

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, 2010, TO APPROPRIATE THE
WATERS OF Underground



FILED
APR 14 2010
PROTEST
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 79629, filed on February 22, 2010
by Moapa Valley Water District to appropriate the
waters of Underground situated in Clark
Underground or name of stream, lake, spring or other source

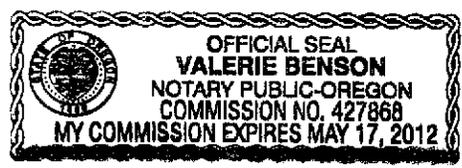
County, State of Nevada, for the following reasons and on the following grounds, to wit:
Please see Attachment A: ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATIONS 79629

RECEIVED
2010 APR 26 PM 2:57
STATE ENGINEER'S OFFICE
JDC
JDC
JDC

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
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 23 day of April, 2010



[Signature]
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.

STATE ENGINEERS OFFICE

2010 APR 26 PM 2:57

RECEIVED

SGF