

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

IN THE MATTER OF APPLICATION NUMBER 54028
FILED BY LAS VEGAS WATER DISTRICT
ON OCT 17 1989, TO APPROPRIATE THE
WATERS OF SNAKE VALLEY, WHITE PINE CO., NV.

PROTEST

Comes now DARWIN Wheeler
whose post office address is P.O. Box 40 GARRISON UTAH 84728
whose occupation is RANCHER, and protests the granting
of Application Number 54028, filed on OCT 17, 1989
by LAS VEGAS VALLEY WATER DISTRICT
waters of Underground situated in White Pine

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

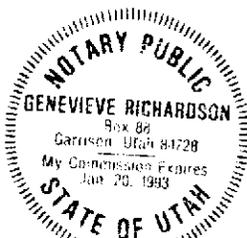
I am a Rancher living and operating in Snake Valley and I depend on all sources of water for my livelihood of Farming and livestock. The water is the most important resource of the desert because without it no other resources have any value here. I depend on underground water for much of my business of Irrigation, and solely for any further development. I therefore strongly protest Las Vegas taking water from our area to supply their needs. Consider attachment part of protest

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 Darwin C. Wheeler
Agent or protestant
DARWIN C. Wheeler
Printed or typed name, if agent
Address P.O. Box 40
Street No. or P.O. Box No.
GARRISON UTAH 84728
City, State and Zip Code No.

Subscribed and sworn to before me this 7th day of July, 1990



Genevieve Richardson
Notary Public
State of Utah
County of Millard

\$18 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ATTACHMENT TO PROTEST OF APPLICATION NO.
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.

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 appropriations 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 magnitude 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.