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

IN THE MATTER OF APPLICATION NUMBER 53992,
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 53992, filed on October 17, 19 89
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

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 Ben F. Collins
Agent or protestant
BEN F. COLLINS
Printed or typed name, if agent
Address 4765 Vegas Drive, P.O. Box 26569
Street No. or P.O. Box No.
Las Vegas, Nevada 89126
City, State and Zip Code No.

Subscribed and sworn to before me this 20th day of July 1990.

Carolyn J. Spoon
Notary Public
State of Nevada
County of Clark

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CAROLYN J. SPOON
My Appointment Expires Oct. 9, 1990

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

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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.

Delamar Valley, in which this proposed well is located, 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 Delamar Hydrographic Basin (No.182) has an annual ground water recharge of 6,000 acre-feet. The proposed well will extract 7,240 acre-feet per year and when added to the other well proposed, in the same basin, the total figure increases to 11,584 acre-feet, almost twice the annual recharge. This magnitude of withdrawal will not only impact Delamar Valley but, will also impact Pahranagat Valley. The latter currently recieves 6,000 acre-feet of ground water annually from Delamar Valley. Pumping at the proposed rate will result in the loss of interbasin flow thereby, adversely 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.

Within this basin, there are 13 springs and 1 well, located on public land, that could possibly be impacted by the granting of this application and, the other proposed well within the Delamar Basin. These water sources contribute to the watering of 14,351 AUMs (Animal Unit Month) of cattle, 852 AUMs of deer and 648 AUMs of wild horses. 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. The name and location of the 14 wells and springs, currently known to be located on the public lands, are listed below.

Source Name	Location			
	Township	Range	Section	Subsection
Twin Springs	5S.	62E.	34	NE¼ SW¼
Lamb Spring	5S.	62E.	34	SW¼ SE¼
Grassy Spring	5S.	64E.	2	NW¼ SW¼
Cottonwood Spring	5S.	65E.	6	SW¼ SE¼
Robinson Seep	5S.	65E.	18	NE¼ NE¼
Abandoned Spring	5S.	65E.	20	SW¼ NE¼
Coyote Spring	5S.	65E.	20	SE¼ NW¼
Blyth Spring	6S.	65E.	3	NW¼ SW¼
Tunnel Spring #1	6S.	65E.	20	NE¼ NE¼
Tunnel Spring #2	6S.	65E.	20	SE¼ NE¼
Horn Creek Spring	6S.	65E.	20	SE¼ SE¼
Tunnel Spring #3	6S.	65E.	21	NW¼ SW¼
Stewart Well	7S.	64E.	12	NW¼ SE¼
Jumbo Spring	7S.	64E.	24	NW¼ SW¼

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 flow of the springs listed could result in a reduction of associated riparian vegetation.

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.

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 (PWR) 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.