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

IN THE MATTER OF APPLICATION NUMBER 53970,

FILED BY Las Vegas Valley Water District

ON October 17, 1989, TO APPROPRIATE THE

WATERS OF 173B-4R, RAILROAD VA. NYE CN

PROTEST

RECEIVED
JUL 05 1990
Div. of Water Resources
Branch Office - Las Vegas, NV

Comes now The Unincorporated Town of Pahrump
Printed or typed name of protestant

whose post office address is P.O. Box 3140, Pahrump, Nevada, 89041
Street No. or P.O. Box, City, State and Zip Code

who ~~[illegible]~~ holds the trust for the people of Pahrump, and protests the granting

of Application Number 53970, filed on October 17, 1989

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

waters of ~~[illegible]~~ 173B-4R, Railroad Valley situated in NYE COUNTY
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)

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 [signature]
Agent or protestant

Marvin Veneman, Town Board Chairman
Printed or typed name, if agent

Address P.O. Box 3140
Street No. or P.O. Box No.

Pahrump, Nevada 89041
City, State and Zip Code No.

Subscribed and sworn to before me this 29 day of June 1990

[signature]
Notary Public

State of

County of

Notary Public-State Of Nevada
COUNTY OF NYE
IRIS M. ROWLAND
My Commission Expires
April 23, 1994

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

OK

"ADDENDUM"

THE UNINCORPORATED TOWN OF PAHRUMP 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 in interest.

3. The approval of the subject application will sanction and encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District.

4. 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 legal interest (e.g., right-of-way) in the federal land such that the applicant may extract, develop and transport water resources from the proposed point of diversion to the proposed place of use.

5. The Application should be denied because it individually and comulatively with other applications of the water importation project will perpetuate and may increase the inefficient use of water in the Las Vegas Valley Water District service area and frustrate efforts at water demand management in the Las Vegas Valley Water District service area.

6. 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.

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

(a) Description of the place of use;

(b) Description of the proposed works;

(c) The estimated costs of such works; and

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

8. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineet to safeguard the public interest properly. The adverse effects of this Application and related applications associated with the proposed water appropriation and transportation project (largest appropriation of ground water in the history of the State of Nevada) cannot properly be evaluated without an in-

dependent, formal and publicly-reviewable assessment of:

(a) cumulative impacts of the proposed extraction;

(b) mitigation measures that will reduct the impacts of the proposed extraction;

(b) alternatives to the proposed extraction, including but not limited to, the alternatives of no extraction and aggressive implementation of all proven and cost-effective water demand management strategies.

9. 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 infrastructure and services, degraded air quality, etc.

10. The granting of 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.

11. 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.

12. 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.

13. We, 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. We protest the acquisitions that the Las Vegas Valley Water District has requested. The current request would destroy the economic and growth potential of each basin affected.

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