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

IN THE MATTER OF APPLICATION NUMBER 53975,
FILED BY Las Vegas Water District,
ON October 17, 19 89, TO APPROPRIATE THE
WATERS OF Railroad Valley underground

PROTEST

Comes now Katherine Hanks
Printed or typed name of protestant

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

whose occupation is rancher, student, and protests the granting

of Application Number 53975, filed on October 17, 19 89

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

waters of underground Railroad Valley situated in Railroad Valley
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 attached;

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 Katherine A. Hanks
Agent or protestant

Katherine A. Hanks
Printed or typed name, if agent

Address Blue Eagle Ranch
Street No. or P.O. Box No.

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

Subscribed and sworn to before me this 9th day of July 19 90.

Crystal J. Baker
Notary Public

CRYSTAL J. BAKER
Notary Public - State of Nevada
White Pine County, Nevada
My appointment expires April 6, 1991

State of Nevada

County of White Pine

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

JF

2454 (Revised 6-80)

O-2035

ATTACHMENT TO PROTEST APPLICATION NO. 53975
BY LAS VEGAS VALLEY WATER DISTRICT.

1. This application is one of 145 applications filed by the Las Vegas Valley Water District seeking to appropriate 804,195 acre feet of ground water primarily for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will: lower the static water level in 173B-1R Basin; adversely affect the quantity of remaining ground water; and further threaten springs, seeps, and phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.

2. This application is one of 146 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of some 864,195 acre feet of ground and surface water primarily for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

3. The granting or approval of the subject application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts, socioeconomics impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.

4. The application should be denied because it individually and cumulatively with other applications of the water importation project will increase the waste of water and lack of effective conservation efforts in the Las Vegas Valley Water District service area.

5. The approval of the subject application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.

6. The subject Application seeks to develop and transport water resources on and across lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. This application should be denied because the Las Vegas Valley Water District has not obtained the necessary right-of-way permits for the water development or transportation from the proposed point of use of the Las Vegas Valley Water District.

7. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it, individually and together with the other applications of the water importation project, would:

(1) Likely Jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;

(2) Prevent or interfere with the conservation of those threatened or endangered species;

(3) Take or Harm those endangered or threatened species; and

(4) Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.

8. The Las Vegas Valley Water District lacks the financial capability for developing and transporting water under the subject permit which is a prerequisite to putting the water to beneficial use.

9. The above-referenced Application should be denied because it fails to include the statutorily required:

(1) Description of the place of use;
(2) Description of the proposed works;
(3) The estimated cost of such works; and

(4) the estimated time required to put the subject water to beneficial use.

10 The application cannot be granted because the applicant has failed to provide information to enable the State Engineer to safeguard the public interest properly. The adverse effects of this application and related applications associated with this major withdrawal and transportation project cannot properly be evaluated without and independent, formal and publicly-reviewable assessment of:

a. cumulative impacts of the proposed extraction;

b. mitigation measures that will reduce the impacts of the proposed extraction;

c. alternatives to the proposed extraction, including but not limited to, the alternatives of no extraction and mandatory and effective water conservation in the Las Vegas Valley Water District service area.

11 Pumping water consumes a large amount of electricity. Any additional demands on the power available to Mt. Wheeler Power would increase electric rates to all current consumers creating a sever hardship to the general public in the Mt. Wheeler Power service area.

12 The granting of these applications would have an adverse affect on any future water needs in the entire area whether municipal, agricultural, or industrial literally from the time of application forever.