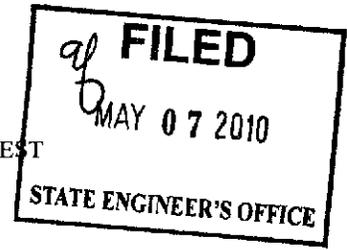


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79689
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 79689

, 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 79689

RECEIVED
MAY - 7 AM 8:52
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

[Handwritten 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

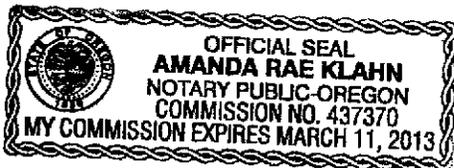
Subscribed and sworn to before me this

5th

day of

May

, 20 10



[Handwritten 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 APPLICATION 79689**

Application No. 79689 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 (803.6 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 79689 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.