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

IN THE MATTER OF APPLICATION NUMBER 53974,

FILED BY Las Vegas Valley Water District, Las Vegas, Las Vegas, NV

ON October 17 19 89, TO APPROPRIATE THE

WATERS OF SE1/4 NW1/4, Sec.8, T.4N.,

R.54E., MDB&M, Nye County

PROTEST

Comes now Gerald H., Melvin J., and Nancy L. Sharp
Printed or typed name of protestant

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

whose occupation is Ranching, and protests the granting

of Application Number 53974, filed on October 17, 19 89

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

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:

1. 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 of the following reasons, and adopt, as our own, each and every other protest subject to the application filed pursuant to NRS 533.365. The attached statements include 3 pages, numbered 1, 2, 3, respectively.

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 Gerald H. Sharp
Agent or protestant

Gerald H. Sharp
Printed or typed name, if agent

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

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

Subscribed and sworn to before me this 19th day of June 19 90

Renee E. Knutson
Notary Public

State of Nevada

County of White Pine

RENEE E. KNUTSON
Notary Public - State of Nevada
Appointment Recorded in White Pine County
MY APPOINTMENT EXPIRES DEC. 14, 1992

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

Protest of application # 53974 filed on October 17, 1989 by the Las Vegas Valley Water District (LVVWD)

2) The construction of aquaducts, 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 publi 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, livestock 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 ther 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 artesion flows in the area for extended periods of time is an absolute requirement before these water applications are granted. Therfore this application must be denied.

CONTINUED ON PAGE 2

Protest of application #53974 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. CUMMULTIVE 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 adversly 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.

Continued on page 3.....

Protest of application # 53974 filed on Oct. 17, 1989 by the Las Vegas Valley Water District, (LVVD).

9) That the U.S. Geological Survey, upon which the amount of ground water has been assumed, has not been proven to be correct.

That the water being used here stays here, partial recharge.

That the removal of 38 second feet of water, taken out and not put back in the same basin, would accelerate these adverse effects.

10) That the loss of this water from the basin, will cause a rancher/farmer to lose his crops, his livestock, his income, his ranch/farm, and his way of life. Nevada's only OIL PRODUCING BASIN will be messed with and could sharply reduce Nevada's oil production costing this Nation billions of dollars. The State of Nevada would most certainly anger the very powerful oil giants such as Apache Oil and also eliminate oil haulers such as Petrosource from participation in Nevada's economy. We would lose in all probability one major oil refinery and one asphalt producing plant that supplies a good portion of Nevada's State road paving material.

11) That the propsed Point of Diversion, (P.O.D.), lies withinclose proximity to and within the same water basin as present wells, springs, artesians, seeps, stock wells, oil wells, and wetlands

12) That the amount of second feet by itself and along with 145 related other filings would deplete the ground water enough to couse the following to occur:

A. DROP IN WATER TABLE, (DRAWDOWN).
B. DRYING UP OF SPRINGS:
C. DRYING UP OF SEEPS.
D. DRYING UP OF WETLANDS
E. DRAWDOWN IN EXISTING WELLS.
F. DESERTIFICATION. We are already a desert.
G. REDUCTION IN WATER QUALITY.
H. DEGRADATION OF AIR QUALITY DUE TO INCREASED DUST.