

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

IN THE MATTER OF APPLICATION NUMBER 79688
FILED BY Nevada Power Company dba NV Energy
ON March 15, 2010, TO APPROPRIATE THE
WATERS OF Garnet Valley Hydrographic Basin

PROTEST



Comes now Moapa Band of Paiute Indians

Printed or typed name of protestant

whose post office address is PO Box 340, Moapa, NV 89025

Street No. or PO Box, City, State and ZIP Code

whose occupation is federally recognized Indian tribe

and protests the granting

of Application Number 79688

, filed on March 15

, 2010

by Nevada Power Company dba NV Energy

to appropriate the

waters of underground (Garnet Valley hydrographic basin)

situated in Clark

Underground or name of stream, lake, spring or other source

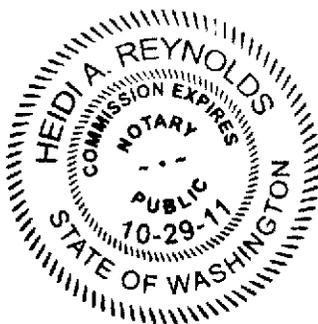
County, State of Nevada, for the following reasons and on the following grounds, to wit:

(1) There is no remaining unappropriated water in the proposed source of supply; (2) the proposed withdrawal conflicts with existing rights both within the groundwater basin at issue, and also with groundwater and surface water rights in nearby areas hydrologically connected to the groundwater basin, including groundwater and surface water rights in which protestant has an interest; and (3) the proposed withdrawal threatens to prove detrimental to the public interest, because it is likely to lower water levels in the Muddy Springs area to the detriment of the Moapa dace, an endangered species.

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

Richard M. Berley (signature)

Agent or protestant

Richard M. Berley, agent

Printed or typed name, if agent

Address

PO Box 340

Street No. or PO Box

Moapa, NV 89025

City, State and ZIP Code

206-448-1230

Phone Number

Subscribed and sworn to before me this

5th

day of

May

, 2010

Heidi A. Reynolds (signature)

Notary Public

State of Washington

County of King

RECEIVED 2010 MAY -7 AM 10:52 STATE ENGINEERS OFFICE

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.