

SE 'S EXHIBIT 31  
DATE: 9-11-06

07/30/90

**APPLICATION NO. 54011**

PROTESTED BY	DATE
GEORGE ELDRIDGE & SONS, INC.	07/11/90
LAS VEGAS FLY FISHING CLUB	07/11/90
THE CITY OF CALIENTE	07/11/90
U.S. GOVERNMENT, BUREAU OF LAND MANAGEMENT	07/11/90
EASTERN UNIT, NEVADA CATTLEMEN'S ASSOCIATION	07/10/90
EL TEJON CATTLE COMPANY	07/09/90
FORMAN, RICHARD W.	07/09/90
HANSEN, MONTE	07/09/90
HARBECKE, ROBERT L. and FERN A.	07/09/90
PALCZEWSKI, LINDA	07/09/90
REED, DUANE	07/09/90
THE COUNTY OF WHITE PINE and THE CITY OF ELY	07/09/90
THE MOAPA BAND OF PAIUTE INDIANS	07/09/90
TWEEDY, CANDI	07/09/90
U.S. FISH & WILDLIFE SERVICE	07/09/90
COUNTY OF NYE	07/06/90
LINCOLN COUNTY, BOARD OF COMMISSIONERS	07/06/90
U.S. DEPT. OF INT., NATIONAL PARK SERVICE	07/06/90
THE UNINCORPORATED TOWN OF PAHRUMP	07/05/90

w/d 4-14-06

w/d 7-6-07

No. **540112** of **2** Date Filed **OCT 17 1989**

Indexed under		Well Log
Name of applicant		
Map		Basin <b>10 - 184</b>
Stream		<b>SPRING VALLEY</b>
Township	Range	County <b>WHITE PINE</b>

Point of diversion **1/4 1/4** Section

Applicant **LAS VEGAS VALLEY WATER DISTRICT**

Source of Water **UNDERGROUND**

Returned for correction Abrogated by

Corrected application received

Map filed

Sent for publication

Proof of publication filed

Investigated on ground by

Protested

Ready for action

Approved

Denied

	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
Date due				
1st extension				
2nd extension				
Date filed				

Filed under map

CERTIFICATE NO.	ISSUED	AMOUNT
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Use

COMPUTER CHECK	File Entry	Publication	Permit	Certificate
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ADDRESS

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

IN THE MATTER OF APPLICATION NUMBER 54011,

FILED BY Las Vegas Valley Water District,

} PROTEST

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF Underground Sources

Comes now Richard W. Forman, Agent for George Eldridge & Sons, Inc.

Printed or typed name of protestant

whose post office address is S.R. 1, Box 42, Ely, Nevada 89301

Street No. or P. O. Box, City, State and Zip Code

whose occupation is Ranching Corporation and protests the granting

of Application Number 54011, filed on October 17, 1989

by the Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of Underground Sources 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 Attachments.

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 *Richard W. Forman*

Agent or protestant

Name Richard W. Forman, Agent

Printed or typed name, if agent

Address P. O. Box 150

Street No. or P. O. Box No.

Address Ely, Nevada 89301

City, State and Zip Code No.

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 1990.

*Renee E. Knutson*

Notary Public

State of Nevada

County of White Pine



\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE

## REASONS AND GROUNDS FOR PROTEST

1. The granting of this application, in conjunction with any other applications filed by the Las Vegas Valley Water District in this basin, will impair, conflict and interfere with all existing water rights, sources and uses.
2. If granted, the allocation of ALL unappropriated waters in this ground water basin would adversely affect all agricultural operations, including but not limited to the following:
  - a. It will adversely affect the economic welfare of all farms and ranches.
  - b. It will destroy the environmental balance by eliminating the natural surface moistures and reducing the humidity levels which creates the natural growing environment of the surrounding areas, thereby destroying the grazing lands, wetlands and farm lands.
  - c. It will halt all potential agricultural growth.
  - d. It will destroy each agricultural operation because they will be unable to continue to operate or expand.
3. Eastern Nevada has had severe drought conditions for the past three (3) years which has created the following hardships on all cattlemen:
  - a. The grazing areas do not have sufficient feed to support the cattle.
  - b. The surface waters are insufficient for irrigation and stockwatering.
  - c. The water tables are lowering making it very difficult and expensive to pump any water.
  - d. The cattlemen will have to cut their herds, which affects the economic welfare of everyone within the State of Nevada, especially the surrounding communities.

If the drought creates this many hardships, the continual removal of the perennial yield by the Las Vegas Valley Water District WILL destroy all ranching operations as well as the whole environment of each basin.
4. There are different flow systems that underlie the State of Nevada. "These flow systems link the ground water beneath many of the hydrologic basins over distances greater than 200 miles. The implications of this linkage are immense. While the water taken from a basin may be within the perennial yield of that basin, areas as far away as 200 miles may experience drawdown, and the negative impacts associated with this phenomenon (Intertech Consultants, Inc. 1990).
5. Clark County must grow only within the limits of their natural resources or the environmental and socioeconomic balance of the State of Nevada will be destroyed.
6. The State Engineer must consider all of the future environmental and socioeconomic ramifications of the trans-basin transfer of ground waters in order to protect the State of Nevada by not allowing these transfers.
7. The State Engineer has a responsibility to all of the people of Nevada and must consider all adverse affects which the granting of these applications will have on all areas in the State of Nevada.

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeps and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing users.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE  
RECEIVED

90 JUL -9 4:26

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

RECEIVED

JUL 06 1990

Div. of Water Resources  
Branch Office - Las Vegas, NV

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY LAS VEGAS VALLEY WATER DISTRICT  
ON Oct 17 1989, TO APPROPRIATE THE  
WATERS OF Spring Valley Basin

PROTEST

Comes now LAS VEGAS FLY FISHING CLUB

Printed or typed name of protestant

whose post office address is 2728 Tidewater Ct. Las Vegas, NV 89117

Street No. or P.O. Box, City, State and Zip Code

whose occupation is NON-PROFIT EDUCATION AND CONSERVATION GROUP, and protests the granting

of Application Number 54011, filed on Oct 17, 1987

by LAS VEGAS VALLEY WATER DISTRICT to appropriate the

Printed or typed name of applicant

waters of Spring Valley Basin 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:

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

James E. Watkins  
Agent or protestant

JAMES E. WATKINS, President Las Vegas Fly Fishing Club  
Printed or typed name, if agent

Address 2728 Tide water Ct.

Street No. or P.O. Box No.

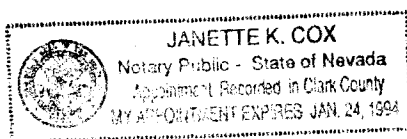
Las Vegas, NV 89117  
City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of July 1990

Janette K. Cox  
Notary Public

State of Nev

County of Clark



**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

## PROTEST

The Las Vegas Fly Fishing Club protests water rights application number 54011, in White Pine County, Nevada, Spring Valley Basin, filed by the Las Vegas Valley Water District. The water rights should be denied based on the following provisions.

1. The appropriation of this water when added to the already approved appropriations and existing uses in the Virgin River Basin will exceed the annual recharge and safe yield of the basin. Appropriation and use in this magnitude will sanction water mining and lower the static water level which will degrade the **quantity** and quality of water in the Spring Valley Wash which will effect the reservoir and streams of Great Basin National Park, Echo Canyon Reservoir, Eagle Valley Reservoir, and Schroeder Reservoir.

2. This application is one of the applications filed by the Las Vegas Valley Water District seeking a combined appropriations of over 800,000 acre-feet of ground and surface water primarily for municipal use in Clark County. Diversion and export of such a quantity of water will deprive the area of origin of water needed to protect and enhance its environment and economic well being, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the state holds in trust for all its citizens.

3. In the cumulative areas being protested, the Las Vegas Fly Fishing Club has contributed in excess of \$150,000. through volunteer time and personal expenses; club funds; Southwest Council, Federation of Fly Fishers funds; and private donations of materials to improve fish and related habitat in the affected areas. This was done for the public interest and to protect the fragile water resources in the effected areas. The Las Vegas Valley Water District's mining of these resources will negate the recreational and fish habitat benefits provided through these voluntary contributions under Nevada Department of Wildlife directed projects.

4. In a report dated June 7, 1990, the Reno Field Station of the U.S. Fish and Wildlife Service listed ~~four~~ <sup>Four</sup> species as Endangered or Threatened and four species as candidates for Endangered or Threatened status. The endangerment or threat caused by degrading the water quality and/or quantity of this basin will extend the threat to any species that depends on the existent habitat. Therefore, no additional water can be mined from the area.



5. The granting or approving of the subject application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost considerations, socio-economic considerations, and a water resource plan (such as required by the Public Service Commission of private purveyors of water) for the Las Vegas Valley Water District service area is detrimental to the public welfare and interest.

6. The granting or approval of the above referenced application would be detrimental to the public interest in that it, individually and together with the other applications of the Las Vegas Valley Water District importation project, would:

a. Likely jeopardize the continued existence of endangered and threatened species recognized under the federal Endangered Species Act and related state statutes. Two species of trout have become extinct and four other species of trout are candidates for extinction in the state of Nevada. The public interest will not be served if the state allows any more species of fish to become extinct.

b. Prevent or interfere with the conservation of those Threatened or Endangered species.

c. Take or harm those Threatened or Endangered species.

7. The approval of subject application will sanction and encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District. For example, in March of 1990, vandals tampered with an automatic watering system in the green belt between Crane Lake and Swan River roads on Lake North Drive in the Las Vegas subdivision known as the Lakes. The damage included broken valves and sprinklers which were seen and reported to the Las Vegas Valley Water District on Friday night. The Las Vegas Valley Water District representative at the emergency phone number said that the water in the area was not their responsibility and they did not know who to call. The person reporting the damage made several other unsuccessful attempts to get help. The water ran unchecked into the street for 62 hours until Monday morning. It was apparent from the response that even though technically the water district was not involved, their lack of concern and failure to take any action demonstrated their policy towards waste of water.

8. The above referenced water rights, individually and cumulatively with other applications of the water import project, will perpetuate and may increase the inefficient use of water and frustrate efforts at water demand management in the in the Las Vegas Valley Water District service area.

9. Previous and current conservation programs instituted by the Las Vegas Valley Water district are ineffective public relations-oriented efforts that are unlikely to achieve substantial water savings. Public policy and public interest considerations should preclude the negative environmental and socio-economic consequences of the proposed transfer of water resources on areas of origin when the potential water importer has failed to make a good-faith effort to efficiently use currently available supplies.

10. Therefore, The Las Vegas Fly Fishing Club, on behalf of the public good of all Nevada citizens and on behalf of the disastrous consequences on fish habitat that approval would have, requests that the above referenced water rights application be denied and that the order be entered by the state engineer to protect this water resource in perpetuity from water rights applications not in the public interest and detrimental to sound conservation practices. In addition, The Las Vegas Fly Fishing Club incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned application filed pursuant to NRS 533.365.

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

In the Matter of Application Number 54011, Filed by the Las Vegas Valley Water District on October 17, 1989, to appropriate the waters of White Pine County.

PROTEST

Comes now THE CITY OF CALIENTE whose post office address is POST OFFICE BOX 158, CALIENTE, NEVADA 89008 whose occupation is MUNICIPALITY/WATER PURVEYOR, and protest the granting of Application Number 54011, filed on October 17, 1989 by the Las Vegas Valley Water District to appropriate the waters of underground situated in White Pine County, State of Nevada, for the following reasons and on the following grounds, to wit:

(See Attachment)

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

George T. Rowe

George T. Rowe, Mayor

Address

P.O. Box 158  
Caliente, Nevada 89008

Subscribed and sworn to before me this 9th day of

July, 1990.

Mona D. Rennie

State of Nevada

County of Lincoln

APPLICATION NO. 54011

LIST OF REASONS TO PROTEST THE LAS VEGAS VALLEY WATER DISTRICT  
APPLICATIONS TO APPROPRIATE GROUND AND SURFACE WATER FROM  
CENTRAL, EASTERN AND SOUTHERN NEVADA

1. This Application is one of 145 applications filed by the Las Vegas Valley Water District seeking to appropriate 804,195 acre feet of ground water primarily for municipal use within Clark County. Diversion and export of such quantity of water will: lower the static water level in Spring Valley Basin; adversely affect the quality of remaining ground water; and further threaten springs, seeps and phreatophytes which provide water and habitat critical to the survival of wildlife and grazing livestock.
2. The appropriation of this water when added to the already approved appropriations and existing uses in the Spring Valley Basin will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude will: lower the static water level and degrade the quality of water from existing wells and cause negative hydraulic gradient influences as well as other negative impacts.
3. This Application is one of 146 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of some 864,195 acre feet of ground and surface water primarily for municipal use in Clark County. Diversion and export of such a quantity of water will deprive the area of origin of the water needed to protect and enhance its environment and economic well being, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost considerations, socioeconomic impact considerations, and a water resource plan (such as is required by the Public Service Commission of private purveyors of water) for the Las Vegas Valley Water District Service area is detrimental to the public welfare and interest.
5. The granting or approval of the above-referenced Application would conflict with or tend to impair existing rights in the Spring Valley Basin because if granted it would exceed the safe yield of the subject basin and unreasonably lower the static water level and sanction water mining.
6. The granting or approval of the above referenced Application would be detrimental to the public interest in that it, individually and together with the other applications of the water importation project, would:
  - (a) Likely jeopardize the continued existence of endangered

and threatened species recognized under the federal Endangered Species Act and related state statutes;

(b) Prevent or interfere with the conservation of those threatened or endangered species;

(c) Take or harm those endangered or threatened species; and

(d) Interfere with the purpose for which the federal lands are managed under federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.

