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

* * *

IN THE MATTER OF APPLICATION NUMBER 53978, FILED BY LAS VEGAS WATER DISTRICT ON October 17, 1989, TO APPROPRIATE THE WATERS OF UNDERGROUND	**PROTEST**

Comes now FRANK D. DIERCKS whose post office address is P.O. Box 334, Gordon, Nebraska 69343, whose occupation is farming-related and Desert Land Entry applicant, and protests the granting of Application Number 53978, filed on October 17, 1989 by LAS VEGAS VALLEY WATER DISTRICT to appropriate the waters of underground situated in Nye County, State of Nevada, for the following reasons and on the following grounds, to wit:

See attached Sheet "A"

THEREFORE the protestant requests that the application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Don Springmeyer

DON SPRINGMEYER
GORDON & SILVER, LTD.
P.O. Box 71390
Reno, Nevada 89570-1390
Attorneys for Protestant

Subscribed and sworn to before me this 13th day of July, 1990.

Dana A. Christall

NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF WASHOE

SHEET "A"

1) The granting or approval of the referenced Application would conflict with or tend to impair prior rights applied for by this protestant in Application #48366, because if granted, it would exceed the safe yield of the subject basin, unreasonably lower the static water level and sanction water mining, especially in light of the cumulative impact of the referenced Application with the other Applications filed by the LVVWD in Railroad Valley.

2) The appropriation of this water when added to the already approved appropriations, existing uses and prior filed Applications of other parties for the Railroad Valley will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude, especially when considered cumulatively with the other LVVWD Applications in Railroad Valley, will degrade the quality of water available to other wells and uses and will cause negative hydraulic gradient influences as well as other negative impacts.

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

4) This protestant 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.