

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

RECEIVED
JUL 09 1989
Div. of Water Resources
Branch Office - Las Vegas

IN THE MATTER OF APPLICATION)
NUMBER 54055)
FILED BY the Las Vegas Valley)
Water District) PROTEST
ON Oct 17, 1989 TO APPROPRIATE THE)
WATERS OF Coyote Spring Valley)

Comes now Christopher A. Brown whose post office address is 2014 Crawford Street, Apt. 1, North Las Vegas, Nevada 89030, whose occupation is Community Organizer, and protests the granting of Application Number 54055, filed on Oct. 17, 1989, by the Las Vegas Valley Water District to appropriate the waters of Coyote Spring Valley situated in Clark County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. This application is one of 146 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 Clark County. Diversion and export of such a quantity of water will deprive the area of origin of the water needed to protect and enhance its environment, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

2. The subject application should be denied because Coyote Springs Valley lies downstream from the Pahrangat Nature Preserve, and diversion of water here could result in drawdown of the water table in the Pahrangat Valley through a "suction effect," thus having a negative effect on migratory birds and the plant and animal species inhabiting and dependent on the Pahrangat Basin's water resources, including some species protected under the federal Endangered Species Act and related state statutes.

3. This application should be denied because the current per capita water consumption rate for the Las Vegas Valley Water District is double that of similarly situated southwestern municipalities. This suggests enormous potential for more cost-effective supply alternatives, including but not limited to demand management and effluent re-use. These alternatives have not been seriously studied by the Las Vegas Valley Water District.

4. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, costs considerations, socioeconomic impact considerations, and a water resource plan (such as is required by the Public Service Commission of private purveyors of water) for the Las Vegas Valley Water District service area is detrimental to the public welfare and interest.

5. The granting or approval of the above-referenced Application would be detrimental to the public interest in that it, individually and together with the other applications of the water importation project, would:

(a) Likely jeopardize the continued existence of endangered and threatened species recognized under the federal Endangered Species Act and related state statutes, including but not limited to the Desert Tortoise;

(b) Prevent or interfere with the conservation of those threatened or endangered species;

(c) Take or harm those those endangered or threatened species;

(d) Interfere with the purpose for which the federal lands are managed under federal statutes including, but not limited to, the Federal Land Use Policy Act of 1976.

6. The subject application seeks to develop water resources on and across lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management and Fish & Wildlife Service, and the Department of Defense. This application should be denied because the Las Vegas Valley Water District has not obtained the necessary legal interest (e.g. right-of-way) in the federal land such that the applicant may extract, develop and transport water resources from the proposed point of diversion to the proposed point of use.

7. The subject Application should be denied because it individually and cumulatively with other applications of the proposed project will exceed the safe yield of the Coyote Springs Basin thereby adversely affecting phreatophytes and creating air contamination and air pollution in violation of State and Federal Statutes, including but not limited to, The Clean Air Act and Chapter 445 of Nevada Revised Statutes.

8. The subject Application is deficient and should be denied. Insufficient data exists to support the Las Vegas Valley Water District's claim that such water exists. Upon information and belief there is not sufficient unappropriated water available in the Coyote Springs Basin to provide the water being sought. Due to cyclical drought, and long term climatic change the water resource in this basin and all connecting basins is diminishing. Withdrawal in excess of perennial yield will cause a decline in the static water level beyond reasonable limits.

9. The subject Application should be denied because it is located on the edge of the Desert National Wildlife Refuge, and is likely to have detrimental effects on the flora and fauna protected within the Refuge.

10. The subject Application should be denied because it lies within the boundaries of land covered by the Treaty of Ruby Valley of 1863. Land claims under this Treaty are currently under litigation in federal court. On information and belief granting or approving Application Number 54055 would conflict with the prior and paramount reserved water rights of the Western Shoshone Tribes subject to the Treaty of Ruby Valley and Federal Statutes affecting aboriginal peoples of the United States.

11. The subject Application should be denied because it individually and cumulatively with other applications of the proposed project will encourage and enable the continued uncontrolled population growth in the Las Vegas Valley. The Las Vegas valley is a desert valley, surrounded by mountains, inhabited by the endangered species, the Desert Tortoise, and already has existing air quality, traffic and crime problems. Uncontrolled growth will result in overcrowding, thus exacerbating existing problems. The air quality already violates federal standards from the Clean Air Act, and will worsen as vehicle miles increase. The subject Application should be denied because it is not in the public interest of those who live in the Las Vegas Valley Water District service area.

12. 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 effects withor 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.

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

THEREFORE the protestant requests the the application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Christopher A. Brown

Christopher A. Brown

Address 2014 Crawford Street, Apt. 1

North Las Vegas, NV 89030

Phone 648-8982

Subscribed and sworn before me this 9th day of July, 1990

My Commission Expires 8/18/92

Ruth E. Bales



Notary Public
State of Nevada
County of Clark

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