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STATE ENGINEER'S OFFICE
ELKO OFFICE

In the Matter of Application Number 53981
 Filed by Las Vegas Valley Water District
 On October 17, 1989, to Appropriate the
Waters of Underground Well

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 53981, filed on October 17, _____, 1989

by 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 Reveille Valley. Drawdown of the water table in the southern portion if 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 3 others in Reveille Valley will have a cumulative impact of desertification on 134,400 acres.
2. Application is located within the South Reveille Wilderness Study Area (WSA). WSAa are now being considered for wilderness status by BLM and are to be managed under special provisions of BLM's Interim Guidelines and FLPMA until Congress determines if they will be designated as Wilderness Areas. Accordingly, if the WSA becomes wilderness this filing would adversely affect the wilderness character of this area by adversely affecting the flow of surrounding springs and seeps.
3. Application is located within the Reveille Allotment which has an existing licensed use of approximately 1600 cattle. The granting of this application may adversely affect BLM'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: Deep Well and Cedar Spring. The granting of this application may adversely affect the flow from these sources which will reduce the amount of water available for livestock.
4. The Bureau is preparing notices of PWRs within the area of protest. These notices will be based only on the needs appropriate under PWR-107 and will be sent to the State Engineer over the next several months prior to adjudication.
5. Application is located in the home range of approximately 300 antelope which move through the area depending upon water availability. The granting of these applications may adversely affect BLM's ability to provide habitat as specified in Public Law 94-579, sec. 102(a)(8). Presently these antelope depend on water provided at a spring in T. 2 S., R. 51 E., sec. 21, a well in T. 1 S., R. 51½ E., sec. 19, a well in T. 1 N., sec. 11, a well in T. 1 N., R. 50 E., sec. 14, a well in T. 1 N., R. 53 E., sec. 7, a spring in T. 2 N.,

R. 50 E., sec. 23, a spring in T. 2 N., R. 52 E., sec 7, a spring in T. 2 N., R. 54 E., sec. 4 and a spring in T. 1 N., R. 54 E., sec. 8. This application is in the center of said home range. Loss of water in this area would inhibit the population's movements and continued survival.

6. Total amount of water applied for by the Las Vegas Valley Water District in the Railroad Valley (South) Basin is in excess of the 5,500 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 O. Curivan
Agent or protestant

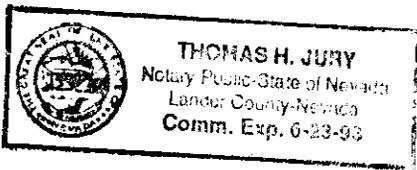
District Manager, Battle Mountain District
Printed or typed name, if agent

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 19 90

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.