7. The approval of the subject application will sanction and encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District.

8. The subject Application seeks to develop and transport water resources on and across lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This application should be denied because the Las Vegas Valley Water District has not obtained necessary legal interest (e.g., right-of-way) in the federal land such that the applicant may extract, develop and transport water resources from the proposed point of diversion to the proposed place of use.

9. The Application should be denied because it individually and cumulatively with other applications of the water importation project will perpetuate and may increase the inefficient use of water in the Las Vegas Valley Water District service area and frustrate efforts at water demand management in the Las Vegas Valley Water District service area.

10. The Las Vegas Valley Water District lacks the financial capability for developing and transporting water under the subject permit which is a prerequisite to putting the water to beneficial use.

11. The above-referenced Application should be denied because it fails to include the statutorily required:

(a) Description of the place of use;

(b) Description of the proposed works;

(c) The estimated cost of such works; and

(d) The estimated time required to put the subject water to beneficial use.

12. The subject Application should be denied because it individually and cumulatively with other applications of the proposed project will exceed the safe yield of the Spring Valley Basin thereby adversely affecting phreatophytes and creating air contamination and air pollution in violation of State and Federal

Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.

13. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to safeguard the public interest properly. The adverse effects of this Application and related applications associated with the proposed water appropriation and transportation project (largest appropriation of ground water in the history of the State of Nevada) cannot properly be evaluated without an independent, formal and publicly-reviewable assessment of:

- (a) cumulative impacts of the proposed extraction;
- (b) mitigation measures that will reduce the impacts of the proposed extraction;
- (c) alternatives to the proposed extraction, including but not limited to, the alternatives of no extraction and aggressive implementation of all proven and cost-effective water demand management strategies.

14. The subject application should be denied because the population projects upon which the water demand projections are based are unrealistic and ignore numerous constraints to growth, including traffic congestion, increased costs of infrastructure and services, degraded air quality, etc.

15. The subject application should be denied because previous and current conservation programs instituted by the Las Vegas Valley Water District are ineffective public-relations oriented efforts that are unlikely to achieve substantial water savings. Public policy and public interest considerations should preclude the negative environmental and socio-economic consequences of the proposed transfers on areas of origin when the potential water importer has failed to make a good-faith effort to efficiently use currently available supplies.

16. The subject Application should be denied because the enormous costs of the project will result in water rate increases of such magnitude that demand will be substantially reduced, thereby rendering the water transfer unnecessary.

17. The granting or approval of the above-referenced Application would be detrimental to the public interest and not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.

18. The subject Application should be denied because current and developing trends in housing, landscaping, national plumbing fixture standards and demographic patterns all suggest that the simplistic water demand forecasts upon which the proposed transfers are based substantially overstate future water demand needs.

19. The subject application should be denied because the current per capita water consumption rate for the Las Vegas Valley Water District is double that of similarly situated southwestern municipalities. This suggests enormous potential for more cost-effective supply alternatives, including demand management and effluent re-use. These alternatives have not been seriously considered by the Las Vegas Valley Water District.

20. Inasmuch as a water extraction and transbasin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further information and study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.

21. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the subject application filed pursuant to NRS 533.365.

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

IN THE MATTER OF APPLICATION NUMBER 54011  
 FILED BY Las Vegas Valley Water District  
 ON October 17, 1989, TO APPROPRIATE THE  
 WATERS OF Underground Well

PROTEST

Comes now U.S. Government, Bureau of Land Management  
Printed or typed name of protestant  
 whose post office address is Star Route 5, Box 1, Ely, Nevada 89301  
Street No. or P.O. Box, City, State and Zip Code  
 whose occupation is Land Management Agency, and protests the granting  
 of Application Number 54011, filed on October 17, 1989

by Las Vegas Valley Water District  
Printed or typed name of applicant  
 Underground Source (Well) to appropriate the  
 waters of T. 14 N., R. 66 E., Sec. 14, NE 1/4 SE 1/4 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:

See Attachment for Application #54011

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

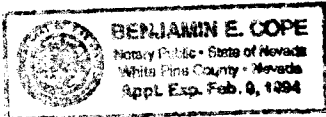
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THEREFORE the protestant requests that the application be DENIED  
(Denied, issued subject to prior rights, etc., as the case may be)  
 and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Kenneth G. Walker  
Agent or protestant  
Kenneth G. Walker, District Manager  
Printed or typed name, if agent  
 Address SR 5, Box 1  
Street No. or P.O. Box No.  
Ely, Nevada 89301  
City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of July 1990

Benjamin E. Cope  
Notary Public  
 State of Nevada  
 County of White Pine



**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**



#### ATTACHMENT FOR FILING #54011

The Bureau of Land Management (BLM), United States Department of the Interior has been directed by Congress through law to protect and manage certain public lands of the United States. Specifically, Congress instructed the BLM in the Federal Land Policy and Management Act (FLPMA) "...that management be on the basis of multiple use and sustained yield...public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use..."

The multiple uses mentioned in FLPMA include, but are not limited, to recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values.

In addition to FLPMA, the Taylor Grazing Act, The Recreation and Public Purposes Act, The Wild and Free Roaming Horse and Burro Act, The Endangered Species Act, The Public Rangelands Improvement Act, The Water Resources Act, and various other laws give the BLM the authority to manage the public lands and their various resources so that they are utilized in the combination that will best meet the present and future needs of the American people.

The application of the Las Vegas Valley Water District (LVVWD) to the State Engineer of Nevada to appropriate water on BLM administered land, if approved, will prove to be detrimental to the public interest by eliminating the capability to fulfill the legislated management responsibilities and is being protested under NRS 533.365.

#### SPECIFIC IMPACTS FROM APPLICATION #54011

There are thirty two (32) waters that will be impacted if this application is granted and results in the lowering of the water table which will eliminate available watering sources within the well field. The demand which the BLM has recognized on these waters where the BLM has a responsibility to manage is: 1) 1106 AUMs for deer, 2) 372 AUMs for antelope, 3), 14 AUMs for elk, and 11 AUMs for bighorn. The total AUM demand is 1503.

Of these 32 waters deer use 18, antelope use 30, elk use 7, sage grouse use 5, chuckar use 12 and blue grouse use 1. In addition this application will adversely effect the habitat for two candidate T/E (Category 2) species. This includes nest sites for 28 ferruginous hawks and Bonneville cutthroat trout in Willard and Pine-Ridge Creeks. The ability of the BLM to meet this demand will be impaired by the granting of an appropriation to LVVWD; therefore, it threatens to prove detrimental to the public interest.

## CUMULATIVE AFFECTS OF APPLICATION #54011

1. Application number 54011 in conjunction with applications 54003, 54004, 54005, 54006, 54007, 54008, 54009, 54010, 54012, 54013, 54014, 54015, 54016, 54017, 54018, 54019, 54020, and 54021 will withdraw 91,218 acre feet (AF) of water if pumping occurs at the rates applied for, 24 hours per day, 365 days per year. This withdrawal rate is 14,218 AF per year more than occurs through natural recharge from precipitation and inflow from the Antelope Valley hydrographic area (Harrill 1988). According to Dettinger (1989) the perennial yield of an aquifer is the quantity of water which can be extracted for use each year without depleting the groundwater reservoir. The perennial yield is no greater than the total rate of flow through the aquifer and is probably less (Dettinger 1989). Because more water will be withdrawn from the Spring Valley hydrographic area than is recharged, a slow but continuous decline in groundwater levels will occur. Also, groundwater withdrawal from the Spring Valley hydrographic area that exceeds natural recharge will preclude the underground flow of 4,000 AF per year from the Spring Valley hydrographic area to the Snake Valley hydrographic area (Upper Hamblin Valley). Numerous large artisan springs are found in upper Hamblin Valley (Hood and Rush 1965, Pupacko et al. 1989) and elimination of the 4,000 AF flow from Spring Valley to Hamblin Valley will, at the minimum, result in decreased flows, and may dry up the springs entirely. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

2. Application 54011 in conjunction with applications 54005, 54010, 54009, 54012, 54013, 54014, 54015, 54016, 54017, 54018, 54019, 54020, and 54021 is positioned within the fringe of or just outside of a phreatic zone. The point of diversion of application 54011 allows the Las Vegas Valley Water District to obtain groundwater before it flows into the underground reservoir and is transpired by the phreatic vegetation. Phreatic vegetation is present on about 325,000 acres of bottomland in Spring Valley. Groundwater modeling in Spring Valley for the White Pine Power Project Environmental Impact Statement indicates that removal of 25,000 AF of groundwater per year for 36 years will cause a general drawdown of up to 40 feet throughout a large portion of Spring Valley. Drawdown at individual points of diversion would be as great as 240 feet. The proposed withdrawal by the Las Vegas Valley Water District is substantially greater than 25,000 AF, therefore, the potential cumulative and specific well drawdowns will be substantially greater. Groundwater withdrawal of this magnitude, both at individual points of diversion and cumulative from all the points of diversion mentioned above will lower the water table below the rooting zone of the phreatic vegetation. Soils in the basin floor of Spring Valley are very alkaline; therefore, little or no vegetation will replace the salt tolerant phreatophytes. Desertification will reduce the forage and habitat base for livestock and wildlife. Also, the aesthetic and biologic quality of the air resource will decline because desertification increases airborne particulates. Acute problems will occur during periods of high winds. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

3. The cumulative impact of application 54011 in conjunction with the applications mentioned in the above paragraphs will have a negative impact on the Pahrump Killifish, an endangered species found in the Shoshone Ponds. According to the White Pine Power Project Environmental Impact Statement withdrawing only 25,000 AF of water per year from Spring Valley could decrease

the water temperature in the ponds to less than optimum during the winter and spring months. It is believed that decreased water flows, because of extensive withdrawal, and cold atmospheric temperatures during the winter months will work together to drop the water temperature below the optimum level needed for survival of the Killifish. The aforementioned EIS also states that the United States Fish and Wildlife Service believes that pumping 25,000 AF of groundwater per year in Spring Valley will jeopardize the continued existence of the Pahrump Killifish. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

#### ADDITIONAL INFORMATION MANDATORY

At this time, there is insufficient information available to completely analyze and determine the full impacts to the various resources that the BLM is responsible to protect and manage. The actual impacts of the pumping of this well in conjunction with the cumulative impacts of the Las Vegas Valley Water Districts' other proposed wells cannot be fully determined until sufficient data has been collected and analyzed.

We, therefore, protest the granting of the water appropriation because neither the State Engineer nor the Las Vegas Valley Water District (LVVWD) has prepared an analysis of all anticipated impacts associated with LVVWD's applications. If an analysis has been done, it has not been made available to the public and affected parties, and the failure to do so is not in the public interest as per NRS 533.370.3. Because it is impossible to anticipate all impacts at this time, the BLM reserves the right to amend this protest as other issues develop and as additional studies provide further information.

The Bureau is preparing notices of PWRs within the area of protest. These notices will be based only on the needs appropriate under PWR-107 and will be sent to the State Water Engineer over the next several months prior to adjudication.

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

IN THE MATTER OF APPLICATION NUMBER 54011

FILED BY Las Vegas Valley Water District

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF Underground Sources

} PROTEST

Comes now Marcia Forman, agent for Eastern Unit, Nevada Cattlemen's Association

Printed or typed name of protestant

whose post office address is P. O. Box 1077, McGill, Nevada 89318

Street No. or P. O. Box, City, State and Zip Code

whose occupation is Ranching, Private Land Owners, and Grazing Permittees and protests the granting

of Application Number 54011, filed on October 17, 1989

by the Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of Underground Sources 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 Attachments

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 Marcia Forman

Agent or protestant

Name Marcia Forman, Agent

Printed or typed name, if agent

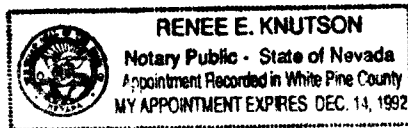
Address P. O. Box 150

Street No. or P. O. Box No.

Address Ely, Nevada 89301

City, State and Zip Code No.

Subscribed and sworn to before me this 17th day of July, 1990.



Renee E. Knutson  
Notary Public

State of Nevada

County of White Pine

**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE**

## REASONS AND GROUNDS FOR PROTEST

1. The granting of this application, in conjunction with any other applications filed by the Las Vegas Valley Water District in this basin, will impair, conflict and interfere with all existing water rights, sources and uses.
2. If granted, the allocation of ALL unappropriated waters in this ground water basin would adversely affect all agricultural operations, including but not limited to the following:
  - a. It will adversely affect the economic welfare of all farms and ranches.
  - b. It will destroy the environmental balance by eliminating the natural surface moistures and reducing the humidity levels which creates the natural growing environment of the surrounding areas, thereby destroying the grazing lands, wetlands and farm lands.
  - c. It will halt all potential agricultural growth.
  - d. It will destroy each agricultural operation because they will be unable to continue to operate or expand.
3. Eastern Nevada has had severe drought conditions for the past three (3) years which has created the following hardships on all cattlemen:
  - a. The grazing areas do not have sufficient feed to support the cattle.
  - b. The surface waters are insufficient for irrigation and stockwatering.
  - c. The water tables are lowering making it very difficult and expensive to pump any water.
  - d. The cattlemen will have to cut their herds, which affects the economic welfare of everyone within the State of Nevada, especially the surrounding communities.

