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

IN THE MATTER OF APPLICATION NUMBER 79783
FILED BY Amargosa Valley Solar I LLC
ON April 15, 20 10, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

FILED
JUN 18 2010
STATE ENGINEER'S 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 79783, filed on April 15, 20 10

by Amargosa Valley Solar I LLC to appropriate the

waters of Underground situated in Nye County
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.

RECEIVED
2010 JUN 18 AM 8:34
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 [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 17th day of June, 20 10

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

[signature]
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 79783, filed by Amargosa Valley Solar I LLC to appropriate ground water from the basin fill aquifer in Amargosa Desert (Hydrographic Basin 230). The BLM is currently working through the National Environmental Policy Act requirements for a project proposed by the parent company of the applicant. Discussion of mitigation measures is ongoing, and it is expected that this protest will be withdrawn if formal agreements are reached.

This application was filed by Amargosa Valley Solar I LLC to annually withdraw 2.0 cubic feet per second (not to exceed 400 acre-feet) of ground water from an area east of Death Valley National Park and northwest of Ash Meadows National Wildlife Refuge, within Amargosa Valley, Nevada. It is our understanding that this water right application is tied to application number 79699 and that the two applications combined would not exceed 400 acre-feet annually. The total amount of water requested, combined with existing appropriations in the basin greatly exceeds the estimated annual perennial yield of Hydrographic Basin 230. 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 Devils Hole, the Ash Meadows National Wildlife Refuge, Ash Meadows Area of Critical Environmental Concern, and the Amargosa Mesquite Area of Critical Environmental Concern. Existing pumping in the valley has already resulted in an excessive drawdown of the water table. The proposed pumping may also impair BLM water rights (V03164, V03165).

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. The two BLM areas of critical environmental concern make up approximately 43,000 acres of mesquite woodland and riparian habitat within the Amargosa Basin. Mesquite woodlands and 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.

Order 1197 was signed by the State Engineer on November 4th, 2008 in an effort to place restrictions on new appropriations and change applications in Amargosa Desert. When reviewing this application, the State Engineer must take Order 1197 into consideration to ensure that it abides by the order.

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*