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

IN THE MATTER OF APPLICATION NUMBER **54003**
FILED BY **LVVWD / SNWA**
ON **October 17, 1989** TO APPROPRIATE THE
WATERS OF **UNDERGROUND.**

AMENDED PROTEST

FILED
09 MAR 2011
STATE ENGINEER'S OFFICE

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 **54003**, filed on **October 17, 1989**

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:

Please see attached one page Statement of Reasons

RECEIVED
2011 MAR -9 PM 2:26
STATE ENGINEERS OFFICE

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. 9803322
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. 54003, Filed October 17, 1989

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 **54003** . The **LVVWD /SNWA** ("Applicant") has filed this Application to appropriate groundwater from **SPRING VALLEY** Basin *(Basin # 184)* 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 79265 filed in 2010 which may require a duplicative hearing for the same groundwater.
10. The appropriation and export of groundwater from Spring Valley will harm existing permitted uses in the hydrologically connected areas including but not limited to Snake Valley and Great Basin National Park.
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.

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

In the Matter of Application Number 54003 Filed By Las Vegas Valley Water District on October 17, 1989, to Appropriate the Waters of underground	)	PROTEST

RECEIVED
JUL 12 1990
Div. of Water Resources
Branch Office - Las Vegas, NV

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 nonprofit organization dedicated to explore, enjoy and protect the wild places of the earth, and protests the granting of Application Number 54003, filed on October 17, 1989 by the Las Vegas Valley Water District to appropriate the waters of underground situated in Lincoln County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Application 54003 lies on the edge of the Fortification Range Wilderness Study Area, an area managed by the U.S. Bureau of Land Management, for possible wilderness designation by the U.S. Congress. The area is roadless and is presently managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; and (3) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

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. 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 and be inconsistent with Federally owned water rights as to lands affected by this application.

2. require the construction of facilities to transport the water across lands of the United States under the jurisdiction of the United States Department of Interior (including the Bureau of Land Management). This application should be denied because the Las Vegas Valley Water District has not obtained the necessary legal interest (e.g., right-of-way) in the federal land such that the applicant may extract, develop and transport water resources from the proposed point of diversion to the proposed place of use.

3. encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District; consequently, the water will not be put to beneficial use.

4. be premature in that 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.

5. divert and export a sufficient quantity of water to lower the static water level in the area of the application and affect the quality of remaining ground water; further threaten springs, seeps and phraetophytes which provide water and habitat critical to the survival of wildlife.

6. impair wetlands and waters in the area of the application to support migratory birds, native fish, and other wildlife in conflict with Federal laws that seek to protect wetlands, migratory birds, and wildlife for the benefit of all.

7. in the absence of comprehensive planning, lead to a further degradation of the quality of life and the environment in the southern Nevada region with the most likely result being a further degradation of air quality in an area that presently exceeds Federal air quality standards established by the Clean Air Act for the protection of human health.

8. sanction water mining.

9. fail statutory requirements for a:
   (a) description of the place of use;
   (b) description of the proposed works;
   (c) estimated cost of such works; and
   (d) estimated time required to put the subject water to beneficial use.

10. discourage lower cost, more efficient alternatives to obtaining water and pass the development costs to the consumer.

11. be premature in that insufficient data has been provided to demonstrate that water of sufficient quantity and quality can be provided to the Las Vegas metropolitan area without adverse impacts on the environment.

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 affects 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.

The undersigned additional incorporates by reference as though fully set forth herein and adopts as his [her/its] own, each and every other protest to the aforementioned application filed pursuant to NRS 533.365.

THEREFORE the protestant requests that the application be <u>denied</u> and that an order be entered for such relief as the State Engineer deems just and

proper.

Signed _____

David W. Brickey, Southern Nevada Group

Conservation Chair

Address 2068 N. Nellis Blvd. #105

Las Vegas, NV 89115

Subscribed and sworn to before me this 10 day of July 1990.

Notary Public-State Of Nevada
COUNTY OF CLARK
Catherine Sloan Cunningham
My Appointment Expires
Sept 10 1990

_____
Notary Public

State of Nevada

County of Clark

$10.00 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

RECEIVED
JUL 12 1990
Div. of Water Resources
Branch Office - Las Vegas, NV