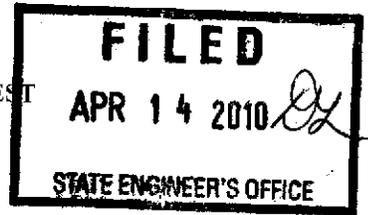


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79345
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 79345, filed on January 28, 2010

by Southern Nevada Water Authority

to appropriate the

waters of Underground

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:

Please see Attachment A: ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATIONS 79328-79345

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

[Signature]

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

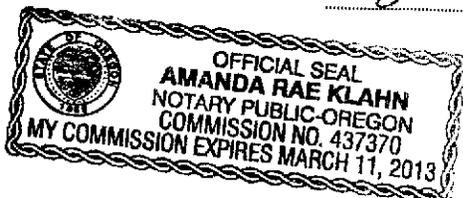
Subscribed and sworn to before me this

8th

day of

April

, 2010



[Signature]

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 79328-79345**

Application Nos. 79328 through 79345 were filed by the Southern Nevada Water Authority on January 28, 2010 requesting a combined diversion rate of 132 cubic feet per second (95,565 ac-ft annually) from an underground source in Railroad Valley North, groundwater basin 173B. The purpose of the proposed applications is municipal use. Basin 173B is part of the Railroad Valley Groundwater Flow System in the Nevada Central Hydrographic Region. The proposed groundwater wells have the potential to affect the threatened Railroad Valley Springfish (*Crenichthys nevadae*) and possible candidate species Yellow-Billed Cuckoo (*Coccyzus americanus*) and their habitats.

The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79328 through 79345 be denied because:

1. Water is not available to appropriate in the manner described.
2. Granting 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 173B from the State Engineer's Office, the perennial yield is 75,000 ac-ft annually. The sum of the applied-for volume and the existing water rights exceeds the perennial yield for this basin.

The proposed groundwater development is not in the public interest. The impacts from the proposed diversions will eventually and inevitably impact biological resources, endangered species, and sensitive habitats in Railroad Valley (North) and other basins within the Railroad Valley Groundwater Flow System.