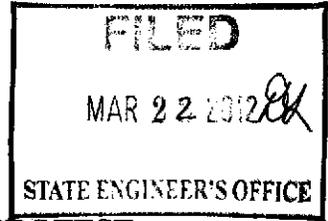


IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA



PROTEST

IN THE MATTER OF APPLICATION NUMBER 81510
FILED BY BONNIE WAHL
ON JANUARY 25, 2012
TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE OF NEVADA

Comes now William R. Hansen, on behalf of the United States Department of Interior National Park Service, whose post office address is 1201 Oakridge Drive, Suite 250, Fort Collins, Colorado, 80525, whose occupation is Chief, Water Rights Branch, National Park Service, and protests the granting of Application Number 81510 for the waters of an underground source situated in Nye County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Exhibit A attached.

THEREFORE the protestant requests that the application be denied.

Signed: William R. Hansen
Agent or protestant

William R. Hansen
Printed or typed name, if agent

Address: 1201 Oakridge Drive, Suite 250
Street No. or P.O. Box No.

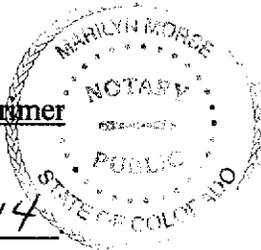
Fort Collins, CO 80525
City, State and Zip Code No.

Subscribed and sworn to before me this 21 day of March, 2012.

Marilyn Morse
Notary Public

State of Colorado County of Larimer

My Commission expires 8/25/2014



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STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATIONS 81510

EXHIBIT A

Protest by the United States Department of the Interior,
National Park Service

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- I. Death Valley National Monument was created by Presidential Proclamation in 1933 to preserve unusual features of scenic, scientific, and educational interest. The national significance of Death Valley and its environs was reaffirmed in October 1994 through enactment of the California Desert Protection Act. The Act acknowledged Death Valley's extraordinary and inestimable value, increased its area, and changed the area's status to that of a National Park. The Act specifically charged the Secretary of the Interior and all other officers of the United States to take all steps necessary to protect the reserved water rights and water resources of the Park, which includes the detached management unit known as Devils Hole.
- II. The mission of the National Park Service (NPS) may be paraphrased from 16 U.S.C.1 as conserving scenery, natural and historic objects, and wildlife, and providing for enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.
- III. The proposed appropriations are located within the Amargosa Desert hydrographic basin, which is part of the Death Valley regional flow system.
- IV. In 1979 the Nevada State Engineer (NSE) designated the Amargosa Desert hydrographic basin as a basin coming under the provisions of Chapter 534 NRS. Additional management considerations are warranted in a designated basin.
- V. In 2008 the NSE issued Order 1197 to protect the senior federal reserved water right at Devils Hole. Order 1197 states that "*...any applications to appropriate additional underground water and any application to change the point of diversion of an existing ground-water right to a point of diversion closer to Devils Hole, described as being within a 25 mile radius from Devils Hole within the Amargosa Desert Hydrographic Basin, will be denied.*" Exceptions were noted, however in no case were new points of diversion allowed within 10 miles of Devils Hole.
- VI. Application 81510 filed by Bonnie Wahl seeks a new appropriation of the waters of the State of Nevada in the Amargosa basin.
- VII. The application states that "Water will be commingled with water developed from well [sic] pursuant to certificated permit 20162 to produce an adequate rate of diversion." The application further states that the well that is the subject of this application seeks only a rate of diversion and not an additional volume of water. The annual duty of certificated Permit 20162 is 120 acre-feet per year.

- VIII. The application seeks a new point of diversion at a location within 10 miles of Devils Hole. For this reason the application appears to be in conflict with Order 1197. Therefore, the NPS protests the granting of this application.
- IX. The NPS will consider withdrawing this protest if the following conditions can be met:
- a. The Nevada State Engineer determines that this application does not represent an additional appropriation of water pursuant to Order 1197, and
 - b. A condition is placed on the permit that limits the combined annual duty of Application 81510 and Permit 20162 to 120 acre-feet, and
 - c. A condition is placed on the permit that requires a totalizing meter or other measuring device on each well and the total combined use is reported to the Nevada State Engineer.

The NPS reserves the right to amend this exhibit as more information becomes available.