

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

IN THE MATTER OF APPLICATION NUMBER 53967, FILED BY Las Vegas Valley Water District ON October 17, 1989, TO APPROPRIATE THE WATERS OF SE 1/4 SW 1/4 SEC 26 T 6 N R 56 E MDB&M

PROTEST

Comes now Ed and Miriam Ylst Printed or typed name of protestant

whose post office address is Nyala Ranch, Tonopah, Nevada, 89049 Street No. or P.O. Box, City, State and Zip Code

whose occupation is Farming, Hay Hauling, Ranching, and protests the granting

of Application Number 53967, filed on October 17, 1989

by Las Vegas Valley Water Department, Las Vegas, Nevada Printed or typed name of applicant to appropriate the

waters of underground situated in Nye 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 must be denied! The attached statements contain our reasons and grounds for protests and are hereby declared by us to be an integral and undivided part of this protest. We protest this water application for all the following reasons, and adopt as our own, each and every other protest to the subject application filed pursuant to NRS 533.365. The attached statements include three pages numbered one, two, three respectively.

THEREFORE the protestant requests that the application be DENIED: INFRINGES PRIOR RIGHTS (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 Ed Ylst Miriam Ylst Agent or protestant

Ed Ylst Miriam Ylst Printed or typed name, if agent

Address Nyala Ranch Street No. or P.O. Box No.

Tonopah, Nevada, 89049 City, State and Zip Code No.

Subscribed and sworn to before me this 22nd day of June 1990



Rhonda K. Dodge Notary Public

State of Nevada

County of Nye

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

Protest of application # 53967 filed on October 17, 1989 by the Las Vegas Valley Water District (LVVWD)

- 2) The construction of aqueducts, roads, power lines, pumping facilities and small pipelines to connect all wells applied for would completely destroy the multiple use concept, destroy scenic areas, destroy wild game habitat, destroy wildlife habitat, destroy fish habitat, destroy frog habitat, destroy insect habitat, destroy water fowl habitat, and destroy completely the ecological system of rural Nevada. This application cannot be granted because the applicant has failed to provide information to safeguard the public interest.

- 3) The water is not available in the large amounts applied for. To produce 6 to 10 C.F.S. per well would constitute the MINING of water. The Division of Water Resources has previously declared much of Rural Nevada's water basins CLOSED!, and has previously DENIED PRIOR WATER APPLICATIONS and therefore MUST DENY this water application. Diversion and exportation of such large quantities of water will lower the static water level/table adversely affect the quality of remaining ground water, completely dry up existing artesian springs, seeps, large riparian areas, and wetlands which are critical to the survival of wildlife, fish, water fowl, live-stock grazing and other existing uses.

- 4) According to Water Reconnaissance Series Report 60. 1974 by A.S. Von Denbergh and F. Eugene Rush, published by the State of Nevada Department of Water Resources, a NEGATIVE RECHARGE of underground water exists in Railroad Valley estimated at thousands of acre feet for many years. Two large lakes are now disappeared.

- 5) Our consultant geologist Alan C. Doyle, license # 2882 stated in his written report that there is a real need for additional accurate, comprehensive studies compiling all oil well, water well and M.X. Missile well log data for the entire area. Inclusion of detailed documentation of static water levels and artesian flows in the area for extended periods of time is an absolute requirement before these water applications are granted. Therefore this application must be denied.

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Protest of application #53967 filed on Oct. 17, 1989 by the Las Vegas Valley Water District, (LVVWD)

6) Las Vegas Valley Water District has made no effort to conserve water or use water wisely. Our observation of Las Vegas has been wanton waste of water, A NON RENEWABLE RESOURCE. The granting or approving of subject applications 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. Also a "Takings Implications Assesment" by the Division of Water Resources in order to meet full compliance with Executive Order 12630 MUST BE completed in its entirety and we hereby formally demand such to determine the effects on individual property owners and their constitutionally protected property rights.

7) That this application and its related subject applications of Oct. 17, 1989 are perjured documents because proper, accurate sufficient data has and continues to be refused and/or provided. Environmental impacts have not been assesed. The RURAL PUBLIC INTERESTS have not been safeguarded. The adverse effects of this application and related applications associated with this major withdrawal and exportation of water cannot be properly evaluated without an independent, formal and public reviewable assesment of:

- A. CUMMULATIVE IMPACTS OF THE PROPOSED EXTRACTION
- B. MANDATORY AND EFFECTIVE WATER CONSERVATION BY L.V.V.D.
- C. NO EXTRACTION OR EXPORTATION OF WATER FROM ONE BASIN TO ANOTHER.

8) That because the economic activity in Railroad Valley is mostly farming, grazing, recreation, and oil producing, all water dependent, a diminishing of the amount or the quality of currently used water from wells, springs, seeps, and wetlands, would adversely impact the public welfare and endanger the way of life here. Until an ENVIRONMENTAL ASSESMENT (E.A.) and an ENVIRONMENTAL IMPACT STATEMENT, (E.I.S.), showing that these adverse effects will not occur, this filing is to be denied.

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