If the drought creates this many hardships, the continual removal of the perennial yield by the Las Vegas Valley Water District WILL destroy all ranching operations as well as the whole environment of each basin.
4. There are different flow systems that underlie the State of Nevada. "These flow systems link the ground water beneath many of the hydrologic basins over distances greater than 200 miles. The implications of this linkage are immense. While the water taken from a basin may be within the perennial yield of that basin, areas as far away as 200 miles may experience drawdown, and the negative impacts associated with this phenomenon (Intertech Consultants, Inc. 1990).
5. Clark County must grow only within the limits of their natural resources or the environmental and socioeconomic balance of the State of Nevada will be destroyed.
6. The State Engineer must consider all of the future environmental and socioeconomic ramifications of the trans-basin transfer of ground waters in order to protect the State of Nevada by not allowing these transfers.
7. The State Engineer has a responsibility to all of the people of Nevada and must consider all adverse affects which the granting of these applications will have on all areas in the State of Nevada.

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeps and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing users.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEERS OFFICE

90 JUL -9 P4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011

FILED BY Las Vegas Valley Water District

} PROTEST

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF Underground Sources

Comes now Marcia Forman, agent for El Tejon Cattle Company

Printed or typed name of protestant

whose post office address is 34741 7th Standard Road, Bakersfield, California 93308

Street No. or P. O. Box, City, State and Zip Code

whose occupation is Ranching and protests the granting

of Application Number 54011, filed on October 17, 1989

by the Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of Underground Sources 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 Attachments.

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

Marcia Forman  
Agent or protestant

Name

Marcia Forman, Agent

Printed or typed name, if agent

Address

P. O. Box 150

Street No. or P. O. Box No.

217

Address

Ely, Nevada 89301

City, State and Zip Code No.

Subscribed and sworn to before me this

17th

day of

July

, 1990.

Renee E. Knutson  
Notary Public

State of

Nevada

County of

White Pine



\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE

17



## REASONS AND GROUNDS FOR PROTEST

1. The granting of this application, in conjunction with any other applications filed by the Las Vegas Valley Water District in this basin, will impair, conflict and interfere with all existing water rights, sources and uses.
2. If granted, the allocation of ALL unappropriated waters in this ground water basin would adversely affect all agricultural operations, including but not limited to the following:
  - a. It will adversely affect the economic welfare of all farms and ranches.
  - b. It will destroy the environmental balance by eliminating the natural surface moistures and reducing the humidity levels which creates the natural growing environment of the surrounding areas, thereby destroying the grazing lands, wetlands and farm lands.
  - c. It will halt all potential agricultural growth.
  - d. It will destroy each agricultural operation because they will be unable to continue to operate or expand.
3. Eastern Nevada has had severe drought conditions for the past three (3) years which has created the following hardships on all cattlemen:
  - a. The grazing areas do not have sufficient feed to support the cattle.
  - b. The surface waters are insufficient for irrigation and stockwatering.
  - c. The water tables are lowering making it very difficult and expensive to pump any water.
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If the drought creates this many hardships, the continual removal of the perennial yield by the Las Vegas Valley Water District WILL destroy all ranching operations as well as the whole environment of each basin.
4. There are different flow systems that underlie the State of Nevada. "These flow systems link the ground water beneath many of the hydrologic basins over distances greater than 200 miles. The implications of this linkage are immense. While the water taken from a basin may be within the perennial yield of that basin, areas as far away as 200 miles may experience drawdown, and the negative impacts associated with this phenomenon (Intertech Consultants, Inc. 1990).
5. Clark County must grow only within the limits of their natural resources or the environmental and socioeconomic balance of the State of Nevada will be destroyed.
6. The State Engineer must consider all of the future environmental and socioeconomic ramifications of the trans-basin transfer of ground waters in order to protect the State of Nevada by not allowing these transfers.
7. The State Engineer has a responsibility to all of the people of Nevada and must consider all adverse affects which the granting of these applications will have on all areas in the State of Nevada.

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE  
RECEIVED

90 JUL -9 4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011,

FILED BY Las Vegas Valley Water District,

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF Underground Sources

} PROTEST

Comes now Marcia Forman, agent for Richard W. Forman

Printed or typed name of protestant

whose post office address is P. O. Box 150, Ely, Nevada 89301

Street No. or P. O. Box, City, State and Zip Code

whose occupation is Water Right Surveyor, Land Surveyor and Civil Engineer and protests the granting

of Application Number 54011, filed on October 17, 1989

by the Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of Underground Sources 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.

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

*Marcia Forman*

Agent or protestant

Name Marcia Forman, Agent

Printed or typed name, if agent

Address P. O. Box 150

Street No. or P. O. Box No.

Address Ely, Nevada 89301

City, State and Zip Code No.

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 1990.

*Renee E. Knutson*

Notary Public

State of Nevada

County of White Pine



\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE

## REASONS AND GROUNDS FOR PROTEST

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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY Las Vegas Valley Water District  
ON October 17 1989, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

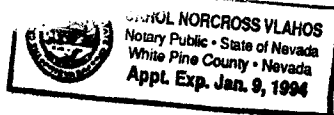
Comes now MONTE HANSEN  
Printed or typed name of protestant  
whose post office address is 1857 NORTH STREET ELY, NEVADA 89301  
Street No. or P.O. Box, City, State and Zip Code  
whose occupation is SERVICE STATION MANAGER, and protests the granting  
of Application Number 54011, filed on October 17, 1989...  
by Las Vegas Valley Water District to appropriate the  
Printed or typed name of applicant  
waters of Underground situated in White Pine 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

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 Monte Hansen  
Agent of Protestant  
MONTE HANSEN  
Printed or typed name, if agent  
Address 1857 NORTH STREET  
Street No. or P.O. Box No.  
ELY, NEVADA 89301  
City, State and Zip Code No.

Subscribed and sworn to before me this 6th day of JULY 1990



Carol Norcross Vlahos  
Notary Public  
State of NEVADA  
County of WHITE PINE

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.



12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE  
RECEIVED

90 JUL -9 P4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY Las Vegas Valley Water District  
ON October 17 1989, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

Comes now Robert L. Harbecke and Fern A. Harbecke  
Printed or typed name of protestant  
whose post office address is SR 5 Box 27, Ely, Nevada 89301  
Street No. or P.O. Box, City, State and Zip Code  
whose occupation is Farmer - Rancher, and protests the granting  
of Application Number 54011, filed on October 17, 1989  
by Las Vegas Valley Water District to appropriate the  
Printed or typed name of applicant  
waters of Underground situated in White Pine 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:

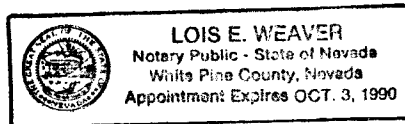
This application should be denied because the extraction of water would lower the depths of water in my own wells and adversely affect my personal existing rights. Also see the attached reasons and grounds for further protest.

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 Robert L. Harbecke  
Fern A. Harbecke  
Agent or protestant  
Robert L. Harbecke and Fern A. Harbecke  
Printed or typed name, if agent  
Address SR 5 Box 27  
Street No. or P.O. Box No.  
Ely, Nevada 89301  
City, State and Zip Code No.

Subscribed and sworn to before me this 6 day of July, 1990.



Lois E. Weaver  
Notary Public  
State of Nevada  
County of White Pine

\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

sk es

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE

90 JUL-9 4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011,  
FILED BY Las Vegas Valley Water District,  
ON October 17 1989, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

Comes now Linda Palczewski  
Printed or typed name of protestant

whose post office address is P.O. Box 1286, Ely, Nevada 89301  
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Homemaker - W.P.C. Rep. for NV Housing and protests the granting  
of Application Number 54011, filed on October 17, 1989

by Las Vegas Valley Water District to appropriate the  
Printed or typed name of applicant  
waters of Underground situated in White Pine 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 Attachment

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 Linda Palczewski  
Agent or protestant

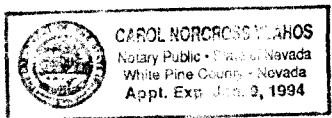
Linda Palczewski  
Printed or typed name, if agent

Address P.O. Box 1286  
Street No. or P.O. Box No.

Ely, Nevada 89301  
City, State and Zip Code No.

Subscribed and sworn to before me this 6 day of July, 1990

Carol Norcross Wlahos  
Notary Public



State of Nevada

County of White Pine

**310 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

CR

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
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  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
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  - b. mitigation measures that will reduce the impacts of the proposed extractions;
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15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE

90 JM-9 P4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY Las Vegas Valley Water District  
ON October 17 1990, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

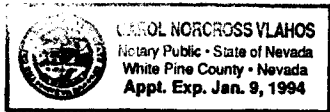
Comes now Duane Reed  
Printed or typed name of protestant  
whose post office address is 606 Canyon St.  
Street No. or P.O. Box, City, State and Zip Code  
whose occupation is Businessman, and protests the granting  
of Application Number 54011, filed on October 17, 1990  
by Las Vegas Valley Water District  
Printed or typed name of applicant  
to appropriate the  
waters of Underground  
Underground or name of stream, lake, spring or other source  
situated in White Pine County  
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 Duane Reed  
Agent of protestant  
Duane Reed  
Printed or typed name, if agent  
Address 606 Canyon St.  
Street No. or P.O. Box No.  
Ely, Nevada  
City, State and Zip Code No.

Subscribed and sworn to before me this 6 day of July, 1990



Carol Norcross Vlahos  
Notary Public  
State of NEVADA  
County of WHITE PINE

510 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

CB



## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
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14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEERS OFFICE  
RECEIVED

90 JUL-9 P4:26

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

IN THE MATTER OF APPLICATION NUMBER 54011

FILED BY Las Vegas Valley Water District

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF Underground Sources

} PROTEST

Comes now the County of White Pine and the City of Ely, State of Nevada

Printed or typed name of protestant

whose post office address is P. O. Box 1002, Ely, Nevada 89301

Street No. or P. O. Box, City, State and Zip Code

whose occupation is Political Subdivision, State of Nevada

and protests the granting

of Application Number 54011

, filed on October 17

, 19 89

by the Las Vegas Valley Water District

Printed or typed name of applicant

to appropriate the

waters of Underground Sources

Underground or name of stream, lake, spring or other source

situated in White Pine

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

Dan L. Papez  
Agent or protestant

Name

Dan L. Papez, Agent

Printed or typed name, if agent

Address

P. O. Box 240

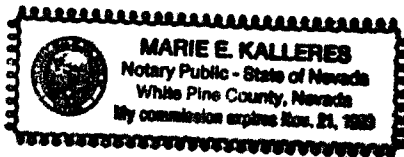
Street No. or P. O. Box No.

Address

Ely, Nevada 89301

City, State and Zip Code No.

Subscribed and sworn to before me this 21st day of July, 19 90.



Marie E. Kalleres  
Notary Public

State of Nevada

County of White Pine

\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE

## REASONS AND GROUNDS FOR PROTEST

The City of Ely and The Board of County Commissioners, White Pine County, State of Nevada, do hereby protest the above referenced application upon the following grounds:

1. Upon information and belief Protestant asserts that there is not sufficient unappropriated groundwater in Spring Valley to provide the water sought in Application Number 54011 and all other pending applications involving the utilization of surface and ground water from that Basin.

2. Upon information and belief Protestant asserts that the appropriation of this water when added to the already approved appropriations to dedicated users in the Spring Valley Basin will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.

3. That the groundwater sought in Application Number 54011 will conflict with and interfere with groundwater sought in previously filed Applications in the Spring Valley Basin as set out a State Engineer's abstract which is hereto as Exhibit "A" fully incorporated herein, said Applications being prior in time to the instant Application and which have not been acted upon by the State Engineer.

4. The granting or approval of the instant Application would conflict with or tend to impair existing water rights in the Spring Valley Basin in that it would exceed the safe yield of the subject basin and unreasonably lower the static water level and sanction water mining which is contrary to public policy in the State of Nevada.

5. That the appropriation of the water sought in the instant Application, when added to the other pending Applications and to the already approved appropriations and dedicated uses in the Spring Valley Basin, will lower the static water level in Spring Valley Basin, will adversely affect the quality of the remaining ground water and will further threaten springs, seeps and phreatophytes which provide water and habitat critical to the use and survival of wildlife, grazing livestock and other surface existing uses.

6. This Application is one of approximately 147 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of approximately 860,000 acre feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy or damage environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

7. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and a water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.

8. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts, socioeconomic impact, and long term impacts on the water resource, threatens to prove detrimental to the public interest.

9. Granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:

- (1) Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
- (2) Prevent or interfere with the conservation and management of those threatened or endangered species;
- (3) Take or harm those endangered species; and
- (4) Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.

