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

IN THE MATTER OF APPLICATION NUMBER 79324
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

FILED
APR 14 2010
STATE ENGINEER'S OFFICE

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 79324, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of Underground 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 A: ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATIONS 79323 AND 79324.

RECEIVED
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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
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, 20 10

Amanda Rae Klahn
Notary Public

OFFICIAL SEAL
AMANDA RAE KLAHN
NOTARY PUBLIC-OREGON
COMMISSION NO. 437370
MY COMMISSION EXPIRES MARCH 11, 2013

State of Oregon
County of Multnomah

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

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ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATIONS 79323 AND 79324

Application Nos. 79323 and 79324 were filed by the Southern Nevada Water Authority on January 28, 2010 requesting a combined diversion rate of 26 cubic feet per second (18,823 ac-ft annually) from an underground source in Tikapoo Valley South, groundwater basin 169B. The purpose of the proposed applications is municipal use. Basin 169B is part of the Death Valley Regional Groundwater Flow System. The proposed groundwater wells are 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. 79323 and 79324 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 Fish Springs 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 169B from the State Engineer's Office, the perennial yield is 1,700 ac-ft annually. The sum of the applied-for volume and the existing water rights exceeds the perennial yield for this basin 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. Both NWRs are supported by groundwater discharge from the regional carbonate aquifer and all of the current spring discharges and associated surface water are protected through senior state appropriative water rights. Applications 79323 and 79324 will unreasonably impact these senior water rights.

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 will eventually and inevitably impact biological resources and endangered species at Desert and Ash

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Meadows NWRs and other locations in the Death Valley Regional Groundwater Flow System.