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

IN THE MATTER OF APPLICATION NUMBER 54013,
FILED BY Las Vegas Valley Water District,
ON October 17, 19 89, TO APPROPRIATE THE
WATERS OF Underground Well

PROTEST

Comes now U.S. Government, Bureau of Land Management
Printed or typed name of protestant
whose post office address is Star Route 5, Box 1, Ely, Nevada 89301
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Land Management Agency, and protests the granting
of Application Number 54013, filed on October 17, 19 89
by Las Vegas Valley Water District to appropriate the
Printed or typed name of applicant
Underground Source (Well)
waters of T. 15 N., R. 66 E., Sec. 25, SW¼SW¼ situated in White Pine
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 Attachment for Application #54013

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 Kenneth G. Walker
Agent or protestant
Kenneth G. Walker, District Manager
Printed or typed name, if agent
Address SR 5, Box 1
Street No. or P.O. Box No.
Ely, Nevada 89301
City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of July 19 90

Benjamin E. Cope
Notary Public
State of Nevada
County of White Pine

BENJAMIN E. COPE
Notary Public • State of Nevada
White Pine County • Nevada
Appt. Exp. Feb. 8, 1994

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

2414 (Revised 6-80)

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ATTACHMENT FOR FILING #54013

The Bureau of Land Management (BLM), United States Department of the Interior has been directed by Congress through law to protect and manage certain public lands of the Unites States. Specifically, Congress instructed the BLM in the Federal Land Policy and Management Act (FLPMA) "...that management be on the basis of multiple use and sustained yield...public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use..."

The multiple uses mentioned in FLPMA include, but are not limited, to recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values.

In addition to FLPMA, the Taylor Grazing Act, The Recreation and Public Purposes Act, The Wild and Free Roaming Horse and Burro Act, The Endangered Species Act, The Public Rangelands Improvement Act, The Water Resources Act, and various other laws give the BLM the authority to manage the public lands and their various resources so that they are utilized in the combination that will best meet the present and future needs of the American people.

The application of the Las Vegas Valley Water District (LVVWD) to the State Engineer of Nevada to appropriate water on BLM administered land,if approved, will prove to be detrimental to the public interest by eliminating the capability to fulfill the legislated management responsibilities and is being protested under NRS 533.365.

SPECIFIC IMPACTS FROM APPLICATION #54013

There are thirty eight (38) waters that will be impacted if this application is granted and results in the lowering of the water table which will eliminate available watering sources within the well field. The demand which the BLM has recognized on these waters where the BLM has a responsibility to manage is: 1) 1103 AUMs for deer, 2) 417 AUMs for antelope, 3), 16 AUMs for elk, 12 AUMs for bighorn and 400 AUMs for livestock. The total AUM demand is 1948.

Of these 38 waters deer use 19, antelope use 35, elk use 8, bighorn sheep, sage grouse use 1, chuckar use 1 and blue grouse use 1. In addition this application will adversely effect the habitat for two candidate T/E (Category 2) species. This includes nest sites for 11 ferruginous hawks and Bonneville cutthroat trout in Willard Creek. The ability of the BLM to meet this demand will be impaired by the granting of an appropriation to LVVWD;therefore, it threatens to prove detrimental to the public interest.

