

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

RECEIVED

JUL 05 1990

Div. of Water Resources
Branch Office: Las Vegas, NV

IN THE MATTER OF APPLICATION NUMBER 54056
FILED BY Las Vegas Valley Water District
ON October 17, 1989, TO APPROPRIATE THE
WATERS OF 210-2A, COYOTE SPGS. VA. CK NV

PROTEST

Comes now The Unincorporated Town of Pahrump

Printed or typed name of protestant

whose post office address is P.O. Box 3140, Pahrump, Nevada, 89041

Street No. or P.O. Box, City, State and Zip Code

~~whose incorporation is~~ holds the trust for the people of Pahrump, and protests the granting

of Application Number 54056, filed on October 17, 1989

by Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of BASIN NO. 210-2A, COYOTE SPRINGS VALLEY situated in CLARK

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:

(SEE ADDENDUM)

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 Marvin Veneman

Agent or protestant

Marvin Veneman, Town Board Chairman

Printed or typed name, if agent

Address P.O. Box 3140

Street No. or P.O. Box No.

Pahrump, Nevada 89041

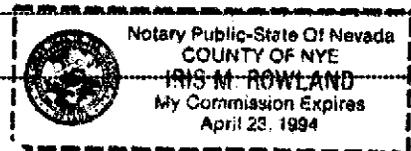
City, State and Zip Code No.

Subscribed and sworn to before me this 29 day of June 19 90

Iris M Rowland
Notary Public

State of _____

County of _____



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

OK

"ADDENDUM"

THE UNINCORPORATED TOWN OF PAHRUMP
PROTEST THE AFOREMENTIONED APPLICATION
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 economic well being, and the diversion will unnecessarily destroy environmental, ecological, scenic and recreational values that the State holds in trust for all its citizens.

2. The granting or approving of the subject Application in the absence of comprehensive planning, including but not limited to environmental impact considerations, cost 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 in interest.

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

4. The subject Application seeks to develop and transport water resources on and across lands of the United States under the jurisdiction of the United States Department of Interior, Bureau of Land Management. 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 place of use.

5. The Application should be denied because it individually and cumulatively with other applications of the water importation project will perpetuate and may increase the inefficient use of water in the Las Vegas Valley Water District service area and frustrate efforts at water demand management in the Las Vegas Valley Water District service area.

6. The Las Vegas Valley Water District lacks the financial capability for developing and transporting water under the subject permit which is a prerequisite to putting the water to beneficial use.

7. The above-referenced Application should be denied because it fails to include the statutory required:

- (a) Description of the place of use;
- (b) Description of the proposed works;
- (c) The estimated costs of such works; and
- (d) The estimated time required to put the subject water to beneficial use.

8. The Application cannot be granted because the applicant has failed to provide information to enable the State Engineer to safeguard the public interest properly. The adverse effects of this Application and related applications associated with the proposed water appropriation and transportation project (largest appropriation of ground water in the history of the State of Nevada) cannot properly be evaluated without an in-

dependent, formal and publicly-reviewable assessment of:

- (a) cumulative impacts of the proposed extraction;
- (b) mitigation measures that will reduce the impacts of the proposed extraction;
- (b) alternatives to the proposed extraction, including but not limited to, the alternatives of no extraction and aggressive implementation of all proven and cost-effective water demand management strategies.

9. The subject Application should be denied because the population projections upon which the water demand projections are based are unrealistic and ignore numerous constraints to infrastructure and services, degraded air quality, etc.

10. The granting of approval of the above-referenced Application would be detrimental to the public interest and not made in good faith since it would allow the Las Vegas Valley Water District to lock up vital water resources for possible use sometime in the distant future beyond current planning horizons.

11. The subject Application should be denied because current and developing trends in housing, landscaping, national plumbing fixture standards and demographic patterns all suggest that the simplistic water demand forecasts upon which the proposed transfers are based substantially overstate future water demand needs.

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 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.

