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

IN THE MATTER OF APPLICATION NUMBER 79509
FILED BY Southern Nevada Water Authority
ON February 11, 20 10, TO APPROPRIATE THE
WATERS OF McCoy Creek

PROTEST

FILED
APR 23 2010
STATE ENGINEER'S OFFICE

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 79509, filed on February 11, 20 10
by Southern Nevada Water Authority to appropriate the
waters of McCoy Creek situated in White Pine
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 application 79509 through 79510.

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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 23d day of April, 20 10

OFFICIAL SEAL
VALERIE BENSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 427868
MY COMMISSION EXPIRES MAY 17, 2012

Valerie Benson
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 79509-79510

Application Nos. 79509 and 79510 were filed by the Southern Nevada Water Authority on February 11, 2010 requesting a combined diversion rate of 12 cubic feet per second (8,688 ac-ft annually) from surface water sources in Spring Valley, basin 184. The purpose of the proposed applications is irrigation use. Basin 184 is part of the Great Salt Lake Regional Groundwater Flow System. The proposed surface water diversions are located up gradient from Fish Springs National Wildlife Refuge and have the potential to affect listed and unique species and habitats in Nevada and Utah.

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The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79509 and 79510 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 184 from the State Engineer's Office, the perennial yield is 80,000 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 Fish Springs NWR. Fish Springs NWR is supported by groundwater discharge from the regional carbonate aquifer and all of the current spring discharges and associated surface water are protected through state appropriative water rights. Applications 79509 and 79510 would impact these senior water rights.

The proposed surface water development is not in the public interest. The impacts from the proposed diversions will eventually and inevitably impact biological resources and endangered species within Spring and Snake Valley, including: Riparian and wetland-obligate migratory birds; candidate greater sage-grouse (*Centrocercus urophasianus*), which uses wet meadows and riparian areas for late brood rearing; endangered Pahrump poolfish (*Empetrichthys latos*) at the Shoshone Ponds BLM fish refugium; petitioned northern leopard frog *(Rana pipiens),* which is known from numerous sites in Spring Valley; petitioned species of springsnails, including longitudinal gland pyrg, (*P. anguina)*, which is found in southern Snake Valley in the Big Springs system and nearby springs; bifid duct pyrg (*P. peculiaris)*, which is found in both Spring and Snake Valleys; and other non-listed endemic aquatic species of concern, including relict dace (*Relictus*

solitarius) and an assemblage of native Bonneville basin fish found in Big Springs Creek/Lake Creek. Hydrologic impacts will eventually propagate to affect listed species and habitats in Basin 184, at Fish Springs NWR and throughout the Great Salt Lake Regional Groundwater Flow System.

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