10. That the withdrawal of the ground water sought in this Application and/or in conjunction with withdrawal of groundwaters sought in other Applications in Spring Valley included in the water importation project will exceed the annual recharge and safe yield of the basin and will cause the loss of surface plant communities that provide forage and habitat for wildlife and forage for livestock, thus eliminating those uses of the basin.

11. That the granting of this Application together with the companion Applications filed as part of the water importation project will necessitate the Applicant to locate well sites, build road and power lines to each well site, causing surface disturbance and degradation of the environment, including loss of wildlife habitat, wildlife populations, and grazing lands for livestock.

12. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District, and that such waste of water is contrary to public policy in the State of Nevada.

13. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This application should be denied because the Las Vegas Valley Water District has not obtained or demonstrated that it can obtain right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County, and therefore cannot show that the water will ever be placed in beneficial use.

14. The Application should be denied because it individually and cumulatively with other Applications of the water importation project will perpetuate and may increase the inefficient use of water and frustrate efforts of water demand management in the Las Vegas Valley Water District service area.

15. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to placing the water to beneficial use and accordingly, the subject Application should be denied.

16. The above-reference Application should be denied because the Application fails to adequately include the statutorily required information, to wit;

- (1) Description of proposed works;
- (2) The estimated cost of such works;
- (3) The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
- (4) The approximate number of persons to be served and the approximate future requirement.

17. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of the Spring Valley Basin thereby adversely affect phreatophytes and create air contamination and air pollution in

violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.

18. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to guard the public interest properly. This Application and related applications associated with this major withdrawal of groundwater out of the basin cannot properly be determined without an independent, formal and publicly-reviewable assessment of:

- a. cumulative environmental and socioeconomic impacts of the proposed extractions;
- b. mitigation measures that will reduce such impacts of the proposed extractions;
- c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the Las Vegas Valley Water District service area.

19. That this Application should be denied because the Applicant has failed to provide to Protestant relevant information regarding this Application and other Applications which comprise this project as required by N.R.S. 533.363. That the failure to provide such relevant information denies Protestant due process of law under Chapter 533, N.R.S., in that said relevant information may provide Protestant with further meaningful grounds of protest, and that Protestant may be forever barred from submitting such further grounds of protest because the protest period may run before Applicant provides such required information. That the failure of Applicant to provide such information denies Protestant with meaningful opportunity to submit protests to this Application and other Applications included in this project as allowed by Chapter 533, N.R.S.

20. The subject Application should be denied because the population projections upon which the water demand projections are based are unrealistic and ignore numerous constraints to growth, including traffic congestion, increase costs of infrastructure and services, degraded air quality, etc.

21. The subject Application should be denied because previous and current conservation programs instituted by the Las Vegas Water District are ineffective, public-relations oriented efforts that are unlikely to achieve substantial water savings. Public policy and public interest considerations should preclude the negative environmental and socioeconomic consequences of the proposed transfers on areas of origin when the potential water importer has failed to make a good-faith effort to efficiently use currently available supplies.

22. The subject Application should be denied because the enormous costs of the project likely will result in water rate increases of such a magnitude that demand will be substantially reduced, thereby rendering the water transfer unnecessary.

23. The granting or approval of the above-referenced Application would be detrimental to the public interest and is not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.

24. The subject Application should be denied because current and developing trends in housing, landscaping, national plumbing fixture stands, and demographic patterns all suggest that the simplistic water demand forecasts upon which the proposed transfers are based substantially overstate future water demand needs.

25. The subject Application should be denied because the current per capita water consumption rate for the Las Vegas Valley Water District is double that of similarly situated southwestern municipalities. This suggests enormous potential for more cost-effective supply alternatives, including demand management and effluent re-use. These alternatives have not been seriously considered by the Las Vegas Valley Water District.

26. The subject Application should be denied because the enormous costs of the project likely will result in water rate increases of such a magnitude that demand will be substantially reduced, thereby rendering the transfers unnecessary.

27. The subject Application should be denied because the current per capita water consumption rate for the the Las Vegas Valley Water District currently is double that of similarly situated southwestern municipalities. This suggests enormous potential for more cost-effective supply alternatives, including demand management and effluent re-use, which avoid the negative impacts on rural areas of origin and have not been considered.

28. That the State Engineer has previously denied other groundwater Applications submitted by other Applicants in the subject basin, said Applications having been prior in time to the instant Application and those associated with the water importation project. That the grounds of denial for prior Applications should apply equally to the instant Application and if appropriate, should provide grounds to deny the instant Application.

29. Inasmuch as water extraction and the trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the Protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

30. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to this Application and/or to any Application filed that is included in this project and filed pursuant to N.R.S. 533.365.



W A T E R R E S O U R C E S  
WATER RIGHTS SYSTEM  
HYDROGRAPHIC BASIN ABSTRACT  
GROUND WATER

HYDROGRAPHIC AREA: 10-134 SPRING

APP#	CHANGE OF APP#	CERT#	FILING DATE	STAT SRC	POINT OF DIVERSION	DIV RATE (CFS)	TYPE OF USE	ACRES IRRIGATED	ANNUAL
45312			02/17/82	RFA UG	SE 7 13N 67E	0.000	IRD	0.00	0.00
45496		11005	04/22/82	CER UG	SE NW 23 3N 63E	0.120	STK		28.30
45648			05/10/82	PEP UG	NW SE 16 13N 67E	4.500	IRR	270.00	1,080.00
45798		43434	06/16/82	RFA UG	SW NE 36 17N 67E	1.000	IND		0.00
45799		43434	06/16/82	RFA UG	LT 03 1 16N 67E	1.000	IND		0.00
45800		43434	06/16/82	RFA UG	SE SE 2 16N 67E	1.000	IND		0.00
45801		43434	06/16/82	RFA UG	NW SE 11 16N 67E	1.000	IND		0.00
45802		43434	06/16/82	RFA UG	NE SW 14 16N 67E	1.000	IND		0.00
45803		43434	06/16/82	RFA UG	NW SW 23 16N 67E	1.000	IND		0.00
45804		43435	06/16/82	RFA UG	SE SE 34 15N 67E	1.000	IND		0.00
45805		43435	06/16/82	RFA UG	NE SE 2 15N 67E	1.000	IND		0.00
45806		43435	06/16/82	RFA UG	SW SE 11 15N 67E	1.000	IND		0.00
45807		43435	06/16/82	RFA UG	SW SE 14 15N 67E	1.000	IND		0.00
45808		43435	06/16/82	RFA UG	ME NE 35 16N 66E	1.000	IND		0.00
45809		43435	06/16/82	RFA UG	SE SE 35 16N 66E	1.000	IND		0.00

"A"

EXHIBIT

4522851

WATER RESOURCES  
WATER RIGHTS SYSTEM  
HYDROGRAPHIC BASIN ABSTRACT  
GROUND WATER

HYDROGRAPHIC AREA: 10-136 SPRING

APP#	CHANGE OF APP#	CERT#	FILING DATE	STAT SRC	POINT OF DIVERSION	DIV RATE (CFS)	TYPE OF USE	ACRES IRRIGATED	ANNUAL
45810	43436		06/16/82	RFA UG	SE SE 35 15N 66E	1.000	IND		0.00
45811	43436		06/16/82	RFA UG	SE SE 2 14N 66E	1.000	IND		0.00
45812	43436		06/16/82	RFA UG	SE SE 11 14N 66E	1.000	IND		0.00
45813	43436		06/16/82	RFA UG	SE SE 14 14N 66E	1.000	IND		0.00
45814	43436		06/16/82	RFA UG	SE SW 23 14N 66E	1.000	IND		0.00
45815	43436		06/16/82	RFA UG	SW SW 26 14N 66E	1.000	IND		0.00
45816	43437		06/16/82	RFA UG	SE SW 1 15N 66E	1.000	IND		0.00
45817	43437		06/16/82	RFA UG	SE SW 12 15N 66E	1.000	IND		0.00
45818	43437		06/16/82	RFA UG	NW SW 13 15N 66E	1.000	IND		0.00
45819	43437		06/16/82	RFA UG	SE NE 23 15N 66E	1.000	IND		0.00
45820	43437		06/16/82	RFA UG	NE SE 25 15N 66E	1.000	IND		0.00
45821	43437		06/16/82	RFA UG	NW SE 25 15N 66E	1.000	IND		0.00
45822	43438		06/16/82	RFA UG	SE SE 34 14N 66E	1.000	IND		0.00
45823	43438		06/16/82	RFA UG	NW NW 11 13N 66E	1.000	IND		0.00

4420851

W A T E R   R E S O U R C E S  
WATER RIGHTS SYSTEM

HYDROGRAPHIC BASIN ABSTRACT  
GROUND WATER

HYDROGRAPHIC AREA: 10-134    SPRING V

APP#	CHANGE OF APP#	CERT#	FILING DATE	STAT SRC	POINT OF DIVERSION	Q	SEC TWP	RNG	DIV RATE (CFS)	TYPE OF USE	ACRES IRRIGATED	ANNUAL
45825	43438		06/15/82	RFA UG	SW SE 14 13N	65E			1.000	IND		0.00
45825	43433		06/16/82	RFA UG	SW SW 24 13N	65E			1.000	IND		0.00
45827	43438		06/16/82	RFA UG	SW SW 25 13N	66E			1.000	IND		0.00
45825	43439		06/15/82	RFA UG	NW SW 12 12N	64E			1.000	IND		0.00
45829	43439		06/16/82	RFA UG	SW NW 13 12N	66E			1.000	IND		0.00
45830	43439		06/16/82	RFA UG	NW NE 24 12N	66E			1.000	IND		0.00
45831	43439		06/16/82	RFA UG	NE NW 4 13N	67E			1.000	IND		0.00
45832	43439		06/16/82	RFA UG	NE NE 9 13N	67E			1.000	IND		0.00
45833	43439		06/15/82	RFA UG	SE SE 9 13N	67E			1.000	IND		0.00
46097			08/27/82	RFA UG	LT 03 7 14N	67E			2.700	IRD	160.00	640.00
46098			08/27/82	RFA UG	LT 02 7 14N	67E			2.700	IRD	160.00	640.00
46099	42248		09/27/92	RFA UG	NW NW 23 11N	67E			5.400	IRD	0.00	0.00
46100	42251		08/27/82	RFA UG	SE SE 23 11N	67E			5.400	IRD	0.00	0.00
46101	42249		08/27/82	RFA UG	SW SW 23 11N	67E			5.400	IRD	0.00	0.00
46102	42250		08/27/82	RFA UG	NE NE 23 11N	67E			5.400	IRD	0.00	0.00

4520651

N A T E R R E S O U R C E S  
WATER RIGHTS SYSTEM  
HYDROGRAPHIC BASIN ABSTRACT  
GROUND WATER

HYDROGRAPHIC AREA: 10-134 SPRINGS

APP#	CHANGE OF APP#	CERT#	FILL'S DATE	STAT	SPEC	POINT OF DIVERSION	DIV RATE (CFPS)	TYPE OF USE	ACRES IRRIGATED	ANNUAL
42293			08/28/80	RFA	UG	NE NE 5 12N 67E	0.000	IRR	0.00	0.00
42294			08/28/80	RFA	UG	SW SE 5 12N 67E	0.000	IRR	0.00	0.00
42295			08/28/80	RFA	UG	SW NE 5 12N 67E	0.000	IRR	0.00	0.00
42296			08/28/80	RFA	UG	SE NE 12 11N 66E	0.000	IRR	0.00	0.00
42297			08/28/80	RFA	UG	SE SE 12 11N 66E	0.000	IRR	0.00	0.00
42298			08/28/80	RFA	UG	SW NE 30 12N 67E	0.000	IRR	0.00	0.00
42299			08/28/80	RFA	US	SW SE 30 12N 67E	0.000	IRR	0.00	0.00
42300			08/28/80	RFA	UG	SW SW 30 12N 67E	0.000	IRR	0.00	0.00
42301			08/28/80	RFA	UG	SW NW 30 12N 67E	0.000	IRR	0.00	0.00
43434			03/30/81	RFA	US	NE NE 1 14N 66E	4.000	IND	0.00	0.00
43435			03/30/81	RFA	UG	NE NE 2 14N 66E	6.000	IND	0.00	0.00

45798  
45799  
45800  
45801  
45802  
45803

45804  
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45807  
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45809

AR20851

WATER RIGHTS SOURCE  
HYDROGRAPHIC BASIN ABSTRACT  
GROUND WATER

HYDROGRAPHIC AREA: 10-156 SPRING

APP#	CHANGE OF APP#	CERT#	FILING DATE	STAT SRC	POINT OF DIVERSION	DIV RATE (CCFS)	TYPE OF USE	ACRES IRRIGATED	ANNUAL
43436	CHG	BY	45811 45811 45812 45814 45815						
43437	CHG	BY	45817 45818 45819 45820 45821						
43438	CHG	BY	45822 45823 45824 45825 45826 45827						
43439	CHG	BY	45828 45829 45830 45831 45832 45833						
45175									
45287									
45311									

03/30/81

RFA UG NE NE 11 14N 66E

5.000 IND

0.00

03/30/81

RFA UG NE NE 12 14N 66E

5.000 IND

0.00

03/30/81

RFA UG NE NE 13 14N 66E

5.000 IND

0.00

03/30/81

RFA UG NE NE 14 14N 66E

5.000 IND

0.00

12/31/81

RFA UG SE SW 15 14N 67E

5.560 IRR

320.00

0.00

1101Z 02/05/82

CER UG NE SW 12 12N 67E

1.350 IRR

78.20

312.80

02/10/82

RFA UG NE NE 12 13N 67E

0.000 IRR

0.00

0.00

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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY Las Vegas Valley Water Dist.  
ON Oct. 17, 1989, TO APPROPRIATE THE  
WATERS OF Underground Sources

PROTEST

Comes now Candi Tweedy  
whose post office address is 888 Ave O Ely, Nevada 89301  
whose occupation is Babysitter, and protests the granting  
of Application Number 54011, filed on Oct. 17, 1989, 19.....  
by Las Vegas Valley Water District to appropriate the  
waters of Underground Sources situated in White Pine  
County, State of Nevada, for the following reasons and on the following grounds, to wit:  
See Attached Sheet

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 Candi Tweedy  
Candi Tweedy  
Address 888 Ave O  
Ely, Nevada 89301

Subscribed and sworn to before me this 4 day of July 1989.

