

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

IN THE MATTER OF APPLICATION NUMBER 53985,
FILED BY Las Vegas Valley Water District PROTEST
ON October 7 1989, TO APPROPRIATE THE
WATERS OF Nye County

Comes now Miss Haps Enterprises
Printed or typed name of protestant
whose post office address is P.O. Box 236, Beatty, NV 89003
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Apartment Owners, and protests the granting
of Application Number 53985, filed on October 7, 1989
by the Las Vegas Valley Water District
Printed or typed name of applicant to appropriate the
waters of ground and surface waters 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:

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 the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the area of origin of the water needed for its environment and economic well being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

See attachments.

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 Norma A. Hamilton
Agent or protestant
Norma A. Hamilton, Owner
Printed or typed name, if agent
Address P.O. Box 236
Street No. or P.O. Box No.
Beatty, NV 89003
City, State and Zip Code No.

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

Evelyn M. Rose
Notary Public

State of _____
County of _____
 NOTARY PUBLIC
STATE OF NEVADA
County of Nye
Evelyn M. Rose
My Appointment Expires Aug. 15, 1992

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

ATTACHMENT TO PROTEST OF APPLICATION NO. 53985

MISS HAPS ENTERPRISES

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

3. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it, individually and together with the other applications of the water importation project, would:

(1) Likely jeopardize the continued existence of endangered and threatened species recognized under the Endangered Species Act and related state statutes;

(2) Prevent or interfere with the conservation of those threatened or endangered species;

(3) Take or harm those endangered or threatened species; and

(4) Interfere with the purpose for which the Federal lands are managed under Federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.

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 right-of-way permits for water development or transportation from proposed point of diversion to the proposed place of use of the Las Vegas Valley Water District.

5. The Application should be denied because it individually and cumulatively with other applications of the water importation project will increase the waste of water and lack of effective conservation efforts 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 statutorily required:

- (1) Description of the place;
- (2) Description of the proposed works;
- (3) The estimated cost of such works; and
- (4) The estimated time required to put the subject water to beneficial use.

8. The subject application should be denied because it individually and cumulatively with other Applications of the proposed project will exceed the safe yield of the Oasis Valley thereby adversely affecting phreatophytes and creating air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, the Clean Air Act and Chapter 445 of the Nevada Revised Statutes.

9. The application cannot be granted because the applicant has failed to provide information to enable the State Engineer to safeguard the public interest properly. The adverse effects of this application and related applications associated with this major withdrawal and transportation project cannot properly be evaluated without an independent, formal and publicly-reviewable assessment of:

- (1) cumulative impacts of the proposed extraction;
- (2) mitigation measures that will reduce the impacts of the proposed extraction;
- (3) alternatives to the proposed extraction, including but not limited to, the alternatives of no extractions and mandatory and effective water conservation in the Las Vegas Valley Water District service area.

10. The undersigned additionally incorporate 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.

11. 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 effects 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.