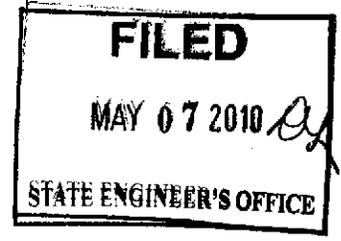


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79725  
FILED BY Southern Nevada Water Authority  
ON March 25, 20 10, TO APPROPRIATE THE  
WATERS OF Underground

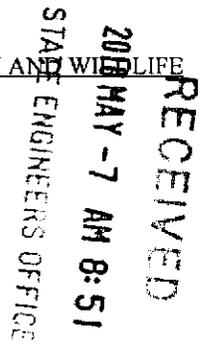


PROTEST



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 79725, filed on March 25, 20 10  
by Southern Nevada Water Authority to appropriate the  
waters of Underground situated in White Pine

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 79725

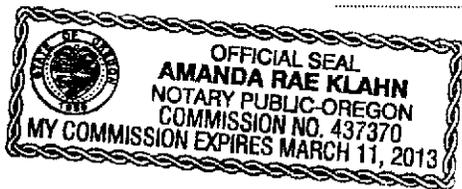


THEREFORE the Protestant requests that the application be issued subject to limitations and conditions in Certificate 9213  
Denied, issued subject to prior rights, etc., as the case may be  
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed   
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



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 79725**

Application No. 79725 was filed by the Southern Nevada Water Authority on March 25, 2010 requesting a diversion rate of 1.3 cubic feet per second (941.2 ac-ft annually) from an underground source in Spring Valley, groundwater basin 184. The purpose of the proposed application is irrigation use. Basin 184 is part of the Great Salt Lake Regional Groundwater Flow System. The proposed groundwater well is located up gradient from Fish Springs National Wildlife Refuge and has the potential to affect listed and unique species and habitats in Nevada and Utah.

The U.S. Fish and Wildlife Service (Service) does not object to Application No. 79725 being approved provided that any such approval be issued subject to the conditions and limitations in Certificate 9213, which it appears intended to replace. If the applicant intends, or the State Engineer finds, that any of the elements of Application 79725 are materially different from or are in excess of those in Certificate 9213, the Service requests that the application be denied because:

1. Water is not available to appropriate in the manner described.
2. Granting this application will cause injury to Service-owned senior water rights for water on the Fish Springs NWR.
3. The proposed activity will impact biological resources and endangered species within Spring and Snake Valleys and is not compatible with the purposes of the Fish Springs National Wildlife Refuge. 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 184 from the State Engineer's Office, the perennial yield is 80,000 ac-ft annually. The sum of the applied-for volume by this claimant and the existing water rights exceeds the perennial yield for this basin.

The Service is also concerned about impacts to senior water rights at Fish Springs NWR. Fish Springs NWRs is supported by groundwater discharge from the regional carbonate aquifer and all of the current spring discharges and associated surface water are protected through state appropriative water rights. Application 79725 would impact these senior water rights.

The proposed groundwater development is not in the public interest. The impacts from the proposed diversion will eventually and inevitably impact biological resources and endangered species within Spring and Snake Valley, including: Riparian and wetland-obligate migratory birds; candidate greater sage-grouse (*Centrocercus urophasianus*), which uses wet meadows and riparian areas for late brood rearing; endangered Pahrump

poolfish (*Empetrichthys latos*) at the Shoshone Ponds BLM fish refugium; petitioned northern leopard frog (*Rana pipiens*), which is known from numerous sites in Spring Valley; petitioned species of springsnails, including longitudinal gland pyrg, (*P. anguina*), which is found in southern Snake Valley in the Big Springs system and nearby springs; bifid duct pyrg (*P. peculiaris*), which is found in both Spring and Snake Valleys; and other non-listed endemic aquatic species of concern, including relict dace (*Relictus solitarius*) and an assemblage of native Bonneville basin fish found in Big Springs Creek/Lake Creek. Hydrologic impacts will eventually propagate to affect listed species and habitats at Fish Springs NWR and throughout the Great Salt Lake Regional Groundwater Flow System.