the State of Nevada imperiled Desert Valley Kangaroo Mouse. Other federal and State of Nevada sensitive plant and animal species dependent upon surface water resources are found in the Tikapoo Valley - Northern Part.

The requested point of diversion associated with Application 79320 is 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 79320 be denied on the grounds that it separately and in conjunction with 2 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 Tikapoo Valley - Northern Part 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 2 other applications to withdraw and export water from the Tikapoo Valley - Northern Part 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 Tikapoo Valley - Northern Part basin within the Ely District BLM is managed in the multiple-use doctrine for the benefit of the public both nationally and locally. Thirteen grazing allotments are used on public land within the boundaries of the Tikapoo Valley - Northern Part 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 the Tikapoo Valley - Northern Part 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 listed and State of Nevada listed plant and animal species of concern. BLM is required to ensure the continued existence of species listed by the Secretary of Interior, under the authority of the Endangered Species Act, and to ensure that the 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 federally listed and State of Nevada species of concern in jeopardy by eliminating surface water resources and associated habitat.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Caliente Field Office

P.O. Box 237 (1400 South Front St.)  
Caliente, Nevada 89008-0237

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

In Reply Refer To:  
7250 (NVL0300)

APR 13 2010

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STATE ENGINEERS OFFICE

CERTIFIED MAIL #7009 2250 0002 1752 8264 – RETURN RECEIPT REQUESTED

Mr. Tracy Taylor, P. E.  
State Engineer  
Department of Conservation and Natural Resources  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701

RE: Protests to Applications 79320-79322, 79356-79361, 79372-79375, 79377, 79387-37389,  
79397-79405, 79412, and 79416

Dear Mr. Taylor:

Please find enclosed 28 protests, in duplicate, for applications numbered 79320-79322, 79356-79361, 79372-79375, 79377, 79387-37389, 79397-79405, 79412, and 79416 and a check (Number 1018) in the amount of \$700.00 for the filing fees for the 28 protests. Thank you for your consideration and if you have any questions please contact Mark D'Aversa at (775) 289-1895. Please address any further correspondence regarding this issue to Victoria Barr, Field Manager; Caliente Field Office; P.O. Box 237; Caliente, NV 89008-0237.

Please send receipt to Jennifer Rogan; USDI-BLM; Ely District Office; HC 33 Box 33500; Ely, NV 89301.

Sincerely,

Victoria Barr  
Field Manager  
Caliente Field Office

Enclosure