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

IN THE MATTER OF APPLICATION NUMBER 79637
FILED BY Tuffy Ranch Properties LLC
ON February 22, 20 10, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

FILED
APR 14 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 79637, filed on February 22, 20 10

by Tuffy Ranch Properties LLC to appropriate the

waters of Underground situated in Lincoln
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 79637

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
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

OFFICIAL SEAL
AMANDA RAE KLAHN
NOTARY PUBLIC-OREGON
COMMISSION NO. 437370
MY COMMISSION EXPIRES MARCH 11, 2013

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 79637

Application Nos. 79637 were filed by Tuffy Ranch Properties LCC on February 22, 2010 requesting a combined diversion rate of 1.5 cubic feet per second (1,086 ac-ft annually) from an underground source in Lake Valley, groundwater basin 183. The purpose of the proposed applications is irrigation use. Basin 183 is part of the Great Salt Lake Regional Groundwater Flow System. The proposed groundwater well has the potential to affect one candidate species, the greater sage-grouse (*Centrocercus urophasianus*) and two petitioned species, the northern leapord frog (*Rana pipiens*) and Lake Valley pyrg (*P. sublata*) and their habitats in the basin.

The U.S. Fish and Wildlife Service (Service) requests that Application Nos. 79637 be denied because:

1. Water is not available to appropriate in the manner described.

2. 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 183, depending on the volume of available water and appropriated water as determined by the State Engineer.

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 endangered species, and sensitive habitats in Lake Valley and other locations within the Great Salt Lake Groundwater Flow System.