 **LOIS E. WEAVER**  
Notary Public - State of Nevada  
White Pine County, Nevada  
Appointment Expires OCT. 3, 1990

Lois E. Weaver  
State of Nevada  
County of White Pine

**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

## REASONS AND GROUNDS FOR PROTEST

1. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking to appropriate over 810,000 acre-feet of ground water for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will lower the static water level in this basin, will adversely affect the quality of remaining ground water and will further threaten springs, seeds and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.
2. The appropriation of this water when added to the already approved appropriations and dedicated users in this basin will exceed the safe yield of the basin. Appropriation and use of this magnitude will lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
3. This Application is one of over 140 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of over 860,000 acre-feet of ground and surface water for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the county and area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and water resource plan consideration for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.
5. The granting or approving of the subject Application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it individually and cumulatively with other applications of the water exploration project would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;
  - b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered species; and
  - d. Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
8. The approval of the subject Application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.
9. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained right-of-way for water development on public lands and the transportation of water from the proposed point of diversion to the service area of the Las Vegas Valley Water District in Clark County.
10. This Application should be denied because it individually and cumulatively will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.
11. The Las Vegas Valley Water District lacks the financial capability of transporting water under the subject permit as a prerequisite to putting the water to beneficial use and accordingly, the subject Application should be denied.

12. The above-referenced Application should be denied because the application fails to include the statutorily required:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use; and
  - d. The approximate number of persons to be served and the approximate future requirement.
13. The subject Application should be denied because it individually and cumulatively with other Applications will exceed the safe yield of this basin thereby adversely affecting phreatophytes and create air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
14. This Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to grant the public interest properly. This Application and related applications associated with this major withdrawal out of the basin transfer project cannot properly be determined without an independent, formal and publicly-reviewable assessment of:
  - a. cumulative impacts of the proposed extractions;
  - b. mitigation measures that will reduce the impacts of the proposed extractions;
  - c. alternatives to the proposed extractions, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the LVVWD service area.
15. The undersigned additionally incorporates by reference as though fully set forth herein adopts as its own, each and every other protest to the aforementioned applications filed pursuant to NRS 533.365.
16. In as much as a water extraction and trans-basin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they develop as a result of further study.

STATE ENGINEER'S OFFICE  
RECEIVED

90 JUL-9 4:26



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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY Las Vegas Valley Water District  
ON October 17 19 89, TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

Comes now U.S. Fish and Wildlife Service

Printed or typed name of protestant

whose post office address is 1002 NE Holladay Street, Portland, OR 97232-4181

Street No. or P.O. Box, City, State and Zip Code

whose occupation is conservation, protection, and enhancement of fish, wildlife and their habitat and protests the granting

of Application Number 54011, filed on October 17, 19 89

by Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

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:

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 Marvin L. Plenert

Agent or protestant

Marvin L. Plenert, Regional Director

Address U.S. Fish and Wildlife Service  
1002 NE Holladay St.

Street No. or P.O. Box No.

Portland, OR 97232-4181

City, State and Zip Code No.

Subscribed and sworn to before me this 25th day of June, 19 90

State of Oregon

County of Multnomah

My Commission Expires 11/17/92

**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

The U.S. Fish and Wildlife Service (Service) protests water right applications 53947 through 54036, 54038 through 54066, 54068 through 54092, 54105, and 54106, of which this protest is a part, which were filed by the Las Vegas Valley Water District (LVVWD). Granting the above applications would not be in the public interest and, in addition, would injure the Service's senior water rights.

The currently available information indicates that the impacts, both short and long term, which would result from withdrawal (extraction) of underground water as proposed by LVVWD, would adversely affect the water rights held by the Service and the water available to wildlife and plants in general.

The "underground source" of the water proposed to be appropriated by LVVWD will intercept the source of the water that now maintains the numerous springs, seeps, marshes, streams, and riparian and mesquite habitats that support the wildlife and plant resources including endangered and threatened species in the state of Nevada. These water resources are dependent on the ground water systems from which applicant proposes to tap.

The Service's mission is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. In southern Nevada, the Service manages four National Wildlife Refuges (NWR):

- Ash Meadows NWR. This refuge was established in June 1984 and comprises approximately 23,500 acres of spring-fed wetlands and alkaline desert uplands that provide habitat for numerous plants and animals found nowhere else in the world. Five species at the refuge are listed under the Endangered Species Act, and seven species are threatened. Twenty other species are candidates for listing.
- Desert National Wildlife Range. This refuge was established in 1936 and encompasses over 2,200 square miles. The most important objective is perpetuating the desert bighorn sheep and its habitat. Dependable, year-round water sources located throughout bighorn habitat enable the sheep to use all available habitat which reduces competition for food, cover, water, and space. The Corn Creek Spring ponds on the refuge are the home of the endangered Pahrump poolfish.
- Moapa NWR. This refuge was established in 1979 to secure habitat for the Moapa dace, an endangered minnow endemic to the headwaters of the Muddy River. Historically, the dace was common throughout the headwaters of the Muddy River but in the last decade populations have declined sharply due to habitat destruction and alterations and competition with introduced non-native species.

- Pahranaagat NWR. This refuge was established in 1964 to provide a stopping point for waterfowl and other migratory birds as they migrate south in the fall and back north in the early spring. These waterfowl are attracted by the refuge's 5,380 acres of marshes, open water, native grass meadows, and cultivated croplands. The refuge is the home of the endangered bald eagle and five candidate species.

These four southern Nevada refuges support migratory birds, endangered and threatened species, and other plant and wildlife species. Loss of sufficient water supply to the refuges would eliminate or degrade critical wildlife habitat and could eliminate some or all of the migratory birds, endangered and threatened species, and other wildlife the refuges have been established to protect. This would defeat the very purposes of the refuges and interfere with the Service's mandated responsibilities under the Migratory Bird Treaty Act, 16 U.S.C. § 703 et seq., (MBTA) and the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., among other federal laws. Reducing the refuges' water supply through approval of the applications could also constitute violations of the ESA and MBTA.

In addition to the endangered and threatened species found on the refuges, endangered and threatened species are found at numerous other sites in southern Nevada. Significantly reducing water supplies at these locations would also adversely affect these species. The preamble to the Endangered Species Act states that endangered and threatened species of fish, wildlife and plants . . . "are of aesthetic, ecological, educational, historical, recreational and scientific value to the Nation and its people." Congress, through enactment of the Endangered Species Act, has clearly expressed a national public interest in preserving endangered and threatened plant and animal species.

The Service also has water rights for surface and ground water at each of the four southern Nevada National Wildlife Refuges. Approval of the applications would significantly reduce the water available at the refuges and injure the Service's water rights.

The Fish and Wildlife Service strongly urges the State Engineer to undertake a comprehensive study of the environmental impacts to southern Nevada that the withdrawing of approximately 860,000 acre-feet of water, the amount applied for by the Las Vegas Valley Water District, would have on the hydrologically connected basins in this area of the state prior to approving any of the applications.

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

IN THE MATTER OF APPLICATION NUMBER **54011**

FILED BY **the Las Vegas Valley Water District**

**PROTEST**

ON **October 17, 1989** TO APPROPRIATE THE

**WATERS OF Underground**

Comes now the County of Nye, State of Nevada, whose post office address is P.O. Box 1767, Tonopah, NV, 89049, whose occupation is Political Subdivision, State of Nevada, and protests the granting of Application Number 54011, filed on October 17, 1989, by the Las Vegas Valley Water District to appropriate the waters of Underground situated in White Pine 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 and that an order be entered for such relief as the State Engineer deems just and proper.

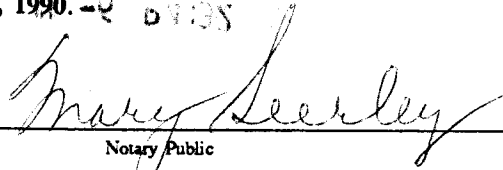
Signed



Stephen T. Bradhurst, Agent

Address: ~~P.O.~~ Box 1510, Reno, NV 89505

Subscribed and sworn to before me this 6th day of July 20, 1990. -2 0935



Notary Public

State of Nevada

County of Washoe



## REASONS AND GROUNDS FOR PROTEST BY NYE COUNTY

The Nye County Board of Commissioners, State of Nevada, does hereby protest the above-referenced Application for the following reasons and on the following grounds, to wit:

1. Upon information and belief protestant asserts that there is not sufficient unappropriated ground water in host water basin to provide the water sought in the above-referenced Application and all other pending applications involving the utilization of surface and ground water from the basin.
2. The appropriation of this water when added to the already approved appropriations and existing uses and water rights in host water basin will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude will lower the water table; degrade the quality of water from existing wells; cause negative hydraulic gradient influences; and threaten springs, seeps and phreatophytes which provide water and habitat that are critical to the survival of wildlife and grazing livestock.
3. The granting or approval of the above-referenced Application would unreasonably lower the water table and sanction water mining, which is contrary to Nevada law and public policy.
4. This Application is one of 146 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of some 864,195 acre-feet of ground and surface water primarily for municipal use in Clark County. Diversion and export of such a quantity of water will deprive the area of origin of the water needed to protect and enhance its environment and economic well-being; and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.
5. The granting or approval of the above-referenced Application in the absence of comprehensive water-resource development planning, including, but not limited to, environmental-impact considerations, socioeconomic-impact considerations, cost/benefit considerations, water-resource evaluation by an independent entity, and a water-resource plan for the Las Vegas Valley Water District (such as is required by the Public Service Commission of water purveyors) is detrimental to the public welfare and interest.
6. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it, individually and together with other applications of the water importation project, would:
  - a. Likely jeopardize the continued existence of endangered and threatened species recognized under the federal Endangered Species Act and related state statutes;

- b. Prevent or interfere with the conservation of those threatened or endangered species;
  - c. Take or harm those endangered or threatened species; and
  - d. Interfere with the purpose for which the federal lands are managed under federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.
7. The granting or approval of the above-referenced Application will sanction and encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District. Said waste of water is contrary to Nevada law and public policy.
8. The subject Application seeks to develop the water resources of, and transport water across, lands of the United States under the jurisdiction of the United States Department of Interior. This Application should be denied because the Las Vegas Valley Water District has not obtained or demonstrated that it can obtain the necessary legal interest (right-of-way) on said lands to extract, develop and transport water from the point of diversion to the point of use in the Las Vegas Valley Water District service area. Therefore, the Las Vegas Valley Water District cannot show that the water will ever be placed in beneficial use.
9. The Application should be denied because it individually and cumulatively with other applications of the water importation project will perpetuate and may increase the inefficient use of water in the Las Vegas Valley Water District service area and frustrate efforts at water-demand management in the Las Vegas Valley Water District service area.
10. The Las Vegas Valley Water District lacks the financial capability for developing and transporting water under the subject permit, which is a prerequisite to putting the water to beneficial use; and accordingly, the subject Application should be denied.
11. The above-referenced Application should be denied because it fails to adequately include the statutorily required information, to wit:
  - a. Description of proposed works;
  - b. The estimated cost of such works;
  - c. The estimated time required to construct the works and the estimated time required to complete the application of water to beneficial use;
  - d. The approximate number of persons to be served and the future requirement; and
  - e. The dimensions and location of proposed water-storage reservoirs, the capacity of the proposed reservoirs, and a description of the lands to be submerged by impounded waters.

