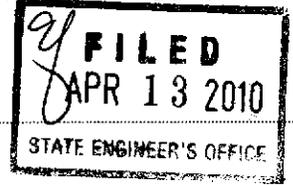


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

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 Underground



RECEIVED  
2010 APR 13 PM 2: 12  
PROTEST  
STATE ENGINEERS OFFICE



Comes now USDI - Bureau of Land Management, Southern Nevada District Office  
Printed or typed name of protestant  
whose post office address is 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Public Land Management 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 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:  
See Attached.

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 Mary Jo Rugwell  
Agent or protestant

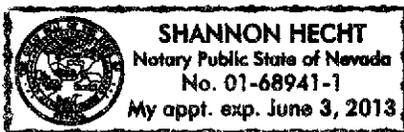
Mary Jo Rugwell  
Printed or typed name, if agent

Address 4701 North Torrey Pines Drive  
Street No. or PO Box

Las Vegas, Nevada 89130  
City, State and ZIP Code

702.515.5000  
Phone Number

Subscribed and sworn to before me this 12th day of April, 20 10



Shannon Hecht  
Notary Public

State of Nevada

County of Clark

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

## Attachment

The Department of the Interior-Bureau of Land Management, Southern Nevada District Office (BLM) is protesting water rights application number 79690, filed by the Nevada Power Company dba NV Energy to appropriate ground water from the carbonate aquifer in California Wash Basin (Hydrographic Basin 218).

This application was filed by NV Energy to annually withdraw 3.50 cubic feet per second (about 2,500 acre-feet) of ground water from an area along the Muddy River, southwest of Moapa, Nevada. The total amount of water requested under the application exceeds the estimated annual perennial yield of Hydrographic Basin 218. Pumping of large volumes of water from this relatively small area will remove water from aquifer storage, reduce or eliminate discharge at several local spring riparian areas, including the Muddy River, and result in excessive water table drawdowns.

Removal of ground water would prove detrimental to the public interest by degrading habitat on BLM managed public lands. Activities that degrade the condition of natural vegetation on public lands or impair management of special status species habitat are not consistent with provisions of the BLM Las Vegas Resource Management Plan and other existing BLM policies. Water table drawdowns resulting from the proposed pumping would damage the health and vigor of springs and their associated riparian habitats within this basin and potentially connected ground water basins in the region. Riparian areas in southern Nevada provide nesting sites and food resources for a number of desert breeding birds, stopover sites for neotropical and other migratory birds, and habitat for many bat species (See table 1). The Muddy River provides habitat for three federally listed endangered fish species, the Virgin River Chub (*Gila seminuda*), the Woundfin (*Plagopterus argentissimus*), and the Moapa Dace (*Moapa coriacea*) and one federally listed endangered bird species, the Southwestern Willow Flycatcher (*Empidonax trailii extimus*). In addition, the Muddy River is also habitat to special status fish species, the Moapa Speckled Dace (*Rhinichthys osculus moapae*). BLM policy is to provide these species with the same level of protection as is provided for candidate species, that is to ensure that actions authorized, funded or carried out do not contribute to the need for the species to become listed. The sensitive species designation is normally used for species that occur on Bureau administered lands for which the BLM has the capability to significantly affect the conservation status of the species through management.

**Table 1.** Avian and bat species on the BLM Nevada Sensitive Species List known to use riparian areas and mesquite woodlands in southern Nevada for foraging, breeding sites or migratory stopovers.

**Bird Species**

|                        |                           |
|------------------------|---------------------------|
| Phainopepla            | <i>Phainopepla nitens</i> |
| Lucy's Warbler         | <i>Vermivora luciae</i>   |
| Golden eagle           | <i>Aquila chrysaetos</i>  |
| Swainson's hawk        | <i>Buteo swainsoni</i>    |
| Yellow Warbler         | <i>Dendroica petechia</i> |
| Yellow-breasted chat   | <i>Icteria virens</i>     |
| MacGillivray's Warbler | <i>Opororis tolmiei</i>   |
| Bell's vireo           | <i>Vireo bellii</i>       |
| Grey vireo             | <i>Vireo vicinior</i>     |
| Orange-crowned Warbler | <i>Vermivora celata</i>   |
| Wilson's Warbler       | <i>Wilsonia pusilla</i>   |

**Bat Species**

|                                  |  |
|----------------------------------|--|
| Greater western mastiff bat      | <i>Eumops perotis californicus</i>     |
| Allen's big-eared bat            | <i>Idionycteris phyllotis</i>          |
| California leaf-nosed bat        | <i>Macrotus californicus</i>           |
| Small-footed myotis              | <i>Myotis ciliolabrum</i>              |
| Long-eared myotis                | <i>Myotis evotis</i>                   |
| Fringed myotis                   | <i>Myotis thysanodes</i>               |
| Cave myotis                      | <i>Myotis velifer</i>                  |
| Long-legged myotis               | <i>Myotis volands</i>                  |
| Yuma myotis                      | <i>Myotis yumanensis</i>               |
| Big free-tailed bat              | <i>Nyctinomops macrotis</i>            |
| Pale Townsend's big-eared bat    | <i>Plecotus townsendii pallenscens</i> |
| Pacific Townsend's big-eared bat | <i>Plecotus townsendii townsendii</i>  |
| Spotted bat                      | <i>Euderma macaulatum</i>              |