

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

IN THE MATTER OF APPLICATION NUMBER 53975

FILED BY Las Vegas Valley Water District

PROTEST

ON October 17 1989, TO APPROPRIATE THE

WATERS OF 173B-1R, Railroad Valley, Nye, NV

Comes now Thomas U. Bentz

Printed or typed name of protestant

whose post office address is STAR Rte # 71691, Pahrump, Nev. 89041

Street No. or P.O. Box, City, State and Zip Code

whose occupation is Heavy Equipment Operator, and protests the granting

of Application Number 53975, filed on October 17th, 1989

by Las Vegas Valley Water District

Printed or typed name of applicant

to appropriate the

waters of Basin No # 173B-1R, Railroad Valley 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:

(see Addendum)

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Div. of Water Resources
Branch Office - Las Vegas, NV

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

Thomas U. Bentz

Agent or protestant

Address

Thomas U. BENTZ

Printed or typed name, if agent

STAR Rte # 71691

Street No. or P.O. Box No.

Pahrump, Nev. 89041

City, State and Zip Code No.

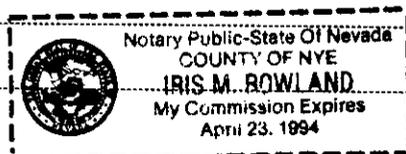
Subscribed and sworn to before me this 11 day of July 1990

Iris M Rowland

Notary Public

State of

County of



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

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JUL 12 1990

Div. of Water Resources
Branch Office - Las Vegas, NV

"ADDENDUM"
I PROTEST THE AFOREMENTIONED
APPLICATION FOR THE FOLLOWING REASONS
AND ON THE FOLLOWING GROUNDS, TO WIT:

1. 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 Clark County. Diversion and export of such a quantity of water will deprive the area of origin of the water needed to protect and enhance its environment and economic well being, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

2. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost considerations, socioeconomic impact considerations, and a water resource plan (such as is required by the Public Service Commission of private purveyors of water) for the Las Vegas Valley Water District Service area is detrimental to the public welfare and interest.

3. 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.

4. The subject application should be denied because the population projections upon which the water demand projections are based are unrealistic and ignore numerous constraints to growth, including traffic congestion, increased costs of infrastructure and services, degraded air quality, etc.

5. The granting or approval of the above-referenced Application would be detrimental to the public interest and not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.

6. The subject application should be denied because current and developing trends in housing, landscaping, national plumbing fixture standards and demographic patterns all suggest that the simplistic water demand forecasts upon which the proposed transfers are based substantially overstate future water demand needs.

~~7. Inasmuch as a water extraction and transbasin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all~~

7. Inasmuch as a water extraction and transbasin conveyance project of this magnitude has never been considered by the State Engineer, it is therefore impossible to anticipate all potential adverse affects without further information and study. Accordingly, the protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.

8. We here in the Town of Pahrump know first hand the economic hardship caused by over appropriation of water. Currently the growth of the Pahrump Valley is threatened because of technical over allocation of water. If the Las Vegas Valley Water District is allowed to obtain all remaining available water rights in the various water basins as they have requested, then all these areas will be growth stunted at their current levels. I protest the water acquisitions that the Las Vegas Valley Water District has requested. The current request would destroy the economic and growth potential of each basin affected.

9. The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the subject application filed pursuant to NRS 533.365.