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

IN THE MATTER OF APPLICATION NUMBER 53987,
FILED BY LAS VEGAS VALLEY WATER DISTRICT,
ON OCT 17 1989, TO APPROPRIATE THE
WATERS OF CAVE VALLEY BASIN

PROTEST

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JUL 13 1990
Div. of Water Resources
Branch Office - Las Vegas, NV

Comes now LAS VEGAS FLY FISHING CLUB
Printed or typed name of protestant
whose post office address is 2728 Tidewater Ct. Las Vegas, NV 89117
Street No. or P.O. Box, City, State and Zip Code
whose occupation is NON-PROFIT EDUCATION AND CONSERVATION GROUP, and protests the granting
of Application Number 53987, filed on OCT 17, 1989
by Las Vegas Valley WATER DISTRICT to appropriate the
Printed or typed name of applicant
waters of CAVE VALLEY BASIN situated in Lincoln
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 ATTACHED

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 E. Watkins
Agent or protestant
JAMES E. WATKINS, President Las Vegas
Printed or typed name, if agent Fly Fishing Club
Address 2728 Tide water Ct.
Street No. or P.O. Box No.
Las Vegas, NV 89117
City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of July 1990

Janette K. Cox
Notary Public
State of Nev
County of Clark

JANETTE K. COX
Notary Public - State of Nevada
Appointment Recorded in Clark County
MY APPOINTMENT EXPIRES JAN. 24, 1994

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

2454 (Revised 6-89)

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PROTEST

The Las Vegas Fly Fishing Club protests water rights application number 53987, in Lincoln County, Nevada, Cave Valley Basin, filed by the Las Vegas Valley Water District. The water rights should be denied based on the following provisions.

1. The appropriation of this water when added to the already approved appropriations and existing uses in the Virgin River Basin will exceed the annual recharge and safe yield of the basin. Appropriation and use in this magnitude will sanction water mining and lower the static water level which will degrade the quantity and quality of water in the White River, reservoirs in the Wayne Kirsh Wildlife Managemant Area and Pahranagat Lakes.

2. This application is one of the applications filed by the Las Vegas Valley Water District seeking a combined appropriations of over 800,000 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 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.

3. In the cumulative areas being protested, the Las Vegas Fly Fishing Club has contributed in excess of $150,000. through volunteer time and personal expenses; club funds; Southwest Council, Federation of Fly Fishers funds; and private donations of materials to improve fish and related habitat in the affected areas. This was done for the public interest and to protect the fragile water resources in the effected areas. The Las Vegas Valley Water District's mining of these resources will negate the recreational and fish habitat benefits provided through these voluntary contributions under Nevada Department of Wildlife directed projects.

4. In a report dated June 7,1990, the Reno Field Station of the U.S. Fish and Wildlife Service listed two species as Endangered or Threatened and six species as candidates for Endangered or Threatened status. The endangerment or threat caused by degrading the water quality and/or quantity of this basin will extend the threat to any species that depends on the existent habitat. Therefore, no additional water can be mined from the area.

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5. The granting or approving of the subject application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost considerations, socio-economic considerations, and a water resource plan (such as 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 and interest.

6. 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 Las Vegas Valley Water District importation project, would:

a. Likely jeopardize the continued existence of endangered and threatened species recognized under the federal Endangered Species Act and related state statutes. Two species of trout have become extinct and four other species of trout are candidates for extinction in the state of Nevada. The public interest will not be served if the state allows any more species of fish to become extinct.

b. Prevent or interfere with the conservation of those Threatened or Endangered species.

c. Take or harm those Threatened or Endangered species.

7. The approval of 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. For example, in March of 1990, vandals tampered with an automatic watering system in the green belt between Crane Lake and Swan River roads on Lake North Drive in the Las Vegas subdivision known as the Lakes. The damage included broken valves and sprinklers which were seen and reported to the Las Vegas Valley Water District on Friday night. The Las Vegas Valley Water District representative at the emergency phone number said that the water in the area was not their responsibility and they did not know who to call. The person reporting the damage made several other unsuccessful attempts to get help. The water ran unchecked into the street for 62 hours until Monday morning. It was apparent from the response that even though technically the water district was not involved, their lack of concern and failure to take any action demonstrated their policy towards waste of water.

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8. The above referenced water rights, individually and cumulatively with other applications of the water import project, will perpetuate and may increase the inefficient use of water and frustrate efforts at water demand management in the in the Las Vegas Valley Water District service area.

9. Previous and current conservation programs instituted by the Las Vegas Valley Water district are ineffective public relations-oriented efforts that are unlikely to achieve substantial water savings. Public policy and public interest considerations should preclude the negative environmental and socio-economic consequences of the proposed transfer of water resources on areas of origin when the potential water importer has failed to make a good-faith effort to efficiently use currently available supplies.

10. Therefore, The Las Vegas Fly Fishing Club, on behalf of the public good of all Nevada citizens and on behalf of the disastrous consequences on fish habitat that approval would have, requests that the above referenced water rights application be denied and that the order be entered by the state engineer to protect this water resource in perpetuity from water rights applications not in the public interest and detrimental to sound conservation practices. In addition, The Las Vegas Fly Fishing Club incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the aforementioned application filed pursuant to NRS 533.365.