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

IN THE MATTER OF APPLICATION NUMBER 54022,

FILED BY Las Vegas Valley Water District,

ON ~~March 16~~ October 17 1989, TO APPROPRIATE THE

WATERS OF Snake Valley

PROTEST

Comes now Lloyd F. Westphal
Printed or typed name of protestant

whose post office address is Box 21, Baker, Nevada 89311
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Maintenance Worker/Great Basin National Park, and protests the granting

of Application Number 54022, filed on ~~March 16~~ October 17, 1989

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

waters of underground 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:

Please See Attached

THEREFORE the protestant requests that the application be
(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 Lloyd F. Westphal
Agent or protestant

Printed or typed name, if agent

Address Box 21, Baker, Nev. 89311
Street No. or P.O. Box No.

Baker, Nev. 89311
City, State and Zip Code No.

Subscribed and sworn to before me this 23rd day of June 1990

Ann Zoe Taylor
Notary Public

State of NV

County of White Pine

NO FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

2854 (Revised 6-80)

ATTACHMENT TO PROTEST OF APPLICATION NO. 54022
BY LAS VEGAS VALLEY WATER DISTRICT

This application is one of nine filed by Las Vegas Valley Water District for a total of 51,100 acre feet to be appropriated from Snake Valley. Diversion and export of such a quantity of water will deprive Snake Valley of the water needed for its environmental and economic well-being, and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

Said application, if approved, would prevent or interfere with the development of the community water supply in Snake Valley. The Baker Water & Sewer General Improvement District was formed for this purpose after completion of an engineering study by Eric Beyer. Said water system is critically needed for the health and economic well-being of Snake Valley, as well as for serving the needs of some 80,000 annual visitors to Great Basin National Park.

Approval of this application would jeopardize the community water supply that is now being developed in Snake Valley for the town of Baker, by means of the Baker General Improvement District. This quasi-municipal water system is necessary for the healthy growth and economic development of Snake Valley, and to serve the 80,000 annual visitors to Great Basin National Park.

This application is one of nine applications filed on water in Snake Valley for a total of 51,100 acre feet. The appropriation of this water when added to the already approved appropirations and dedicated users will far exceed the annual recharge and safe yield of the basin, adversely affecting existing rights and public interest

According to USGS studies cited in Water Related Scientific Activities of the USGS in Nevada, 1985-89, pp. 47, 48, 57, and 58, it is impossible to predict the consequences of exporting water in such quantities. "Comprehensive studies of this aquifer system have not been made, and little appropriate data are available."

This application is one of 145 applications filed by the Las Vegas Valley Water District seeking to appropriate 804,195 acre feet of ground water primarily for municipal use within the service area of the District in Clark County. Diversion and export of such a quantity of water will: lower the static water level in Snake Valley; adversely affect the quality of remaining ground water; and further threaten springs, seeps and

phreatophytes which provide water and habitat critical to the survival of wildlife, grazing livestock and other surface area existing uses.

The appropriation of this water when added to the already approved appropriations and existing uses in the Snake Valley will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitide will: lower static water level and degrade the quality of water from existing wells and cause negative hydraulic gradient influences as well as other negative impacts.

This application is one of 145 applications filed by the Las Vegas Valley Water District seeking a combined appropriation of some 864,195 acre feet of ground and surface water primarily for municipal use in the Las Vegas Valley Artesian Basin. Diversion and export of such a quantity of water will deprive the area of origin of the water needed for its environment and economic well-being and will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

The granting or approving of the subject application in the absence of comprehensive planning, including but not limited to environmental impact considerations, socioeconomic impact considerations, and a water resource plan for the general Las Vegas Valley area such as has been required by the Public Service Commission of private purveyors of water, is detrimental to the public welfare and interest.

The granting or approving of the subject application in the absence of comprehensive water resource development planning, including but not limited to, environmental impacts, socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.

The granting or approval of the above-referenced Application would conflict with or tend to impair existing rights in the Snake Valley because if granted it would exceed the safe yield of the subject valley and unreasonably lower the static water level and sanction water mining.

The approval of the subject application will sanction and enhance the willful waste of water allowed, if not encouraged, by the Las Vegas Valley Water District.

The undersigned additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every other protest to the subject application filed pursuant to NRS 533.365.

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.