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

IN THE MATTER OF APPLICATION NUMBER 53963,

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 53963, filed on October 17, 19 89

by Las Vegas Valley Water District to appropriate the
Printed or typed name of applicant

Underground Source (Well)

waters of T. 2 S., R. 57 E., Sec. 24 SE¼NW¼ situated in Lincoln
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 #53963

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 19 90

Benjamin E. Cope
Notary Public

State of Nevada

County of White Pine

BENJAMIN E. COPE
Notary Public • State of Nevada
White Pine County • Nevada
Appt. Exp. Feb. 9, 1994

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

ATTACHMENT FOR FILING #53963

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 Unites 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 #53963

There are seven (7) waters that could be potentially impacted if this application is granted. The demand which the BLM has recognized on these waters where the BLM has a responsibility to manage is: 1) 203 AUMs for deer, 2) 362 AUMs for antelope, 3) 5226 AUMs for livestock. The total AUM demand is 5791.

Of these 7 waters deer use 5 and antelope use 4 and livestock use 4. 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 #53963

1. Application number 53963 in conjunction with applications 53961, 53962, and 53964, will withdraw 20271 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 10,271 AF per year more than occurs through natural recharge from precipitation from the Quinn and Grant Ranges according to the Department of Conservation and Natural Resources. 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 Garden Valley hydrographic area than is recharged, a slow but continuous decline in groundwater levels will occur. Also, groundwater withdrawal from the Garden Valley hydrographic area that exceeds natural recharge will preclude the underground flow of 8,000 AF per year from the Garden Valley hydrographic area to the Coal Valley hydrographic area. Also, well log reports indicate the presence of water in unconsolidated valley fill. Estimates of the thickness of this zone ranges from the surface to several hundred feet. Due to the formation's generally unconsolidated nature, the role of the groundwater mass in support of the valley fill may be significant. Removal of groundwater by this application and the cumulative affects of groundwater removal by those mentioned above will likely induce contraction, subsidence, and failure of the structural integrity of the valley floor. Crack formation and subduction of normally ephemeral surface waters will significantly alter the area's ecosystem. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

2. The cumulative impact of application 53963 in conjunction with the applications mentioned in the above paragraph will have a negative impact on the White River springfish and the Hiko White River springfish. Both of these species are listed under the Endangered Species Act and are found in Hiko Spring. According to the United States Fish and Wildlife Service, The reduction in interbasin flows may result in long-term negative impacts to spring, marsh and riparian habitat at Hiko Spring. Also, reduced flows to intermittent streams may negatively affect the vigor and extent of riparian vegetation along Cherry Creek. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

3. Well log reports indicate the presence of water in unconsolidated valley fill. Estimates of the thickness of this zone ranges from the surface to several hundred feet. Due to the formation's generally unconsolidated nature, the role of the groundwater mass in support of the valley fill may be significant. Removal of groundwater by this application and the cumulative affects of groundwater removal by those mentioned above will likely induce contraction, subsidence, and failure of the structural integrity of the valley floor. Crack formation and subduction of normally ephemeral surface waters will significantly alter the area's ecosystem. 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 Department (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.