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

FILED
MAR 09 2011
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER **53989**
FILED BY **LVVWD / SNWA**
ON **10/17/89** TO APPROPRIATE THE
WATERS OF **UNDERGROUND**.

PROTEST

Comes now the **Toiyabe Chapter of the Sierra Club**

whose post office address is **P.O. Box 8096, Reno, NV 89507**

whose occupation is a **Conservation Organization** and protests the granting

of Application Number **53989**, filed on **10/17/89**

by **LVVWD / SNWA** to appropriate the

waters of **UNDERGROUND** situated in **LINCOLN**

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

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Please see attached one page Statement of Reasons

THEREFORE the Protestant requests that the application be **DENIED**
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Dennis Ghiglieri

Dennis Ghiglieri
Printed or Typed name, if agent

Address **Toiyabe Chapter of the Sierra Club**
P.O. Box 8096, Reno, NV 89507
Address, City, State, Zip

Phone Number **(775) 329-6118**

Subscribed and sworn to before me this 7th day of MARCH, 2011

Lori Wray
Notary Public

LORI WRAY
Notary Public-State of Nevada
APPT. NO. 98033322
My App. Expires February 14, 2014

State of **NEVADA**

County of **WASHOE**

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE

Attachment to Protest of Toiyabe Chapter, Sierra Club Against Application No. 53989, Filed 10/17/89 by the LVVWD and owned by the SNWA.

This attachment lists and briefly describes the reasons and grounds for this protest of Toiyabe Chapter, Sierra Club ("Protestant") against Application Number **53989** . The **LVVWD /SNWA** ("Applicant") has filed this Application to appropriate groundwater from **DRY LAKE VALLEY** Basin *(Basin # **181**)* as part of its massive proposed network of wells and pipelines stretching across eastern Nevada from Clark County through Lincoln County and into White Pine County.

1. There is insufficient water available in the proposed source of supply.
2. The application and proposed use would conflict with existing water rights and protectable interests in domestic and/or ranch production and/or municipal wells.
3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds in the basin of origin and in hydrologically connected and/or downwind basins and would be environmentally unsound as it relates to the proposed export basin: Harm to wildlife and wildlife habitat, degradation of air quality, destruction of recreational and aesthetic values, degradation of water quality, degradation of cultural resources, harm to state wildlife management areas and parks and state and federal wildlife refuges and parks.
4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed: undue limitation of future economic activity and growth in the basin of origin; undue economic harm will extend to the economies and communities of downgradient hydrologically connected and downwind basins; loss of public lands grazing and forage.
5. The proposed action is not an appropriate long-term use of Nevada's water.
6. The Applicant has not justified the need to import water from another basin.
7. The Applicant has not implemented a sufficient conservation plan.
8. The Applicant has not demonstrated the good faith intent or financial ability and reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence.
9. The Applicant has a duplicative application 79278 filed in 2010 which may require a duplicative hearing for the same groundwater.
10. The appropriation and export of groundwater from Cave, Dry Lake, and Delamar Valleys will harm hydrologically connected areas including but not limited to Pahranagat and Moapa National Wildlife Refuges, Pahranagat and White River Valleys and Lake Mead National Recreation Area, and Overton and Key Pittman and Wayne E. Kirsch Wildlife Management Areas.
11. Protestant reserves the right to amend this protest to include issues as they develop and incorporates other protests to SNWA's applications by reference.