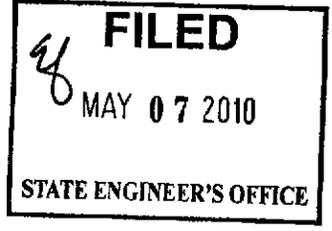


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79693  
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 79693

, 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 79693

RECEIVED  
2010 MAY -7 AM 8:54  
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

Agent or protestant

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

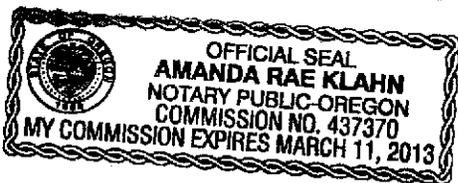
Subscribed and sworn to before me this

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 79645**

Application No. 79645 was filed by the Stillwater Farms, Inc. on February 11, 2010 requesting a diversion rate of 35 cubic feet per second (25,339 ac-ft annually) from Stillwater Slough Drain Water, a waste water source in the Carson Desert, groundwater basin 101. The purpose of the proposed application is wildlife use.

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. Appropriation of Newlands Project Water from Stillwater Slough without a corresponding contract or commitment to contribute to the operations and maintenance funding of the Project is contrary to the public interest.

This application is for drain water from the Stillwater Slough and drain water from irrigation ditches within in the Newlands Reclamation Project. This water is already fully appropriated to the United States, is under the sole control of the Secretary of the Interior and is not available for further appropriation under state law.

Water within a Federal Reclamation Project is not subject to further appropriation under Federal law. This water within the Newlands Project is not appropriable, nor is there sufficient appropriable water at this point of diversion to support the application.

The proposed surface water development is not in the public interest. This application is inconsistent with Nevada law for the appropriation of irrigation waste water, excess water and drain water. The applicant proposes to capture water developed and maintained through the efforts and financial contributions of legitimate federal contractors and the American people without a fair and commensurate commitment of their own funds. This is contrary to the public interest.