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

IN THE MATTER OF APPLICATION NUMBER 54023,

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 54023, filed on October 17, 19 89

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

Underground Source (Well)
Underground or name of stream, lake, spring or other source

waters of T. 13 N., R. 70 E., Sec. 36, NW¼SE¼ situated in White Pine

County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attachment for Application #54023

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

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

ATTACHMENT FOR FILING #54023

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 #54023

There are three (3) 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) 106 AUMs for deer, 2) 14 AUMs for antelope, 3) 15 AUMs for elk, and 4) 1900 AUMs for livestock. The total AUM demand is 2035.

Of these 3 waters deer use 4, antelope use 2, elk use 2, and livestock use 2. 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 IMPACTS OF APPLICATION #54023

1. Water right application 54023 is located along the periphery of a phreatophyte zone. This application in conjunction with applications 54022, 54024, 54025, 54026, 54027, 54028, 54029, and 54030 will withdraw 50,500 acre feet (AF) of water per year. This is a substantial portion of

the 12,100 AF per year that is discharged in Snake Valley each year by evapotranspiration. Withdrawal of 50,500 AF of water each year will lower the water table sufficiently to kill a large amount of the phreatophyte vegetation in the Nevada portion of Snake Valley. The Nevada portion is most likely to be affected because the groundwater flow is from the base of the Snake Range through the alluvial fans towards the valley bottom in Utah. The point of diversion of application 54023 allows the Las Vegas Valley Water District to obtain groundwater from the underground reservoir which then will not be available to the phreatic vegetation. This pattern of positioning for the points of diversion will result in a general drawdown of the aquifer beneath the phreatophyte zone, which will increase desertification. In Steptoe Valley groundwater modeling in a similar unconfined aquifer indicates that the withdrawal of only 25,000 AF per year will cause a general drawdown of 15-20 feet (White Pine Power Project EIS). Drawdowns at individual wells will be as great as 125-150 feet (White Pine Power Project EIS). The withdrawal of 50,500 AF per year in Snake Valley is likely to have a similar, if not greater, drawdown since the volume of water applied for is twice as much. Large reductions in or depletion of the phreatic vegetation in Snake Valley will cause widespread desertification. Desertification will decrease habitat and forage availability for livestock and wildlife. Soil erosion from wind and increased overland water flow will occur. Increased wind erosion will decrease the air quality in Snake Valley and adjacent Great Basin National Park.

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.