# 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

RECEIVED
2010 APR 13 PM 2:13
STATE ENGINEERS OFFICE

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APR 13 2010
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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 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:
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 [signature]
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

[signature]
Notary Public

SHANNON HECHT
Notary Public State of Nevada
No. 01-68941-1
My appt. exp. June 3, 2013

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 79693, filed by the Nevada Power Company dba NV Energy to appropriate ground water from the carbonate aquifer in Hidden Valley (Hydrographic Basin 217).

This application is one of a group of two applications filed by NV Energy to annually withdraw 27.85 cubic feet per second (about 20,000 acre-feet) of ground water from an area west of the Arrow Canyon Range and southwest of Moapa, Nevada. The cumulative total amount of water requested under the two applications greatly exceeds the estimated annual perennial yield of Hydrographic Basin 217. Connectivity between the carbonate and basin fill aquifers is still largely unknown. Pumping from the carbonate aquifer may result in water table drawdowns to the basin fill aquifer, degrading natural vegetation and habitat. 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, 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. Many of these species are identified on BLMs list of Nevada sensitive species (see table 1 at the end of text). BLM sensitive species are taxa that are not already included as BLM special status species under (1) Federally listed, proposed, or candidate species; or (2) State of Nevada listed species. 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.

State Engineer's Order 1169, which was signed on March 8, 2002, stated 'all applications pending and any new filings for the appropriation of water from the carbonate-rock aquifer

system in Coyote Springs Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (Basin 217), Muddy River Springs aka as Upper Moapa Valley (Basin 219), and Lower Moapa Valley (Basin 220) will be held in abeyance until further information is obtained by stressing the aquifer by those water right permits already issued to appropriate water from the carbonate-rock aquifer system'.

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

**Bat Species**

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