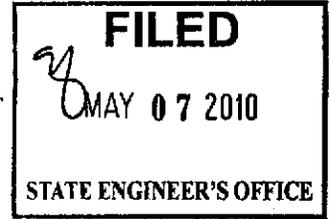


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79687
FILED BY Nevada Power Company dba NV Energy
ON March 15, 20 10, TO APPROPRIATE THE
WATERS OF Underground



PROTEST



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 79687, filed on March 15, 20 10

by Nevada Power Company dba NV Energy 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: ADDITIONAL INFORMATION TO SUPPORT THE PROTEST OF THE U.S. FISH AND WILDLIFE SERVICE IN THE MATTER OF APPLICATION 79687

RECEIVED
2010 MAY - 7 AM 8:51
STATE ENGINEERS 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

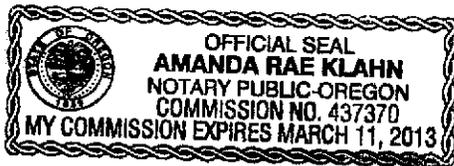
Portland, OR 97232

City, State and ZIP Code

(503) 231 - 6145

Phone Number

Subscribed and sworn to before me this 5th day of May, 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 APPLICATION 79687**

Application No. 79687 was filed by the Nevada Power Company, dba NV Energy on March 15, 2010 requesting a diversion rate of 1.11 cubic feet per second (796.4 ac-ft annually) from an underground source in Garnet Valley, groundwater basin 216. The purpose of the proposed application is industrial use. Basin 216 is part of the Colorado River Regional Groundwater Flow System. The proposed groundwater well has the potential to affect water rights at Moapa National Wildlife Refuge (NWR) and listed species in the Coyote Springs Valley and Muddy River Springs.

The U.S. Fish and Wildlife Service (Service) requests that the application be denied because:

1. Water is not available to appropriate in the manner described.
2. Granting of this application will cause injury to Service-owned senior water rights for water on the Fish Springs NWR.
3. The proposed activity is not likely compatible with the purposes of the national wildlife refuges. Granting this application 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.

According to the Basin Summary for Basin 216 from the State Engineer's Office, the perennial yield is 400 ac-ft annually. The sum of the applied-for volume and the existing water rights exceeds the perennial yield for this basin.

The Service is also concerned about impacts to senior water rights at Moapa NWR. Moapa NWR spring flow is supported by groundwater discharge from the regional carbonate aquifer and all of the current spring discharges and associated surface water are protected through senior state appropriative water rights. Application 79687 has the potential to unreasonably impact these senior water rights.

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 NWR, in the Coyote Springs Valley, and at Muddy River Springs.