

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

FILED
APR 15 2010

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STATE ENGINEERS OFFICE

IN THE MATTER OF APPLICATION NUMBER 79604
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 79604, 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

Agent or protestant

Jeffrey A. Weeks, Field Manager

Printed or typed name, if agent

Address

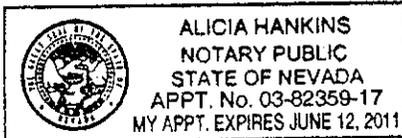
HC33 Box 33500

Street No. or PO Box

Ely, NV 89301-9402

City, State and ZIP Code

Phone Number



Subscribed and sworn to before me this 13th day of April, 20 10

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 79604

The U.S. Department of the Interior, Bureau of Land Management, Ely District Office (BLM) protests application 79604 for the following reasons and on the following grounds, to wit:

Application 79604 requests permission to appropriate 10.6 cfs (2560 AFY) from an underground source. The requested point of diversion associated with Application 79604 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 79604 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.