

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

IN THE MATTER OF APPLICATION NUMBER 80191,
FILED BY ORMAT NEVADA INC, ON OCTOBER 11TH, 2010, TO
APPROPRIATE THE WATERS OF AN UNDERGROUND WATER
SOURCE IN BIG SMOKY VALLEY – NORTHERN PART



PROTEST

FILED
JAN 07 2011
STATE ENGINEER'S OFFICE

Comes now Bureau of Land Management whose post office address is 50 Bastian Road, Battle Mountain, Nevada, 89820 whose occupation is Land Management and protests the granting of Application Number 80191, filed on OCTOBER 11TH, 2010 by Ormat Nevada Inc. to appropriate the waters of UNDERGROUND WATER SOURCE situated in Lander County, State of Nevada, for the following reasons and on the following grounds, to wit:

- 1.) BLM has reviewed the plan of operations that outlines how this water right application will be put to an Industrial beneficial use. The plan of operations outlines a specific life for the project. Consistent with this plan for operation, any water right issued for this project should be limited to the anticipated period of operation. No permanent right should be issued.
- 2.) BLM has reviewed the perennial yield and believes there is insufficient water to be appropriated in the basin.
- 3.) BLM believes adverse impacts may result to federal resources if the application is approved without appropriate monitoring and mitigation. These federal resources include Public Water Reserve 107 water rights and habitat for wildlife including riparian and wetland communities. Anticipated impacts, such as lowering of local water tables and reduction in spring flow may indirectly contribute to drying out of riparian and wetland areas in the vicinity. This may have pervasive impacts to wildlife and livestock uses. If the impacts materialize, the applicant should implement a suite of mitigation measures including but not limited to: adjusting well pumping rates or well locations, augmentation of water resources with alternate sources of groundwater, purchase and retire other currently used and active water rights in the area, re-vegetation of phreatophyte areas, riparian enhancement, and/or installation of guzzlers. Injury or loss to these resources without proper mitigation may inhibit BLM from adequately meeting its multiple use mission statement and thereby, prove detrimental to the public interest and users of public lands. Specific impacts that may be detrimental to the public interest include fragmentation of habitat and loss of flow to spring features that will impact game hunters, recreation visitors, livestock permittees, and wild horse and burro spectators.
- 4.) A loss of spring discharge may contribute to the injury of Public Water Reserve 107 existing water rights in the area.

THEREFORE the Protestant requests that the application be DENIED and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

[Handwritten Signature]
Agent or protestant
Douglas W Furtado
50 Bastian Road
Battle Mountain, Nevada 89820

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2011 JAN 10 AM 11:23
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 6th day of January, 2011

[Handwritten Signature]
.....
Notary Public

State of Nevada
County of Lander
NANCY LOCKRIDGE
Notary Public, State of Nevada
Appointment No. 07-1954-10
My Appt. Expires March 1, 2011



\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.