12. The subject Application should be denied because it individually and cumulatively with other applications of the proposed project will exceed the safe yield of host water basin thereby adversely affecting phreatophytes and creating air contamination and air pollution in violation of State and Federal Statutes, including, but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.
13. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to properly safeguard the public interest. The adverse effects of this Application and related applications associated with the proposed water appropriation and transportation project (largest appropriation of ground water in the history of the State of Nevada) cannot properly be evaluated without an independent, formal and publicly reviewable assessment of the following:
  - a. The water resources of the proposed area of diversion and the cumulative effects of the proposed diversions;
  - b. Mitigation measures that will reduce the impacts of the proposed extraction; and
  - c. Alternatives to the proposed extraction, including, but not limited to, the alternatives of no extraction and aggressive implementation of all proven and cost-effective water-demand management strategies.
14. The above-referenced Application should be denied because the applicant has failed to provide the protestant relevant information regarding this Application and other applications which comprise the proposed importation project (works) as required by N.R.S. 533.363. The failure to provide such relevant information denies protestant due process of law under Chapter 533, N.R.S., in that said relevant information may provide protestant with further meaningful grounds of protest, and that protestant may be forever barred from submitting such further grounds of protest because the protest period may end before Applicant provides such required information. The failure of applicant to provide such information denies protestant the meaningful opportunity to submit protests to this Application and other applications associated with the water importation project as allowed by Chapter 533, N.R.S.
15. The subject Application should be denied because the population projections upon which the water-demand projections are based are unrealistic and ignore numerous constraints to growth, including traffic congestion, increased costs of infrastructure and services, degraded air quality, protection of rare and endangered species, etc.
16. The subject Application should be denied because previous and current conservation programs instituted by the Las Vegas Valley Water District are inefficient public-relations-oriented efforts that are unlikely to achieve substantial water savings. Public-policy and public-interest considerations should preclude the negative environmental and socioeconomic consequences of the proposed transfers on areas of origin when the potential water importer has failed to make a good-faith effort to efficiently use currently available supplies.

17. The subject Application should be denied because the enormous costs of the project likely will result in water-rate increases of such a magnitude that demand will be substantially reduced, thereby rendering the water transfer unnecessary.
18. The granting or approval of the above-referenced Application would be detrimental to the public interest and not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.
19. The subject Application should be denied because current and developing trends in housing, landscaping, national plumbing-fixture standards and demographic patterns all suggest that the simplistic water-demand forecasts upon which the proposed transfers are based substantially overstate future water-demand needs.
20. The subject Application should be denied because the current per capita water-consumption rate for the Las Vegas Valley Water District is double that of similarly situated southwestern municipalities. This suggests enormous potential for most cost-effective supply alternatives, including demand management and effluent re-use. These alternatives have not been seriously considered by the Las Vegas Valley Water District.
21. The above-referenced Application should be denied because the State Engineer has previously denied other applications for water from the host water basin, said applications having been prior in time to the instant Application and those applications associated with the water importation project. The grounds for denial (e.g., *applicant does not own or control the land on which the water is to be diverted, approval would be detrimental to the public welfare, etc.*) of the prior applications should apply equally to the instant Applicant and provide grounds to deny the instant Application.
22. The granting or approval of the above-referenced Application and the other applications associated with the water-importation project will most likely have a negative impact on Nevada's environment (see the report entitled *Las Vegas Water Importation Project Technology Assessment* by Baughman and Finson). Therefore, the subject Application should be denied by the State Engineer since it is the public policy of the State of Nevada, per Governor Bob Miller's January 25, 1990, State of the State Address, to protect Nevada's environment, even at the expense of growth (see page 11 of the Address).
23. The State Engineer is a member of the State of Nevada Environmental Commission (N.R.S. 445.451). This entity has the duty to prevent, abate and control air pollution in the State of Nevada, including Las Vegas Valley. Air pollution in Las Vegas Valley is so bad that the Valley has been classified a non-attainment area for national and state ambient air-quality standards for CO and PM10. The Las Vegas Valley Water District applications for water from central, eastern and southern Nevada are for the purpose of securing water to encourage and support future growth in Las Vegas Valley. The State Engineer should deny the above-referenced Application and the other applications associated with the water-importation project since more water means more growth—therefore, more air



pollution. The State Engineer should be taking steps to ameliorate the air-quality problem in Las Vegas Valley, not exacerbate it. The State Engineer, along with the other members of the Environmental Commission, has the legal and moral responsibility to prevent air pollution in Las Vegas Valley. Therefore, the Commission should protest the subject application and the other applications associated with the growth-inducing project.

24. The above-referenced Application should be denied because economic activity in the area of the proposed point of diversion is water-dependent (e.g., grazing, recreation, etc.); and a reduction in the quantity and/or quality of water in the area would adversely impact said activity and the way of life of the area's residents.
25. The above-referenced Application and the other applications associated with the water-importation project should not be approved if said approval is influenced by the State Engineer's desire or need to ensure that there is sufficient water for those lots and condominium units created in Las Vegas Valley by subdivision maps. These maps were approved by the State Engineer, and he certified that there is sufficient water for the lots and units created by the maps. If there is not sufficient water for these lots and units, then Clark County water resources (e.g., water created by conservation, water saved by re-use, etc.) should be developed and assigned to the water-short lots and units.
26. On information and belief the Las Vegas Valley Water District applications to appropriate water from central, eastern and southern Nevada should be denied since the District has not shown a need for the water and the feasibility (technical and financial) of the water-importation project. The District's need for the water and the feasibility of the water-importation project should be components of a water-resource plan approved by the Public Service Commission of Nevada (see N.R.S. 704.020(2)(b)).
27. Las Vegas Valley Water District public statements and written material indicate that approximately 61 percent of the water rights sought by the District (via the 146 applications) are to be temporary water rights. But, the applications (146) state the water is to be used on a permanent basis. Therefore, the subject applications, including the above-referenced Application, should be denied because the public has been denied relevant information and due process.
28. The above-referenced Application and the other applications associated with the water-importation project should be denied since removing water from central, eastern and southern Nevada to Las Vegas Valley will adversely impact economic activity (current and future) of the water-losing area. Some of the economic impacts are as follows:
  - a. *Agriculture:* The combination of sunlight, water resources (ground water and geothermal sources), technology for intensified forms of agriculture, and growing markets (particularly in Las Vegas and Los Angeles) might create conditions for new agricultural development. A lack of water resources that can be developed would foreclose these additions to the economy of the region and the state:

- Fish farming using thermal springs
- Truck gardens or cotton crops
- Greenhouses for flowers or hydroponic vegetables, either alone or in conjunction with electric cogeneration plants.

In addition, the removal of ground water might damage the existing agricultural economy of the area by decreasing grazing available for cattle and sheep and decreasing crops like hay. Water rights are often gained by the purchase of agricultural land that has the water rights attached; then the purchaser takes the land out of agricultural production and removes the water to another, non-agricultural use. The three counties most affected by the granting of Las Vegas Valley Water District's applications—Nye, White Pine and Lincoln—had combined sales of cattle of over \$7,000,000 in 1987 and combined sales of other agricultural products of \$3,500,000 in the same year, according to the U.S. Department of Commerce. Removal of ground water could affect existing water sources for irrigating hay, and decrease forage available for cattle and sheep to the detriment of the agricultural segment of the economy of the three counties.

- b. *Power Generation and Transmission:* The removal of ground water could inhibit or preclude opportunities for power production, which generally uses water for cooling and in steam generation. The transmission lines developed to connect the White Pine and Thousand Springs Power Plants to the regional grid (with connection point in Henderson from White Pine), linked to electric-power-hungry markets in Las Vegas and southern California, might offer economic development potentials:
- Production of electric power from geothermal sources could be connected to the transmission line for sales in the region or outside the state
  - Electric generation from locally produced natural gas or oil, or from natural gas from the Kern River Pipeline, could also be connected to the grid
  - Costs of solar power are declining and, under certain circumstances, are similar to other power production. Nevada's climate and open spaces, combined with access to a transmission line, could make solar-power production attractive.

Just as importantly, solar-, geothermal- and thermal-power production could provide inexpensive power for new dispersed activities in the three counties that are not now close enough to the electric grid for economic tie-in.

- c. *Mineral Extraction:* Oil and natural gas offer major (though as yet highly uncertain) prospects. There is informed speculation that this area is the last major unexplored resource in the continental United States. Dwindling supplies elsewhere, in combination with reduction of imports, could produce important opportunities in Nevada. The development of other mineral resources is likely, and some could be of significant scale (e.g., Bond Gold), either as now, transported to linked industries, or as an attraction for co-location (see below).

Gold, however, is not the only mineral found in minable quantities and qualities in the region. Silver, molybdenum, and copper also are an important part of the economies of the three counties and so, to a lesser degree, is the extraction of mercury, fluorspar, calcium borate, zinc, lead and perlite. Each of these minerals is currently being produced in the region. As demand in the world changes for minerals, these and others may make important contributions to the region's and the state's economy. The effect on mining of removal of ground water from the region should be fully understood before the applications are approved.

- d. *Manufacturing:* Space-requiring industries (e.g., Aero-Jet, Southern California Aerospace, etc.), which are increasingly constrained in the Los Angeles metroplex, could choose locations in the Nevada desert, particularly if other infrastructure (rail, highways, electric power, water, etc.) were available. Those interested could include:
- Manufacturers requiring Nevada's clean air or large expanses of uninhabited land
  - Industry serving the U.S. Departments of Defense and Energy
  - Producers of gaming devices or photovoltaic equipment
  - Manufacturers dependent upon minerals extracted in Nevada, or serving those industries.
- e. *Tourism:* Though slow to develop, tourism and travel could increase between Interstate Highways 80 and 15. Development could include facilities such as attractions for those enjoying Nevada's laws on gaming, and health spas centered around thermal hot springs and Nevada's clean air and quiet, empty landscapes.

Geothermal wells deserve particular mention regarding tourism. The region has many documented geothermal sources with varying temperatures suitable for a variety of uses. It is widely believed that the extraction of ground water will decrease the flow of these springs before their potential is fully developed. The Japanese, for instance, especially enjoy thermal waters and often make them a part of their vacations as well as daily life; Europeans have flocked to health spas for centuries. It is possible that geothermal springs could be developed into a lucrative tourist attraction, but not if the ground water is so depleted that it reduces or eliminates geothermal sources.

Wildlife could also be adversely affected. The National Park Service, in a publication about outside threats to Death Valley, says that "Environmental impacts are probable to . . . Sunnyside/Kirch Wildlife Management Area, Railroad Valley wetlands areas, Key Pittman Wildlife Management Area, Pahrangat National Wildlife Refuge, and the Ash Meadows National Wildlife Refuge if the [LVVWD] applications are approved." Damage to or loss of wildlife areas could cause a decline in tourist visits to the region and prevent expansion.

An unpublished assessment of Las Vegas Valley Water District's project by Mike L. Baughman reports that the three counties "contained 275 [water-

related recreational] sites . . . estimated to support in excess of 700,000 resident recreation visitor days." Nevadans, as well as tourists from other areas, may mourn damage to these recreational sites.

- f. *Concentration of Population:* The state of Nevada should consider the important public-policy issues concerning dispersal of population, which are an inherent, if unspoken, part of the debate on appropriation of the region's water. Some of those issues are:
- Whether foreclosure (because of insufficient water) of economic prospects outlined above preclude a more effectively and efficiently organized state of Nevada, from both an economic and a political point of view
  - Whether a large (\$1.5 billion) investment in infrastructure in rural Nevada could be used to encourage a growth pattern different from and superior to the current concentration in Reno and Las Vegas
  - Equity issues in the lack of representation of the state's rural population in state decision-making
  - Beneficial use of sparsely populated land areas.
- g. *Interrelationships:* Many of the economic potentials are interrelated to, and even dependent upon, each other:
- If sufficient water is unavailable for electric-power generation, not only is electric power not produced and sold, but dispersed manufacturing or development of tourist attractions will not occur.
  - If the water table is lowered sufficiently to reduce or stop the flow of thermal springs, fish farming will not develop, and related industries such as manufacturing of packing materials or frozen-food packing plants will not be built
  - Without sufficient water for growth in residential use, even industries that use little or no water may be unable to locate in central and eastern Nevada. Any impact assessment that projected increases in population would trigger a requirement for additional water resources, a requirement that could not be met.

When water that has remained underground for 10,000 years is removed at a rate that is (even temporarily) faster than it can be recharged, that action will change the future of Nevada unalterably. It is critical that the decision-making process that concerns exporting water from rural to urban counties fully addresses the complex nature of a region's economic potentials.

29. Inasmuch as a water extraction and transbasin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse effects without further information and study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.

30. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to this Application and/or any application filed that is associated with the water-importation project and filed pursuant to N.R.S. 533.365.

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

IN THE MATTER OF APPLICATION NUMBER 54011  
FILED BY LAS VEGAS VALLEY WATER DISTRICT  
ON OCTOBER 17, 1989, TO APPROPRIATE THE  
WATERS OF UNDERGROUND

PROTEST

Comes now Owen R. Williams, on behalf of the United States Department of the Interior, National Park Service, whose post office address is 301 S. Howes Street, Room 353, Fort Collins, Colorado, 80521, whose occupation is Chief, Water Rights Branch, Water Resources Division, National Park Service, and protests the granting of Application Number 54011, filed on October 17, 1989, by Las Vegas Valley Water District to appropriate the water of Underground Basin 184, SPRING VALLEY, situated in WHITEPINE County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Exhibits A through B attached.

THEREFORE the protestant requests that the application be denied (See Exhibit C, attached).

Signed *O R Williams*  
Agent or protestant

Owen R. Williams  
Printed or typed name, if agent

Address 301 South Howes St., Room 353  
Street No. or P.O. Box No.

Fort Collins, CO 80521  
City, State and Zip Code No.

Subscribed and sworn to before me this 5<sup>th</sup> day of July, 1990.

*Joseph R. [Signature]*  
Notary Public

State of Colorado

County of Larimer

My Commission expires 3/10/91.