CUMULATIVE AFFECTS OF APPLICATION #54013

1. Application number 54013 in conjunction with applications 54003, 54004, 54005, 54006, 54007, 54008, 54009, 54010, 54011, 54012, 54014, 54015, 54016, 54017, 54018, 54019, 54020, and 54021 will withdraw 91,218 acre feet (AF) of water if pumping occurs at the rates applied for, 24 hours per day, 365 days per year. This withdrawal rate is 14,218 AF per year more than occurs through natural recharge from precipitation and inflow from the Antelope Valley hydrographic area (Harrill 1988). According to Dettinger (1989) the perennial yield of an aquifer is the quantity of water which can be extracted for use each year without depleting the groundwater reservoir. The perennial yield is no greater than the total rate of flow through the aquifer and is probably less (Dettinger 1989). Because more water will be withdrawn from the Spring Valley hydrographic area than is recharged ,a slow but continuous decline in groundwater levels will occur. Also, groundwater withdrawal from the Spring Valley hydrographic area that exceeds natural recharge will preclude the underground flow of 4,000 AF per year from the Spring Valley hydrographic area to the Snake Valley hydrographic area (Upper Hamblin Valley). Numerous large artisan springs are found in upper Hamblin Valley (Hood and Rush 1965, Pupacko et al. 1989) and elimination of the 4,000 AF flow from Spring Valley to Hamblin Valley will, at the minimum, result in decreased flows, and may dry up the springs entirely. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

2. Application 54013 in conjunction with applications 54005, 54010, 54009, 54012, 54013, 54014, 54015, 54016, 54017, 54018, 54019, 54020, and 54021 is positioned within the fringe of or just outside of a phreatic zone. The point of diversion of application 54013 allows the Las Vegas Valley Water District to obtain groundwater before it flows into the underground reservoir and is transpired by the phreatic vegetation. Phreatic vegetation is present on about 325,000 acres of bottomland in Spring Valley. Groundwater modeling in Spring Valley for the White Pine Power Project Environmental Impact Statement indicates that removal of 25,000 AF of groundwater per year for 36 years will cause a general drawdown of up to 40 feet throughout a large portion of Spring Valley. Drawdown at individual points of diversion would be as great as 240 feet. The proposed withdrawal by the Las Vegas Valley Water District is substantially greater than 25,000 AF, therefore, the potential cumulative and specific well drawdowns will be substantially greater. Groundwater withdrawal of this magnitude, both at individual points of diversion and cumulative from all the points of diversion mentioned above will lower the water table below the rooting zone of the phreatic vegetation. Soils in the basin floor of Spring Valley are very alkaline;therefore, little or no vegetation will replace the salt tolerant phreatophytes. Desertification will reduce the forage and habitat base for livestock and wildlife. Also, the aesthetic and biologic quality of the air resource will decline because desertification increases airborne particulates. Acute problems will occur during periods of high winds. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

3. The cumulative impact of application 54013 in conjunction with the applications mentioned in the above paragraphs will have a negative impact on the Pahrump Killifish, an endangered species found in the Shoshone Ponds. According to the White Pine Power Project Environmental Impact Statement withdrawing only 25,000 AF of water per year from Spring Valley could decrease

the water temperature in the ponds to less than optimum during the winter and spring months. It is believed that decreased water flows, because of extensive withdrawal, and cold atmospheric temperatures during the winter months will work together to drop the water temperature below the optimum level needed for survival of the Killifish. The aforementioned EIS also states that the United States Fish and Wildlife Service believes that pumping 25,000 AF of groundwater per year in Spring Valley will jeopardize the continued existence of the Pahrump Killifish. Because of these impacts and others not identifiable at this time, this application threatens to prove detrimental to the public interest.

ADDITIONAL INFORMATION MANDATORY

At this time, there is insufficient information available to completely analyze and determine the full impacts to the various resources that the BLM is responsible to protect and manage. The actual impacts of the pumping of this well in conjunction with the cumulative impacts of the Las Vegas Valley Water Districts' other proposed wells cannot be fully determined until sufficient data has been collected and analyzed.

We, therefore, protest the granting of the water appropriation because neither the State Engineer nor the Las Vegas Valley Water District (LVVWD) has prepared an analysis of all anticipated impacts associated with LVVWD's applications. If an analysis has been done, it has not been made available to the public and affected parties, and the failure to do so is not in the public interest as per NRS 533.370.3. Because it is impossible to anticipate all impacts at this time, the BLM reserves the right to amend this protest as other issues develop and as additional studies provide further information.

The Bureau is preparing notices of 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 Water Engineer over the next several months prior to adjudication.