

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

RECEIVED

In the Matter of Application Number 53980
 Filed by Las Vegas Valley Water District
 On October 17, 1989, to Appropriate the
Waters of Underground Well

JUL 13 1990
 STATE ENGINEER'S OFFICE
 ELKO OFFICE

Comes now USDI, Bureau of Land Management

 printed of typed name of protestant

Whose post office address is P.O. Box 1420, Battle Mountain, NV 89820

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

Whose occupation is Land Management Agency, and protests the granting
 of Application Number 53980, filed on October 17, _____, 1989

Las Vegas Valley Water District to appropriate the water of

 printed or typed name of applicant

Underground Well Situated in Nye

 Underground or name stream, lake, spring, or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Application is located in Railroad Valley. Drawdown of the water table in the southern portion of this valley will result in a loss of phreatophytic vegetation and increase desertification. Increased air pollution from alkali dust is detrimental to the public interest. This application, in conjunction with 17 others in Railroad Valley will have a cumulative impact of desertification on 326,050 acres.
2. Application is located within the Railroad Valley Water Basin which contains critical habitat for the Railroad Valley Springfish at North Spring, South Reynolds Spring, Hay Corral Spring, Big Spring, and Chimney Spring. This species has been federally listed as a threatened species as provided in the Endangered Species Act of 1973. Drawdown of the basin may reduce the flow from these springs and adversely affect critical habitat.
3. The cumulative impact of this application and the 17 others within Railroad Valley will prevent the flow of 7044 acre feet of ground water into the valley where the aquifer is intercepted by many zones of phreatic vegetation and various artesian springs. The Railroad Valley Wildlife Management Area is an important wetlands area unique to central Nevada. Executive Order 11990, signed in 1977, directs federal agencies to take the necessary action to minimize the destruction, loss or degradation of wetlands. Water basin drawdown may reduce the water feeding this wetland area and so degrade the area in violation of EO 11990.
4. Application is located within the Nyala Allotment which has an existing licensed use of approximately 1200 cattle. The granting of this application may adversely affect ELM's ability to manage the livestock as specified in the Taylor Grazing Act, the Public Rangelands Improvement Act, and the Federal Land Policy and Management Act. These livestock depend upon water provided from the following sources: Goat Ranch Spring and Antelop Spring. The granting of this application may adversely affect the flow from these sources which will reduce the amount of water available for livestock.
5. Several spring sources which meet the criteria for a PWR as listed in PWR-107 have been identified within Railroad Valley. The Battle Mountain District of the Bureau of Land Management intends to file on these PWR sources as soon as possible.

6. Total amount of water applied for by the Las Vegas Valley Water District in the Railroad Valley (North) Basin is in excess of the 46,000 acre-feet per year of natural ground water recharge to the hydrographic area as presented in "Major Ground-Water Flow Systems in the Great Basin Region of Nevada, Utah and Adjacent States" (USGS, 1988).

7. Application is protested because the impacts of this application alone and in conjunction with the other applications filed by the Las Vegas Valley Water District are detrimental to the public interest by eliminating the capability to fulfill the legislated management responsibilities as outlined in the cover letter accompanying this protest.

8. At this time, there is insufficient information available to completely analyze and determine the full impacts to the various resources that the BLM is responsible to protect and manage. The actual impacts of the pumping of this well in conjunction with the cumulative impacts of the Las Vegas Valley Water Districts' other proposed wells cannot be fully determined until sufficient data has been collected and analyzed.

We, therefore, protest the granting of the water appropriation because neither the State Engineer nor the Las Vegas Valley Water District has prepared an analysis of all anticipated impacts associated with LVVWD's applications. If an analysis has been done, it has not been made available to the public and affected parties, and the failure to do so is not in the public interest as per NRS 533.370.3.

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.

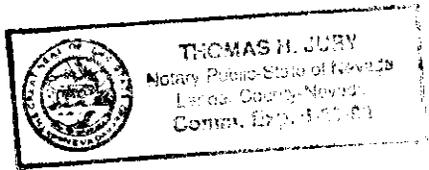
Signed James D. Carrivon
Agent or protestant

District Manager, Battle Mountain District
Printed or typed name, if agent

Address P.O. Box 1420
Street No. or P.O. Box No.

Battle Mountain, NV 89820
City, State and Zip Code No.

Subscriber and sworn to before me this 12TH day of July 1990



Thomas H. Jury
Notary Public

State of Nevada

County of Lander

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