OK  
JW

IN THE MATTER OF APPLICATION 54011

EXHIBIT A

Protest by Owen R. Williams, on behalf of  
the United States Department of the Interior,  
National Park Service

- I. The mission of the National Park Service (NPS) may be paraphrased from 16 U.S.C. 1 as conserving the 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. Great Basin National Park (Great Basin NP) was created by Congressional Act in 1986, "...to preserve for the benefit and inspiration of the people a representative segment of the Great Basin of the Western United States possessing outstanding resources and significant geologic and scenic values..."

Water resources at Great Basin NP include lakes, streams, springs, seeps, and ground water. Associated with these are various water-related resource attributes. Two examples are described. (1) Pine and Ridge Creeks which headwater within Great Basin NP and flow into Spring Valley, provide habitat for the Bonneville Cutthroat trout (Oncorhynchus clarki Utah). This fish species is considered by the U.S. Fish and Wildlife Service as a candidate species for threatened status under the Endangered Species Act, and is listed by the Nevada Department of Wildlife as a state sensitive species. (2) In addition to Lehman Caves, discussed in more detail in II. below, there are approximately 30 known caves within Great Basin NP. There may well be cave systems within Great Basin NP which have not yet been discovered. Ground water is important in maintaining cave features and is thought to play an important role in cave ecology.

The public interest will not be served if water and water-related resources in the nationally important Great Basin NP are diminished or impaired as a result of the appropriation proposed by this application.

- II. In the legislation establishing Great Basin NP, Congress explicitly excluded the establishment of any new Federal reserved water right, but stated that the United States was entitled to reserved rights associated with the initial establishment and withdrawal of Humboldt National Forest and Lehman Caves National Monument. The priority dates for these reserved rights are the dates of initial establishment of national forest lands and Lehman Caves National Monument, and are senior to the appropriation sought by this application. These reserved rights have not been judicially quantified.

Ground water plays an important role in maintaining the features of Lehman Caves. The caves contain living limestone formations, such as stalactites, stalagmites, plate-like shields, cave coral, rimstone dams,

IN THE MATTER OF APPLICATION 54011

EXHIBIT A (Continued)

Protest by Owen R. Williams, on behalf of  
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National Park Service

curling helictites, flowstone, and draperies. However, little is known about the ecology of the caves and the role played by water.

If the diversion proposed by this application causes ground-water levels in the vicinity of Lehman Caves to drop and/or alters the direction of ground-water movement, ground-water flow in Lehman Caves will be reduced or eliminated. The senior NPS reserved water rights, water resources, and water-related resource attributes will thus be impaired.

- III. The NPS holds a water right to Cave Springs (proof 01065), with a priority date of 1890, which was decreed October 1, 1934. By Application Number 20794, Certificate Record No. 7573, the point of diversion, manner and place of use were changed. The point of diversion is within the SW1/4 NE1/4 Sec. 9, T13N R69E, MDBM. This right provides water for the current visitor center, picnic area, maintenance area, trailer dump station, and park housing; and for the watering of lawns and a historic orchard.

If the diversion proposed by this application causes ground-water levels in the vicinity of Cave springs to drop and/or alters the direction of ground-water movement, ground-water flow to Cave Springs will be reduced or eliminated. The senior NPS water right for Cave Springs will thus be impaired.

- IV. Located near the town of Baker, in the E1/2 NW1/4 Sec. 9 T13N R70E, MDBM, is an administrative site on public domain land which was withdrawn from entry for use by the United States Forest Service (USFS). The NPS currently uses the site as a ranger station, office and residence, with water supplied by a well developed when the USFS occupied the site.

This site is under consideration for development by the NPS in the General Management Plan for Great Basin NP, a draft of which is scheduled for release in January 1991. The site would likely include administrative offices, a park maintenance facility, and residences for park staff including up to 6 single-family dwellings and an apartment unit housing 30 people. Adequate facilities of this kind are vital to the protection and management of the nationally important Great Basin NP for the benefit and inspiration of the people.

By virtue of the primary USFS withdrawal still in effect for this site, the United States has Federal reserved water rights for the purposes of the withdrawal, which include use as a ranger station with supporting



IN THE MATTER OF APPLICATION 54011

EXHIBIT A (Continued)

Protest by Owen R. Williams, on behalf of  
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National Park Service

facilities. The priority dates for the reserved rights are the dates upon which land was withdrawn for use by the USFS. These reserved rights have not been judicially quantified.

The United States also holds a portion of proof 01066, assigned on June 29, 1945. Proof 01066 is a water right decreed on October 1, 1934. The United States entitlement to this right is 0.38 cubic feet per second in summer and 0.13 cubic feet per second in winter.

If the water supply for this administrative site is diminished or impaired as a result of the appropriation proposed by this application, the public interest will not be served and the United States senior Federal reserved and decreed water rights will be impaired.

- V. As mentioned in item IV. above, the NPS is preparing a General Management Plan for Great Basin NP, scheduled for release in January 1991. The plan contemplates the construction of a visitor center in Great Basin NP, to be located between Baker and Lehman Creeks, within T14N R69E, MDBM. It is anticipated that the water supply for the new visitor center will be from a well. As the Baker and Lehman Creek stream system is not presently within a designated ground-water basin and the plan has not yet been finalized, the NPS has not applied for a water right permit.

If this application and Las Vegas Valley Water District's (LVVWD) other applications within Snake Valley and Spring Valley Basins are approved, there will be no water available for future appropriations. The new facilities planned for Great Basin NP are for the benefit and inspiration of the people. In addition, the park attracts tourists to the area and is important to the local economy. Thus, it would not be in the public interest to approve this and other applications within Snake Valley and Spring Valley Basins.

- VI. The diversion proposed by this application is located in the carbonate-rock province of Nevada. The carbonate-rock province is typified by complex interbasin regional flow systems that include both basin-fill and carbonate-rock aquifers (Harrill, et al., 1988, Sheet 1). Ground water flows along complex pathways through basin-fill aquifers, carbonate-rock aquifers, or both, from one basin to another. Ground-water flow system boundaries, and thus interbasin ground-water flows, are poorly defined for most of the carbonate-rock province (Harrill, et al., 1988, Sheet 1).

**IN THE MATTER OF APPLICATION 54011**

**EXHIBIT A (Continued)**

**Protest by Owen R. Williams, on behalf of  
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National Park Service**

The proposed diversion is located in Snake Valley or Spring Valley. Great Basin NP encompasses part of the Snake Range which separates the two valleys. Lehman Caves and the administrative site near Baker, Nevada, are along the eastern flank of the range. Part of the range is composed of carbonate rocks which have been strongly deformed by folding and repetitive faulting. Some water is transmitted through pore space in the carbonate rock. However, connected solution cavities and fractures in the carbonate rock provide conduits for more rapid transmission of ground water.

The basin-fill and carbonate-rock aquifers in Snake, Hamlin, and Spring Valleys are part of a regional ground-water flow system which discharges in the Great Salt Lake Desert (Hood and Rush, 1965; Dettinger, 1989; and Harrill, et al., 1988, Sheet 2). A regional ground-water potential map prepared by Harrill, et al. (1988, Figure 5, Sheet 1), indicates general regional ground-water movement from Spring Valley to Snake Valley.

Rush and Kazmi (1965) estimated that about 4,000 acre-feet of ground water per year flows from Spring Valley to Hamlin Valley through the carbonate rocks in the Snake Range separating these two valleys. Ground water beneath Hamlin Valley is discharged into aquifers beneath Snake Valley (Hood and Rush, 1965, Plate 1; Harrill, et al., 1988, Sheet 2). The quantity of discharge is only a rough estimate, and may be much larger or smaller. Where carbonate rocks separate Spring Valley and Snake Valley, other potential areas for the movement of ground water between Spring and Snake Valleys occur.

Available scientific literature is not adequate to reasonably assure that the ground-water appropriation proposed by this application will not impact water resources and water-related resources of Great Basin NP and the United States senior water rights. Scientific literature does indicate, however, that the aquifers beneath Hamlin, Snake, and Spring Valleys are hydraulically connected. Large diversions, such as that proposed by this application, may impact the water resources of Great Basin NP and the United States water rights in Snake and Spring valleys.

VII. Besides this application, the LVVWD has submitted 18 additional applications to appropriate ground water in Basin 184, SPRING VALLEY (Exhibit B).

A. Diversions proposed by these applications would be about 91282 acre-feet per year.

IN THE MATTER OF APPLICATION 54011

EXHIBIT A (Continued)

Protest by Owen R. Williams, on behalf of  
the United States Department of the Interior,  
National Park Service

- B. As of December 1988, committed diversions of 35800 acre-feet per year and an estimated perennial yield of 100000 acre-feet per year were reported for Basin 184, SPRING VALLEY (Nevada Department of Conservation and Natural Resources, 1988).
- C. The sum of the committed diversions and the diversions proposed by the LVVWD applications in this basin exceeds the estimated recharge of 75000 acre-feet per year (Harrill, et al., 1988, Sheet 2; Eakin et al., 1976) by 52082 acre-feet per year and the estimated perennial yield by 27082 acre-feet per year.

An overdraft of ground-water resources is expected to occur. The overdraft will cause ground-water levels to decline, alter the direction of ground-water flow, dry up playas, reduce or eliminate spring and stream flows, and cause land subsidence and fissuring. The cumulative effects of these diversions in this basin are expected to cause impacts at Great Basin NP and at the administrative site near Baker, Nevada, to occur more quickly and/or to a greater degree than diversions under this application alone. The diversions proposed by LVVWD in this basin exceed the water available for appropriation. The impacts described above are not in the public interest.

VIII. It should be noted also, that the LVVWD has submitted 28 applications which propose the appropriation of 196 cubic feet per second (141994 acre-feet per year) of ground water from the aquifers beneath Snake Valley and Spring Valley Basins (Exhibit B). The diversions proposed by LVVWD in these basins exceed the water available for appropriation. The cumulative effects of these diversions is expected to cause the impacts described in VII. above, to appear more quickly and/or to a greater degree than diversions within the subject ground-water basin, or under this application alone. This conclusion is supported by the following.

- A. Harrill, et al. (1988, sheet 2) show an estimated ground-water recharge of 177000 acre-feet per year for the Spring Valley, Hamlin Valley, and Snake Valley Basins. This estimate includes ground-water recharge for Basin 194, Pleasant Valley. Eakin, et al. (1976, Table 8) show an estimated ground-water recharge of 129000 acre-feet per year for these basins.
- B. As of December 1988, the latest available estimate of committed diversions for the basins was 41535 acre-feet per year (Nevada Department of Conservation and Natural Resources, 1988).

**IN THE MATTER OF APPLICATION 54011**

**EXHIBIT A (Continued)**

**Protest by Owen R. Williams, on behalf of  
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- C. The sum of the committed diversions and the diversion rate proposed by the applications in these basins--183529 acre-feet per year--exceeds the estimated recharge rate shown by Harrill, et al., (1988, Sheet 2) by 6529 acre-feet per year, and the estimated recharge rate shown by Eakin, et al., (1976, Table 8) by 54529 acre-feet per year.
- IX. In this application, the point(s) of discharge for return flow (treated effluent) has or have not been specified. However, the possibility exists that the return flow may be discharged into a hydrologic basin other than the basin of origin. This being the case, depletions to ground-water basins tributary to aquifers beneath Snake and Spring valleys, and hence impacts to Great Basin NP (including Lehman Caves) and the water supply for the administrative site, will occur more quickly and/or in greater magnitude if return flow (or treated effluent) is not discharged in the basin of origin.
- X. According to NRS 533.060, "Rights to the use of water shall be limited and restricted to so much thereof as may be necessary, when reasonably and economically used for irrigation and other beneficial purposes..." Further, NRS 533.070 states that "The quantity of water from either a surface or underground source which may hereafter be appropriated in this state shall be limited to such water as shall reasonably be required for the beneficial use to be served." Implicit in these statements is a prohibition against waste and unreasonable use of water. It is unclear whether the quantity of water contemplated by this application, individually and in combination with applications 53947 through 54036, 54038 through 54066, 54068 through 54076, 54105, and 54106 by the LVVWD, is necessary and is an amount reasonably required for municipal and domestic purposes. Past open and notorious practices would indicate otherwise.
- XI. The application does not clearly indicate the place of use, the description of proposed works, estimated cost of works, number and type of units to be served, or annual consumptive use. Nor, as described in X. above, is it clear that the appropriation sought is necessary and is in an amount reasonably required for the beneficial use to be served. Therefore, the application is defective and should be summarily rejected by the State Engineer.
- XII. In sum, the NPS protests the granting of Application Number 54011, submitted by the LVVWD to appropriate and divert ground water, on the following grounds.

