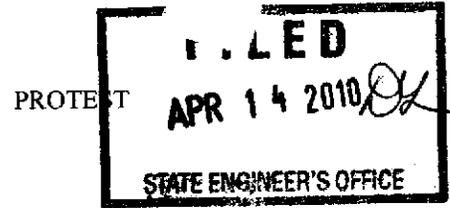


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79629  
FILED BY Moapa Valley Water District  
ON February 22, 20 10, TO APPROPRIATE THE  
WATERS OF Underground



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 79629, filed on February 22, 20 10  
by Moapa Valley Water District 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 79629

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

*James Darwin Crammond*  
Agent or protestant

James Darwin Crammond

Printed or typed name, if agent

Address

911 NE 11th Ave.

Street No. or PO Box

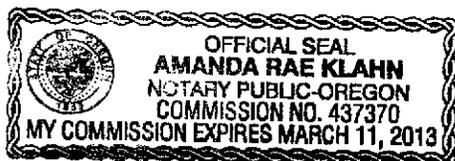
Portland, OR 97232

City, State and ZIP Code

(503) 231 - 6145

Phone Number

Subscribed and sworn to before me this 8th day of April, 20 10



*Amanda Rae Klahn*  
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 79629**

Application No. 79629 was filed by the Moapa Valley Water District on February 22, 2010 requesting a diversion rate of 10.0 cubic feet per second and 7,240 ac-ft annually from an underground source in Muddy River Springs Area, groundwater basin 219. The purpose of the proposed application is municipal use. Basin 219 is part of the White River Regional Groundwater Flow System. The proposed point of diversion is located adjacent to the Moapa Valley National Wildlife Refuge, within the Muddy River Springs Area.

The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79629 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 Moapa Valley NWR.
3. 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.

The total amount of water sought by the applications may exceed the quantity of unappropriated water available in Basin 219, depending on the volume of available water and appropriated water as determined by the State Engineer.

Even without exceeding the available amount, the proposed withdrawal will potentially injure the water resources and senior water rights of the Service at Moapa Valley NWR. New information (Mayer and Congdon 2007) shows that the springs on the refuge are very sensitive to even small declines in water levels around the springs.

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 Valley NWR and the Muddy River Springs area.