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

IN THE MATTER OF APPLICATION NUMBER 79690
FILED BY Nevada Power Company dba NV Energy
ON March 15, 20 10, TO APPROPRIATE THE
WATERS OF California Wash Hydrographic Basin

PROTEST

FILED
MAY 07 2010
STATE ENGINEER'S OFFICE

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 79690, filed on March 15, 20 10

by Nevada Power Company dba NV Energy to appropriate the

waters of underground (California Wash 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 Berley
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

HEIDI A. REYNOLDS
COMMISSION EXPIRES
NOTARY
PUBLIC
10-29-11
STATE OF WASHINGTON

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

Subscribed and sworn to before me this 5th day of May, 20 10

Heidi A. Reynolds
Notary Public

State of Washington
County of King

**+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.**

**ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**