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

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JUL 13 1990

STATE ENGINEER'S OFFICE
ELKO OFFICE

In the Matter of Application Number 53966
Filed by Las Vegas Valley Water District
On October 17, 1989, to Appropriate the
Waters of Underground Well

Comes now USDI, Bureau of Land Management
printed of typed name of protestant

Whose post office address is P.O. Box 1420, Battle Mountain, NV 89820
Street No. or P.O. Box, City, State, and Zip

Whose occupation is Land Management Agency, and protests the granting

of Application Number 53966, filed on October 17, 1989

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

Underground Well Situated in Nye
Underground or name stream, lake, spring, or other source

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

1. Application is located in Railroad Valley. Drawdown of the water table in the southern portion of this valley will result in a loss of phreatophytic vegetation and increase desertification. Increased air pollution from alkali dust is detrimental to the public interest. This application, in conjunction with 17 others in the southern portion of Railroad Valley will have a cumulative impact of desertification on 326,050 acres.

2. Application is located within the Railroad Valley Water Basin which contains critical habitat for the Railroad Valley Springfish at North Spring, South Reynolds Spring, Hay Corral Spring, Big Spring, and Chimney Spring. This species has been federally listed as a threatened species as provided in the Endangered Species Act of 1973. Drawdown of the basin may reduce the flow from these springs and adversely affect critical habitat.

3. This application will prevent the flow of 4344 acre feet of ground water into the valley where the aquifer is intercepted by many zones of phreatic vegetation and various artesian springs. The cumuluative impact of this application and 17 others within Railroad Valley will prove to be detrimental to the Railroad Valley Wildlife Management Area, an important wetlands area unique to central Nevada. Executive Order 11990, signed in 1977, directs federal agencies to take the necessary action to minimize the destruction, loss or degradation of wetlands. Water basin drawdown may reduce the water feeding this wetland area and so degrade the area in violation of EO 11990.

4. Application is located within the Nyala Allotment which has an existing licensed use of approximately 1200 cattle. The granting of this application may adversely affect BLM's ability to manage the livestock as specified in the Taylor Grazing Act, the Public Rangelands Improvement Act, and the Federal Land Policy and Management Act. These livestock depend upon water provided from the following source: Christian Spring. The granting of this application may adversely affect the flow from these sources which will reduce the amount of water available for livestock.

5. 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 Engineer over the next several months prior to adjudication.

6. Total amount of water applied for by the Las Vegas Valley Water District in the Railroad Valley (North) Basin is in excess of the 46,000 acre-feet per year of natural ground water recharge to the hydrographic area as presented in "Major Ground-Water Flow Systems in the Great Basin Region of Nevada, Utah and Adjacent States" (USGS, 1988)

7. Application is protested because the impacts of this application alone and in conjunction with the other applications filed by the Las Vegas Valley Water District are detrimental to the public interest by eliminating the capability to fulfill the legislated management responsibilities as outlined in the cover letter accompanying this protest.

8. 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 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.

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 D. Curivan
Agent or protestant

District Manager, Battle Mountain District
Printed or typed name, if agent

Address P.O. Box 1420
Street No. or P.O. Box No.

Battle Mountain, NV 89820
City, State and Zip Code No.

Subscriber and sworn to before me this 12th day of July 19 90

Thomas H. Jury
Notary Public

THOMAS H. JURY
Notary Public State of Nevada
Lander County
Comm. Exp. 9-25-

State of Nevada

County of Lander

$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.53966