

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

IN THE MATTER OF APPLICATION NUMBER 53957
FILED BY Las Vegas Valley Water District
ON October 17, 19 89, 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 53957, filed on October 17, 19 89

by Las Vegas Valley Water District

Printed or typed name of applicant

Underground Source (Well) to appropriate the

waters of T. 2 S., R. 59 E., Sec. 23, SW 1/4 SE 1/4

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

situated in Lincoln

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

See Attachment for Application #53957

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

John M. Bybee

Agent or protestant

acting for 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.

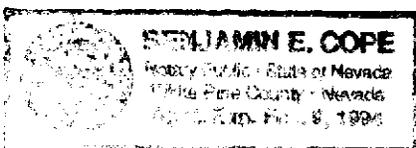
Subscribed and sworn to before me this 2nd day of July 19 90

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 #53957

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 #53957

There are seven (7) 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) 301 AUMs for deer, 2) 432 AUMs for antelope and 3) 2881 AUMs for livestock. The total AUM demand is 3614.

Of these 7 waters deer use 4, antelope use 2, chuckar use 2, and livestock use 1 source. The ability of the BLM to meet this demand will be impaired by the granting of an appropriation to LVVWD; therefore, granting this application will be detrimental to the public interest.

CUMULATIVE AFFECTS OF APPLICATION #53957

1. Application number 53957 in conjunction with applications 53956, 53958, and 53959, will withdraw 23,167 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 13,167 AF per year more than occurs through natural recharge from precipitation from and from inflow from the Garden Valley