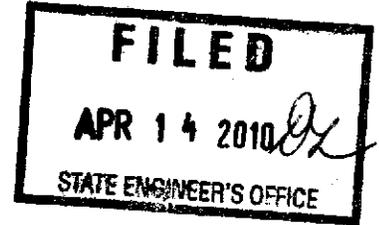


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79355  
FILED BY Southern Nevada Water Authority  
ON January 28, 20 10, 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 79355, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of Underground situated in Clark

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 79355.

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 28th day of April, 20 10



*[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 APPLICATION 79355**

Application No. 79355 was filed by the Southern Nevada Water Authority on January 28, 2010 requesting a diversion rate of 10 cubic feet per second (7,240 ac-ft annually) from an underground source in Hidden Valley (North), groundwater basin 217. The purpose of the proposed application is municipal use. Basin 217 is part of the Colorado River Regional Groundwater Flow System. The proposed groundwater wells have the potential to affect water rights at Moapa National Wildlife Refuge (NWR) and listed species in the Coyote Springs Valley and Muddy River Springs.

The U.S. Fish and Wildlife Service (Service) requests that Application No. 79355 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 216 from the State Engineer's Office, the perennial yield is 200 ac-ft annually. The sum of the applied-for volume and the existing water rights exceeds the perennial yield for this basin.

The Service is also concerned about impacts to senior water rights at Moapa NWR. Moapa NWR spring flow is 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. Application 79355 has the potential to unreasonably impact these senior water rights.

The proposed groundwater development is not in the public interest. The impacts from the proposed diversions will eventually and inevitably impact biological resources and endangered species at Moapa NWR, in the Coyote Springs Valley, and at Muddy River Springs.