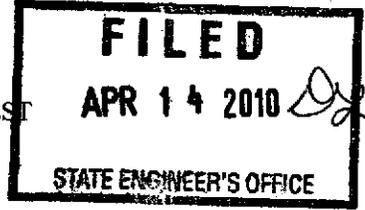


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

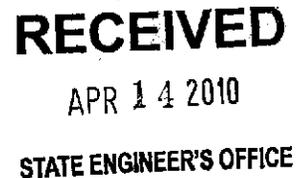
IN THE MATTER OF APPLICATION NUMBER 79422
FILED BY Virgin Valley Water District
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Underground



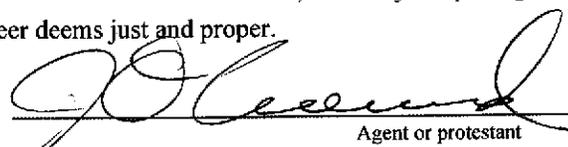
PROTEST

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 79422, filed on January 28, 20 10
by Virgin Valley Water District 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 79373 AND 79376-79422

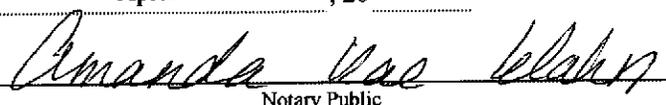


THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

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




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 79373 AND 79376-79422**

Application Nos. 79373 and 79376 through 79422 were filed by the Virgin Valley Water District on February 1, 2010 requesting a combined diversion rate of 301 cubic feet per second (217,917 ac-ft annually) from an underground source and 1,050 cubic feet per second (760,176 ac-ft annually) from other surface water in the Virgin River Valley, groundwater basin 222. The purpose of the proposed applications is municipal (1,247 cfs), quasi-municipal (54 cfs) and power (50 cfs) use. Basin 222 is part of the Colorado River Groundwater Flow System. The proposed groundwater wells have the potential to affect the endangered Southwestern willow flycatcher (*Empidonax traillii extimus*), endangered Virgin River chub (*Gila seminuda*), endangered Woundfin (*Plagopterus argentissimus*), and candidate Yellow-billed cuckoo (*Coccyzus americanus*) and their habitats.

The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79373 and 79376 through 79422 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 222 from the State Engineer's Office, the perennial yield is 3,600 ac-ft annually. The sum of the applied-for volumes 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 Virgin River Valley and other locations within the Colorado River Groundwater Flow System.