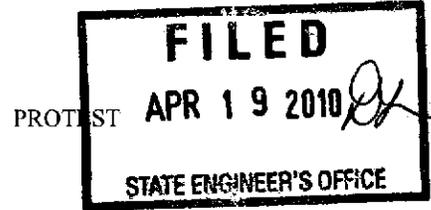


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79335
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Underground Source



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 79335, 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

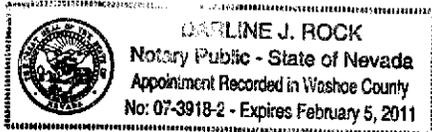
THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Agent or protestant
Tim Hunt, P.E.

Address

Printed or typed name, if agent
4600 Kietzke Lane, D-13
Street No. or PO Box
Reno, NV 89502
City, State and ZIP Code
775-688-1564
Phone Number



STATE ENGINEER'S OFFICE
2010 APR 26 PM 4:24
RECEIVED
2nd
sf

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

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.