**IN THE MATTER OF APPLICATION 54011**

**EXHIBIT A (Continued)**

**Protest by Owen R. Williams, on behalf of  
the United States Department of the Interior,  
National Park Service**

- A. The public interest will not be served if water and water-related resources in the nationally important Great Basin NP are diminished or impaired as a result of the appropriation proposed by this application.**
- B. If the diversion proposed by this application causes ground-water levels in the vicinity of Lehman Caves to drop and/or alters the direction of ground-water movement, ground-water flow in Lehman Caves will be reduced or eliminated. The senior NPS reserved water rights will thus be impaired.**
- C. If the diversion proposed by this application causes ground-water levels in the vicinity of Cave springs to drop and/or alters the direction of ground-water movement, ground-water flow to Cave Springs will be reduced or eliminated. The senior NPS water rights for Cave Springs will thus be impaired.**
- D. If the water supply for the administrative site near Baker, Nevada, is diminished or impaired as a result of the appropriation proposed by this application, the public interest will not be served and the United States senior Federal reserved and decreed water rights will be impaired.**
- E. If this application and LVVWD's other applications within Snake Valley and Spring Valley Basins are approved, there may be no water available for future appropriations. Facilities at Great Basin NP for the benefit and inspiration of the people will not be possible without a dependable water supply. It is not in the public interest to approve this and other applications within Snake Valley and Spring Valley Basins.**
- F. Available scientific literature is not adequate to reasonably assure that the ground-water diversion proposed by this application will not impact the senior water rights of the United States at Great Basin NP and the administrative site near Baker, Nevada. The State Engineer will, therefore, be unable to make a determination that injury will not be manifest upon other water users, including the NPS.**
- G. The cumulative effects of the diversion proposed by this application and other applications within this basin (Exhibit B) will impair the senior water rights of the United States more quickly and/or to a greater degree than diversions under this**

**IN THE MATTER OF APPLICATION 54011**

**EXHIBIT A (Continued)**

**Protest by Owen R. Williams, on behalf of  
the United States Department of the Interior,  
National Park Service**

application alone. The diversions proposed by LVVWD in this basin exceed the water available for appropriation. These impacts are not in the public interest.

- H. The cumulative effects of the diversion proposed by this application and other applications in Basins 184 and 196 will impair the senior water rights of the United States more quickly and/or to a greater degree than diversions within the subject ground-water basin, or under this application alone. The diversions proposed by LVVWD in these basins exceed the water available for appropriation.
- I. Depletions to ground-water basins tributary to aquifers beneath Snake and Spring valleys, and hence impacts to Great Basin NP (including Lehman Caves) and the water supply for the administrative site, will occur more quickly and/or in greater magnitude if return flow (or treated effluent) is not discharged in the basin of origin.
- J. It is unclear whether the quantity of water claimed by this application, individually and in combination with applications 53947 through 54036, 54038 through 54066, 54068 through 54076, 54105, and 54106, is necessary and is an amount reasonably required for municipal and domestic purposes.
- K. The application does not clearly indicate the place of use, the description of proposed works, estimated cost of works, number and type of units to be served or annual consumptive use. Nor is it clear that the appropriation sought is necessary and is in an amount reasonably required for the beneficial use to be served. Therefore the application is defective and should be summarily rejected by the State Engineer.

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

IN THE MATTER OF APPLICATION 54011

EXHIBIT B

Protest by Owen R. Williams on behalf of  
the United States Department of the Interior,  
National Park Service

The following applications were submitted by the Las Vegas Valley Water District for appropriations in Basins 184 and 195 (Nevada Division of Water Resources, 1990).

Appli- cation no.	Basin no.	Basin Name	Proposed diversion rate, ft <sup>3</sup> /s
54003	184	SPRING VALLEY	6
54004	184	SPRING VALLEY	6
54005	184	SPRING VALLEY	6
54006	184	SPRING VALLEY	6
54007	184	SPRING VALLEY	6
54008	184	SPRING VALLEY	6
54009	184	SPRING VALLEY	6
54010	184	SPRING VALLEY	6
54011	184	SPRING VALLEY	6
54012	184	SPRING VALLEY	6
54013	184	SPRING VALLEY	6
54014	184	SPRING VALLEY	6
54015	184	SPRING VALLEY	6
54016	184	SPRING VALLEY	6
54017	184	SPRING VALLEY	6
54018	184	SPRING VALLEY	6
54019	184	SPRING VALLEY	10
54020	184	SPRING VALLEY	10
54021	184	SPRING VALLEY	10
54022	195	SNAKE VALLEY	6
54023	195	SNAKE VALLEY	6
54024	195	SNAKE VALLEY	6
54025	195	SNAKE VALLEY	6
54026	195	SNAKE VALLEY	10
54027	195	SNAKE VALLEY	10
54028	195	SNAKE VALLEY	10
54029	195	SNAKE VALLEY	10
54030	195	SNAKE VALLEY	6
Total			196

IN THE MATTER OF APPLICATION 54011

EXHIBIT C

Protest by Owen R. Williams, on behalf of  
the United States Department of Interior,  
National Park Service

The National Park Service (NPS) requests that the application be denied. Further, none of the information which follows should be construed to indicate that the NPS asks for anything less than denial of the application.

If the application is approved, the NPS requests the following.

- I. The NPS does not wish to impede any legitimate ground-water development in the State of Nevada, which will not impair the senior water rights, water resources and water-related resource attributes of Great Basin National Park (Great Basin NP) and the administrative site near Baker, Nevada. However, reports by Hood and Rush (1965), Rush and Kazmi (1965), Harrill, et al. (1988, Sheet 1), and Dettinger (1989) indicate that Basins 184, 185, 195, and 196 are hydraulically connected. Therefore, the NPS requests that the State Engineer establish the above-listed ground-water basins as one designated ground-water basin.

The designation would assist in protecting the interests of the NPS, the Las Vegas Valley Water District (LVVWD), the people of the United States, and the people of the State of Nevada. If this request is denied, the NPS requests that the State Engineer establish the above-mentioned basins as separate designated ground-water basins.

- II. The NPS further requests that, if the application is approved, the permit be conditioned by the following.
  - A. The LVVWD shall conduct a scientific ground-water investigation of basin-fill, volcanic, and carbonate-rock aquifers to determine the hydrologic relationship between Basin 184, SPRING VALLEY, and the water resources of Great Basin NP and the administrative site near Baker, Nevada.
  - B. The LVVWD shall establish and operate a long-term monitoring program designed to detect any potential impacts to water resources of Great Basin NP and the administrative site near Baker, Nevada, directly or indirectly incident to the appropriation described by the application.
  - C. The LVVWD plans for monitoring and investigating ground-water resources shall be subject to the approval of the NPS and the State Engineer and shall include quality assurance protocol acceptable to the above-mentioned parties.



**IN THE MATTER OF APPLICATION 54011**

**EXHIBIT C (Continued)**

**Protest by Owen R. Williams, on behalf of  
the United States Department of the Interior,  
National Park Service**

- D. The LVVWD shall quarterly, or at another mutually acceptable frequency, provide all data collected and analyses completed to the NPS and the State Engineer.**
  - E. The LVVWD shall cease pumping ground water, or reduce the level of pumping to the no impact level, in the event that analyses by the NPS or the State Engineer create a reasonable expectation that the senior water rights of the United States at Great Basin NP and/or the administrative site near Baker, Nevada, will be impaired by pumping permitted under this application.**
- III. The NPS reserves the right to amend this exhibit as more information becomes available.**

IN THE MATTER OF APPLICATION 54011

REFERENCES CITED

Protest by Owen R. Williams, on behalf of  
the United States Department of Interior,  
National Park Service

Dettinger, M.D., 1989. Distribution of carbonate-rock aquifers in southern Nevada and the potential for their development, Summary of Findings, 1985-88: Program for the Study and Testing of Carbonate-Rock Aquifers in Eastern and Southern Nevada Summary Report No. 1, 37 p.

Eakin, T.E., Price, D., and Harrill, J.R., 1976. Summary of the Nation's Ground-water Resources-Great Basin Region. U.S. Geological Survey Professional Paper 813-G, pp. G1-G37.

Harrill, J.R., Gates, J.S., and Thomas, J.M., 1988. Major ground-water flow systems in the Great Basin region of Nevada, Utah, and adjacent states: U.S. Geological Survey Hydrologic Investigations Atlas HA-694-C, 2 sheets.

Hood, J.W., and Rush, F.E., 1965. Water-resources appraisal of the Snake Valley area, Utah and Nevada: Utah State Engineer Technical Publication 14, 43 p.

Nevada Department of Conservation and Natural Resources, 1988. Hydrographic Basin Statistical Summary, Ground Water Basins 001-232: unpublished report, Division of Water Resources and Water Planning, Carson City, Nevada.

Nevada Division of Water Resources, 1990. Abstract of Filings of Las Vegas Valley Water District, dated May 9, 1990.

Rush, F.E., and Kazmi, S.A.T., 1965. Water resources appraisal of Spring Valley, White Pine, and Lincoln Counties, Nevada: Nevada Department of Conservation and Natural Resources Water Resources Reconnaissance Series Report 33, 36 p.

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

IN THE MATTER OF APPLICATION NUMBER 54011

FILED BY Las Vegas Valley Water District

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF 184-9A, SPRING VAL. WP NV

PROTEST

RECEIVED

JUL 05 1990

Div. of Water Resources  
Branch Office - Las Vegas, NV

Comes now The Unincorporated Town of Pahrump

Printed or typed name of protestant

whose post office address is P.O. Box 3140, Pahrump, Nevada, 89041

Street No. or P.O. Box, City, State and Zip Code

who ~~is~~ holds the trust for the people of Pahrump, and protests the granting

of Application Number 54011, filed on October 17, 1989

by Las Vegas Valley Water District

Printed or typed name of applicant

to appropriate the

waters of BASIN NO. 184-9A, SPRING VALLEY

Underground or name of stream, lake, spring or other source

situated in WHITE PINE

County, State of Nevada, for the following reasons and on the following grounds, to wit:

(SEE ADDENDUM)

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 Marvin Veneman

Agent or protestant

Marvin Veneman, Town Board Chairman

Printed or typed name, if agent

Address P.O. Box 3140

Street No. or P.O. Box No.

Pahrump, Nevada 89041

City, State and Zip Code No.

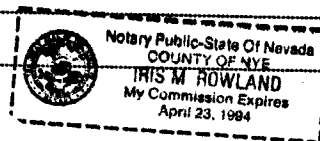
Subscribed and sworn to before me this 29 day of June, 1990

Iris M Rowland

Notary Public

State of \_\_\_\_\_

County of \_\_\_\_\_



**\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

OK

**"ADDENDUM"**  
**THE UNINCORPORATED TOWN OF PAHRUMP**  
**PROTEST THE AFOREMENTIONED APPLICATION**  
**FOR THE FOLLOWING REASONS AND ON THE**  
**FOLLOWING GROUNDS, TO WIT:**

1. This Application is one of 146 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of some 864,195 acre feet of ground and surface water primarily for municipal use in Clark County. Diversion and export of such a quantity of water will deprive the area of origin of the water needed to protect and enhance its environment and economic well being, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

2. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost considerations, socioeconomic impact considerations, and a water resource plan (such as is required by the Public Service Commission of private purveyors of water) for the Las Vegas Valley Water District Service area is detrimental to the public welfare in interest.

3. The approval of the subject application will sanction and encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District.

4. The subject Application seeks to develop and transport water resources on and across lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This Application should be denied because the Las Vegas Valley Water District has not obtained the necessary legal interest (e.g., right-of-way) in the federal land such that the applicant may extract, develop and transport water resources from the proposed point of diversion to the proposed place of use.

5. The Application should be denied because it individually and cumulatively with other applications of the water importation project will perpetuate and may increase the inefficient use of water in the Las Vegas Valley Water District service area and frustrate efforts at water demand management in the Las Vegas Valley Water District service area.

6. The Las Vegas Valley Water District lacks the financial capability for developing and transporting water under the subject permit which is a prerequisite to putting the water to beneficial use.

7. The above-referenced Application should be denied because it fails to include the statutory required:

- (a) Description of the place of use;
- (b) Description of the proposed works;
- (c) The estimated costs of such works; and
- (d) The estimated time required to put the subject water to beneficial use.

8. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to safeguard the public interest properly. The adverse effects of this Application and related applications associated with the proposed water appropriation and transportation project (largest appropriation of ground water in the history of the State of Nevada) cannot properly be evaluated without an in-

dependent, formal and publicly-reviewable assessment of:

- (a) cumulative impacts of the proposed extraction;
- (b) mitigation measures that will reduce the impacts of the proposed extraction;
- (b) alternatives to the proposed extraction, including but not limited to, the alternatives of no extraction and aggressive implementation of all proven and cost-effective water demand management strategies.

9. The subject Application should be denied because the population projections upon which the water demand projections are based are unrealistic and ignore numerous constraints to infrastructure and services, degraded air quality, etc.

10. The granting of approval of the above-referenced Application would be detrimental to the public interest and not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.

11. The subject Application should be denied because current and developing trends in housing, landscaping, national plumbing fixture standards and demographic patterns all suggest that the simplistic water demand forecasts upon which the proposed transfers are based substantially overstate future water demand needs.

12. Inasmuch as a water extraction and transbasin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further information and study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.

13. We, the Town of Pahrump know first hand the economic hardship caused by over appropriation of water. Currently the growth of the Pahrump Valley is threatened because of technical over allocation of water. If the Las Vegas Valley Water District is allowed to obtain all remaining available water rights in the various water basins as they have requested, then all these areas will be growth stunted at their current levels. We protect the acquisitions that the Las Vegas Valley Water District has requested. The current request would destroy the economic and growth potential of each basin affected.

14. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the subject Application filed pursuant to NSR 533.365.