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

IN THE MATTER OF APPLICATION NUMBER 79329
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Underground Source

PROTEST

FILED
APR 19 2010
STATE ENGINEER'S OFFICE

Comes now Nevada Department of Wildlife
Printed or typed name of protestant

whose post office address is 1100 Valley Road, Reno, NV 89512
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 79329, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of Underground Source situated in Nye
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:
See Attached

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

Tim Hunt, P.E.
Printed or typed name, if agent

Address 4600 Kietzke Lane, D-135
Street No. or PO Box

Reno, NV 89502
City, State and ZIP Code

775-688-1564
Phone Number

RECEIVED
2010 APR 26 PM 4:24
STATE ENGINEER'S OFFICE

DARLINE J. ROCK
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 07-3913-2 - Expires February 5, 2011

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

Darline J. Rock
Notary Public

State of Nevada
County of Washoe

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

The Nevada Department of Wildlife (NDOW) is responsible for protecting, restoring and managing fish and wildlife within the state.

The amount of water applied for under this and associated applications within Railroad Valley are of sufficient amounts to be likened to the dewatering processes of the mining industry with the exceptions that mining, by its very nature is temporary and the water pumped is generally either returned to the source via rapid infiltration basins or injection wells or the water is used as substitutive for irrigation water. All practices either return the water to the source or use the water for beneficial purposes within the basin. None of these practices are to be anticipated, there is no expectation that this project is temporary in nature and all water pumped will permanently leave the basin, effectively providing all of the adverse affects with none of the mitigation of mine dewatering.

The proposed Point of Diversion for this application is located on the Bench/Bottom interface directly up-gradient from the Railroad Wildlife Management Area. This proposed POD and the high requested diversion rate will be capturing water from the fracture flow aquifer of the range front as well as the alluvial aquifer of the valley bottom. This could in effect cut off the Management Area from the shallow fracture flows that maintain the springs and wetlands on the Management Area as well as change the deeper aquifer flow gradient reducing the artesian flows which also help maintain the springs and wetlands in the area. The State Engineer has historically recognized 100 feet as the dividing line between surface water and ground water, however subsurface geomorphology is complex at best and these complexities need to be address to reduce potential impacts on artesian aquifers with surface water expressions. A 100 foot surface seal will likely do little to reduce the impacts on the springs with pumping volumes of this size within close proximity to an artesian area such as this.

Pumping of this nature within proximity to wetland and spring is not environmentally sound, is not in the public interest and will adversely affect existing rights and therefore must be denied pursuant to NRS § 534.370(5).

It must be noted that the Nevada Department of Wildlife objects to the proposed water exportation project in its entirety (Applications 79328 through 79345) but lacks the financial ability to protest all of said applications and are only officially protesting those nearest to its protectable interests.