

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

FILED  
APR 15 2010  
STATE ENGINEER'S OFFICE

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2010 APR 15 PM 1:32  
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IN THE MATTER OF APPLICATION NUMBER 79603  
FILED BY RWD Currant Creek LLC  
ON February 18, 20 10, TO APPROPRIATE THE  
WATERS OF an Underground Source.



PROTEST

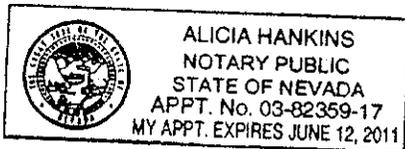
Comes now the U.S. Department of Interior, Bureau of Land Management, Egan Field Office  
Printed or typed name of protestant  
whose post office address is HC33 Box 33500, Ely, Nevada 89301-9402  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Public Land Management and protests the granting  
of Application Number 79603, filed on February 18, 20 10  
by RWD Currant Creek LLC to appropriate the  
waters of an 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:  
Please see attachment.

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  
Jeffrey A. Weeks, Field Manager  
Printed or typed name, if agent

Address HC33 Box 33500  
Street No. or PO Box  
Ely, NV 89301-9402  
City, State and ZIP Code



Phone Number

Subscribed and sworn to before me this 13<sup>th</sup> day of April, 20 10

[Signature]  
Notary Public

State of Nevada  
County of White Pine

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

## **Attachment for BLM Protest to Application 79603**

The U.S. Department of the Interior, Bureau of Land Management, Ely District Office (BLM) protests application 79603 for the following reasons and on the following grounds, to wit:

Application 79603 requests permission to appropriate 3.5 cfs (1664 AFY) from an underground source. The requested point of diversion associated with Application 79603 would require a right-of-way agreement between the applicant and BLM to transport water across public land. As of the date of this application, RWD Currant Creek LLC does not have a valid right-of-way authorizing access on public land for the purpose of constructing works to transport water across public land.

The Railroad Valley - Northern Part lies, in part, in the Ely District and possesses approximately 35 known springs on public land used in a BLM grazing allotment. These springs are considered Public Water Reserves by the BLM since they qualify under the Executive Order 107 signed in 1926. In the case of the public springs in the Railroad Valley - Northern Part, BLM was informed and believes PWR 107 provides reserved protection for the maintenance of flows required for stock watering uses from public springs and water holes.

Withdrawal of groundwater may negatively affect riparian vegetation in and around surface water sources and could alter or destroy wildlife habitat across the Railroad Valley - Northern Part basin. Wildlife species directly affected may include federal and State of Nevada sensitive plant and animal species dependent upon surface water resources in the Railroad Valley - Northern Part.

BLM requests that Application 79603 be denied on the grounds that it separately and in conjunction with one other application by the same applicant, would:

1. Conflict with existing rights by adversely affecting federal reserved rights to protect and maintain public use of springs and water holes on public land and adversely affecting certificated rights for stock watering beneficial use.
2. The proposed appropriation and use threatens to prove detrimental to the public interest. The Railroad Valley - Northern Part basin within the Ely District BLM is managed in the multiple-use doctrine for the benefit of the public both nationally and locally. BLM believes it would prove detrimental to the public interest for water resources to be impacted to the extent that values placed upon the rangelands in the Railroad Valley - Northern Part by the BLM, grazing allotment permittees, and citizens of the United States of America are adversely affected.