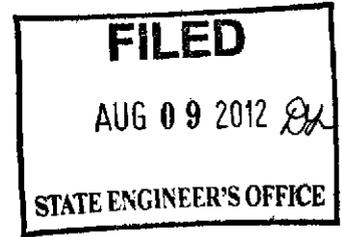


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 81981  
FILED BY Walter Simmons  
ON June 25, 20 12, TO APPROPRIATE THE  
WATERS OF Underground



PROTEST



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 81981, filed on June 25, 20 12

by Walter Simmons to appropriate the

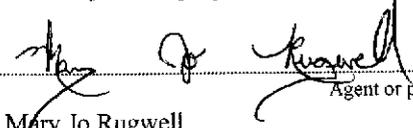
waters of Underground situated in Clark  
Underground or name of stream, lake, spring or other source

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  Agent or protestant

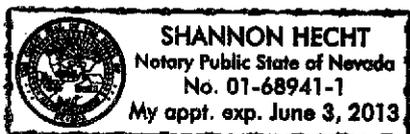
Mary Jo Rugwell  
Printed or typed name, if agent

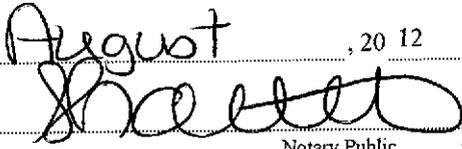
Address 4701 North Torrey Pines Drive  
Street No. or PO Box

Las Vegas, Nevada 89130  
City, State and ZIP Code

702.515.5000  
Phone Number

Subscribed and sworn to before me this 6th day of August, 20 12



  
Notary Public

State of Nevada

County of Clark

STATE ENGINEERS OFFICE  
2012 AUG -9 AM 11:23  
RECEIVED

† \$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 81981, filed by Walter Simmons in Eldorado Valley (Hydrographic Basin 167) for mining and milling purposes.

This application was filed by the applicant to annually withdraw a total of 1 cubic feet per second of ground water from an area west of the Eldorado Mountains, between Boulder City and Searchlight, Nevada. The total amount of water requested, in addition to that presently allocated, exceeds the estimated annual perennial yield of Hydrographic Basin 167. Pumping of large volumes of water from this relatively small area will capture natural recharge from local mountain ranges, remove water from aquifer storage, reduce or eliminate discharge at several local spring riparian areas (Dripping Cave Spring and Deadhorse Spring), and result in excessive water table drawdowns and could impact BLM water rights in the basin (vested rights V03166, V03193).

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. Springs in the area are also known watering sites for Bighorn sheep and wild burros.

Further, please note that the "abandoned construction well" is located on BLM managed public land. There are currently no active mining claims or Right-of-Way applications for the said location by Water Simmons or anybody else.

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

**Bat Species**

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