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

IN THE MATTER OF APPLICATION NUMBER 54047,

FILED BY Las Vegas Valley Water District,

ON October 17 19 89, TO APPROPRIATE THE

WATERS OF State of Nevada

PROTEST

Comes now Varlin Higbee
Printed or typed name of protestant

whose post office address is P.O. Box 354 Alamo, Nevada 89001
Street No. or P.O. Box, City, State and Zip Code

whose occupation is homeowner/rancher, and protests the granting

of Application Number 54047, filed on October 17, 19 89

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

waters of underground source situated in Pahranagat Valley Lincoln County
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:

That the attached statement contains my reasons and grounds for protest and are hereby declared by me to be an integral and undivided part of this protest. Attached statement includes two, (2), pages, numbered 1 and 2 respectively.

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 Varlin L Higbee
Agent or protestant

Printed or typed name, if agent

Address
Street No. or P.O. Box No.

City, State and Zip Code No.

Subscribed and sworn to before me this 12th day of June 19 90.

JoAnn Clay
Notary Public

State of Nevada

County of Lincoln

JoAnn Clay
Notary Public-State of Nevada
Lincoln County
My appointment expires Jun. 14, 1992

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

2454 (Revised 6-80) OK CB

O-2035

Protest of application #54047, filed on Oct. 17, 1989, by the Las Vegas Valley Water District, (LVVWD).

Protest for the following reasons and on the following grounds, to wit:

... That the proposed Point of Diversion, (P.O.D.), lies within 100 ft (feet or miles) of present Steel, Higbee Trust (well) well, springs, seep, or wetland.

... That the proposed P.O.D. lies within the same water basin as present Steel, Higbee Trust (well) well, springs, seep, or wetlands.

... That the amount of second feet, 6, by itself and along with filings numbered 53957, 53959, 54047, 54050, 54051, (total of 38 second feet), would probably deplete the ground water enough to cause the following to occur:

1. drop in water table, (drawdown).
2. drying of springs.
3. drying of seeps.
4. drying of wetlands.
5. drawdown in existing wells.
6. desertification.
7. reduction in water quality.
8. degradation of air quality due to increased dust.

... That because the economic activity in Pahranagat Valley is mostly farming, grazing and recreation, all water dependent, a diminishing of the amount or the quality of currently used water from wells, springs, seeps, and/or wetlands, would adversely impact the public welfare and endanger the very way of life here.

... That at least until an Environmental Assessment, (E.A.), or an Environmental Impact Statement, (E.I.S.), is done, and at least until such studies show that the aforementioned adverse effects will not occur, this filing should be denied.

... That the U.S. Geological Survey, upon which the amount of ground water has been assumed, has not been proven to be correct.

... That the water being used here stays here, (recharge).

... That the removal of 30 second feet of water, taken out and not put back into the same basin, would accelerate the aforementioned adverse effects.

... That loss of this water from the basin, could cause a rancher/farmer to lose his crops, his livestock, his income, his ranch/farm, and his way of life.

... Continued on page 2.

Signed Varlen L. Higbee

Subscribed and sworn to me this 12th day of June, 1990.

JoAnn Clay
Notary Public-State of Nevada
Lincoln County
My appointment expires Jun. 14, 1992

JoAnn Clay
Notary Public
State of Nevada
County of Lincoln

Protest of application number 54047, continued.

... That the tying up of this water before the land use issues are resolved, is not in the best interest of Pahranagat Valley, nor in the best interest of Las Vegas.

... That these land use issues include all of the above and also the following:

1. Filings on federal land require EIS's.
2. Filings affecting wetlands require Army Corp of Engineer permits.
3. Rights of Way for Water Works.
4. Conformation to local codes.
5. Conformation with local Zoning and Planning.
6. Riparian rights.

... That Water Works, ie. well sites, transmission lines, pumping stations, might be detrimental to the land and its users, both human, and domestic and wild animals.

... That any construction through grazing areas might be detrimental to the habitat and might result in loss of AUM,s and so infringe on existing range rights.

... That because of problems concerning the Desert Tortoise, the amount of anticipated growth which the LVVWD is basing its filings on, is liable to be incorrect on the high side.

... That myself and the following people believe these things to be as true a picture of the situation as is possible without the EA,s or EIS,s. _____

... That this statement contains my reasons and grounds and is an integral and undivided part of my protest of filing #54047.

Signed Varlin S Higbee

Subscribed and sworn to before me this 12th day of June, 1990.

JoAnn Clay
Notary Public-State of Nevada
Lincoln County
My appointment expires Jun. 14, 1992

JoAnn Clay
Notary Public

State of Nevada

County of Lincoln