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

IN THE MATTER OF APPLICATION NUMBER 53989,

FILED BY Las Vegas Valley Water District,

ON October 17, 19 89, TO APPROPRIATE THE

WATERS OF an underground source

PROTEST

RECEIVED

JUL 20 1990

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

Comes now U.S. Department of the Interior
Printed or typed name of protestant

whose post office address is 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Land Management Agency, and protests the granting

of Application Number 53989, filed on October 17, 1989

by Las Vegas Valley Water District to appropriate the
Printed or typed name of applicant

waters of an underground source 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 SHEET

may be)

JUPLICATE.

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

The U.S. Department of the Interior, Bureau of Land Management protests the granting of the subject application for the following reasons and on the following grounds, to wit:

BLM is directed to implement water rights policy by: 1) "cooperating with the State Governments under the umbrella of State Law to protect water uses identified for public land management purposes", and 2) "to comply with the applicable state laws except as specifically mandated by Congress". The purposes mandated by Congress are defined by the Federal Land Management Policy Act (FLPMA) and includes "multiple use" which is defined as "... the management of public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people". Uses associated with multiple use include but are not limited to "recreation, range, wildlife, minerals, watershed and fish...". The Wild Horse and Burro Act, FLPMA, and the National Environmental Policy Act also recognize free wild horses and burros as resource uses under BLM management responsibility. Any application to the State Engineer of Nevada for a water permit, on BLM land, that interferes with the capability of the agency to provide water for the afore stated uses, within the legislated responsibilities of the agency, will be protested.

The Endangered Species Act requires all Federal departments and agencies to utilize their authorities to conserve species listed by the Secretary of the Interior or Secretary of Commerce as threatened or endangered. It further requires Federal agencies to ensure that the continued existence of listed species is not jeopardized and that designated critical habitat of listed species is not destroyed or adversely modified.

Dry Lake Valley, in which this proposed well is located, contributes 5,000 acre-feet per year of ground water to Delamar Valley which is one of three hydrographic basins contributing ground water to Pahranagat Valley.

Pahranagat Valley is inhabited by the Bald Eagle (Haliaeetus leucocephalus) which is listed as endangered under the Endangered Species Act. Also, candidates for listing include the Long-billed curlew (Numenius americanus), White-faced ibis (Plegadis chihi), Pahranagat speckled dace (Rhinichthys osculus velifer), Pahranagat Valley montane vole (Microtus montanus fucosus), Pahranagat pebblesnail (Fluminicola merriami).

Pahranagat Valley, in turn, supplies surface and ground water flow to the Muddy River. The Moapa dace (Moapa coriacea), which has been listed as an endangered species, is endemic to the Muddy River and its spring sources. In addition, the Long-billed curlew, White-faced ibis, Moapa White River springfish (Crenichthys baileyi moapae), Moapa roundtail chub (Gila robusta ssp.), Moapa speckled dace (Rhinichthys osculus moape), Moapa pebblesnail (Fluminicola avernalis), and the Moapa warm spring riffle beetle (Stenelmis calida moapa), which have been

identified as candidate species for listing, inhabit the springs and river.

The Dry Lake Valley Hydrographic Basin (No.181) has an annual ground water recharge of 5,000 acre-feet. The proposed well will extract 4,344 acre-feet per year and when added to the other well proposed, in the same basin, the total figure increases to 8,688 acre-feet, almost twice the annual recharge. This magnitude of withdrawal will not only impact Dry Lake Valley but, will also impact Delamar Valley. The latter currently receives 5,000 acre-feet of ground water annually from Dry Lake Valley. Pumping at the proposed rate will result in the loss of interbasin flow, ultimately impacting the endangered and candidate species identified in Pahranagat Valley and ultimately the Muddy River Springs Area.

By Executive Order 11990 (Protection of Wetlands) federal agencies are directed to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial value of wetlands in carrying out programs affecting land use. An adverse impact on the stream, lakes and contributing springs in Pahranagat Valley, as well as, the Muddy River Springs Area could result in a reduction of associated riparian vegetation which, in turn, may impact those endangered and candidate species previously discussed.

Lowering of the ground water table is a reasonable expectation considering the volume of water planned for withdrawal. This, in turn, could result in a reduction of vegetation dependent on the subsurface water supply. The degree to which phreatophyte dependent wildlife are impacted, will depend on the extent of vegetation alteration or destruction. A reduction in species diversity and numbers, resulting from habitat degradation, can be expected. In the event of the total destruction of a vegetative community or water supply, elimination of species from the affected area is a possibility. The proposed temporary mining of ground water further increases the probability of lowering the water table, perhaps to a level from which dependent vegetation can not recover.

Water sources on the public lands, within this basin, contribute to the watering of 22,105 AUMs (Animal Unit Month) of cattle, 1,694 AUMs of deer and 1,828 AUMs of wild horses. Any adverse impacts to these water sources could have a detrimental affect on BLM's ability to properly manage livestock grazing, wildlife habitat and wild horses.

Currently, there is insufficient information to ascertain the actual impacts to the various resources for which the BLM has management responsibility. Neither the Nevada State Engineer nor the Las Vegas Valley Water District has prepared an analysis of all anticipated impacts associated with the Water Districts filings. Until sufficient data is gathered and analysis performed, the extent of the impacts resulting from the pumping

of this well, as well as, the cumulative impacts of pumping multiple wells can not be realized.

Because of the impacts discussed above and those not identifiable at this time, due to insufficient information and analysis, the BLM protests the granting of this water appropriation.

The Bureau is currently preparing notices of Public Water Reserves (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.