

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

FILED
FEB 15 1990
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 53972
FILED BY Las Vegas Valley Water District
ON October 17 1989, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

Comes now Nevada Department of Wildlife
Printed or typed name of protestant
whose post office address is 1100 Valley Road, Reno, NV 89520
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Wildlife Protection, Propagation and Management, and protests the granting
of Application Number 53972, filed on October 17, 1989
by Las Vegas Valley Water District to appropriate the
Printed or typed name of applicant
waters of Underground (T.7N., R.55 E., S.29) situated in Nye
Underground or name of stream, lake, spring or other source

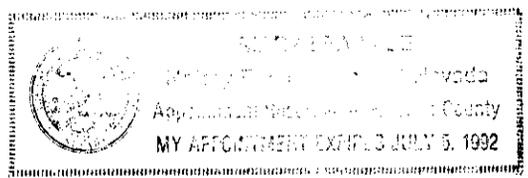
County, State of Nevada, for the following reasons and on the following grounds, to wit:
This site is located in west-central Railroad Valley, within one mile of Chimney Spring,
an artesian flow thermal spring site. The spring outflow pools contain a viable and
expanding population of Federal listed threatened Railroad Valley springfish (Crenichthys
vadae), currently numbering at least 900 fish. This spring site has been, over at least
the last 15 years, the recipient of extensive manpower and funding expenditures by both
state and federal agencies for its development as a refugium for the springfish. It is
one of only five site locations for the springfish in Railroad Valley. The adjacent pumping
of up to six cfs of groundwater could have a devastating effect on spring flow and the related
fish habitat. Six cfs is greater than the flow from Chimney Spring. **DENIED**
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 William A. Molini
Agent or protestant
William A. Molini, Director
Printed or typed name, if agent
Address P.O. Box 10678
Street No. or P.O. Box No.
Reno, NV 89520-0022
City, State and Zip Code No.

Subscribed and sworn to before me this 6 day of February 1990

May Lee Ince
Notary Public
State of Nevada
County of Washoe



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

TEB
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STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678

Reno, Nevada 89520-0022
(702) 789-0500

BOB MILLER
Acting Governor

WILLIAM A. MOLINI
Director

February 7, 1990

Mr. Peter G. Morros, State Engineer
Department of Conservation & Natural Res.
Division of Water Resources
201 South Fall St.
State Capitol Complex
Carson City, NV 89710

RE: Water Right Applications By Las Vegas Valley Water District

Dear Pete:

We are formally protesting water right applications #53972, #54050, #54051, #54052, #54053, #54054, # 54038, #54040 and #54042 (copies attached) as submitted by the Las Vegas Valley Water District. We believe that each of those applications has potential, if granted, to have a serious adverse affect on Threatened or Endangered species of fish as well as other wildlife.

In addition to the applications that we are protesting, we would like to express serious concern about the potential effects of several other applications submitted by the Las Vegas Valley Water District.

Applications #53966, #53967, #53975, #53985, and #53986 are located on the east side of Railroad Valley and are within close proximity to Butterfield Spring, Blue Eagle Spring and Artesian Well #7. Those sites contain Gila bicolor ssp., the Railroad Valley Tui Chub, a sensitive fish species. Our concern is the potential combined effect of those wells on artesian flow of the springs and wells along the east side of Railroad Valley. Diminished flows could have a serious deleterious effect on the fish populations.

Application #54034 is located near Rose Valley within the Meadow Valley Wash drainage basin. Although it is above Echo Valley Dam, we have concerns about any additional water appropriations that might have the potential to disrupt downstream flows in the Meadow Valley Wash. The Federally-listed Threatened Big Springs Spinedace, Lepidomeda mollispinis pratensis occurs in Condor Canyon, downstream from the proposed application. We are also concerned that additional water appropriations could have a negative effect on game fisheries in Echo Valley Reservoir.

Peter G. Morros, State Engr.
Div. of Water Resources
February 7, 1990
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Applications #54039 and #54041 are located in the White River Valley adjacent to the Wayne E. Kirch Wildlife Management Area. Appropriation of water from those sites has the potential to impact water flows at several springs that contain endemic, sensitive and Endangered fish including Crenicthys baileyi thermophilus, the White River Springfish and Rhinicthys osculus ssp., the White River Speckled Dace. Reduction in spring flows could also compromise our management of the Wayne E. Kirch Wildlife Management Area for both waterfowl and game fisheries.

Applications #54006 through #54011, #54019, and #54020 effectively surround the upper (southern) portion of Spring Valley which contains the Shoshone Ponds Endemic Fish Refugium. The Refugium, located at T.12N, R.67E, S. 2, was built and is maintained jointly by NDOW and BLM. The facility currently contains artificial populations of the Pahrump Killifish (Empetrichthys latos latos), the Big Spring Spinedace, and the Relict Dace (Relictus solitarius). Empetrichthys and Lepidomeda (Big Spring Spinedace) are Federally-listed as Endangered and Relictus is state-listed as sensitive. The ponds at the site are maintained by flows from artesian wells on the site at elevations near the valley floor. The combined diversion rate of 62 CFS for the eight proposed wells leads us to be concerned about the potential impact to the artesian flows that are imperative for maintenance of the Refugium.

As stated, we are not formally protesting the above-listed applications but we have serious concerns about the possible long-term effects on the wildlife of the state if the applications are permitted. If I can answer any questions or provide any additional information, please let me know.

Sincerely,


William A. Molini
Director

cc: R-III
Dan Papez
George N. Benesch, Esq.
P.O. Box 3948
Reno, NV 89505
Las Vegas Valley Water District

G-3.1