13. We, the Town of Pahrump know first hand the economic hardship caused by over appropriation of water. Currently the growth of the Pahrump Valley is threatened because of technical over allocation of water. If the Las Vegas Valley Water District is allowed to obtain all remaining available water rights in the various water basins as they have requested, then all these areas will be growth stunted at their current levels. We protest the acquisitions that the Las Vegas Valley Water District has requested. The current request would destroy the economic and growth potential of each basin affected.

14. 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 NSR 533.365.

July 9, 2001

Susan Joseph-Taylor, Chief
Hearing and Adjudication Section
Nevada Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818

Subject: City of Ely, Nye County, Town of Pahrump and White Pine County Withdrawal of Protests Filed with the State Engineer Relative to Las Vegas Valley Water District Applications 54055, 54056, 54057, 54058 and 54059

Dear Ms. Joseph-Taylor:

The purpose of this letter is to notify you that the City of Ely, the County of Nye, the County of White Pine and the Town of Pahrump withdrawal their protests of Las Vegas Valley Water District Applications 54055, 54056, 54057, 54058 and 54059.

As you know, the Las Vegas Valley Water District (District) filed 145 ground water applications, (including the subject five applications) in October 1989 in order to implement the District's Cooperative Water Project (Project). The stated purpose of the Project was to transfer ground water associated with the applications, via a massive pipeline system, from portions of Nye, White Pine, Lincoln and Clark Counties to the Las Vegas Valley. This water was to be used to accommodate growth and development in the Las Vegas Valley.

The District and the Southern Nevada Water Authority state in their most recent water resource plan that the Cooperative Water Project is not a priority for additional water resources. Enclosed is a February 16, 2001, letter to me from Kay Brothers, director of resources with the Southern Nevada Water Authority, stating the District's Cooperative Water Project ground water applications located in Clark County, including Coyote Spring Valley, are no longer considered a part of the Project. At the July 3, 2001, regularly scheduled meeting of the Las Vegas Valley Water District Board of Directors (Board) the Board confirmed Ms. Brothers' February 16, 2001, letter (Agenda Item 14).

In light of Ms. Brother's February 16, 2001, letter and the Board's action July 3, 2001, relative to Ms. Brother's letter, the Counties of Nye and White Pine, the City of Ely and the Town of Pahrump withdraw their protests (filed in 1990) of the subject ground water applications pursuant to NAC 533.150. If you have any questions, please do not hesitate to contact me.

Sincerely,


Steve Bradhurst

● Enclosure

cc: City of Ely
Lincoln Count Board of Commissioners
Nye County Board of Commissioners
White Pine County Board of Commissioners
Town of Pahrump

●

Las Vegas
Valley
Water
District

February 16, 2001

PATRICIA MULROY
GENERAL MANAGER

DAVID A. DONNELLY, P.E.
DEPUTY GENERAL MANAGER
ENGINEERING/OPERATIONS

RICHARD J. WIMMER
DEPUTY GENERAL MANAGER
ADMINISTRATION

CHARLES K. HAUSER
GENERAL COUNSEL

Stephen T. Bradhurst
Planning and Management Consultant
P.O. Box 1510
Reno, Nevada 89505

Dear Mr. Bradhurst:

**SUBJECT: LAS VEGAS VALLEY WATER DISTRICT GROUND-WATER APPLICATIONS IN
COYOTE SPRING VALLEY, CALIFORNIA WASH VALLEY, HIDDEN VALLEY AND
GARNET VALLEY**

This is to confirm our discussion of February 13, 2001, regarding whether or not the Las Vegas Valley Water District (District) ground-water applications in Coyote Spring Valley, California Wash, Hidden Valley and Garnet Valley filed with the Nevada State Engineer (State Engineer) as part of the Cooperative Water Project (CWP) are still a part of the CWP.

As you know, the District initiated the CWP in October 1989 when it filed with the State Engineer a number of applications to appropriate water in Clark, Lincoln, White Pine and Nye Counties. None of the ground-water applications associated with the CWP have gone to hearing with the State Engineer.

Recently, by reason of proposed development in an area near the Interstate 15 corridor in Clark County, including plans to construct power plants in this area, the State Engineer decided to initiate action on applications to appropriate ground water in water basins near Interstate 15 between Las Vegas and Moapa. To date, the State Engineer has held pre-hearing conferences for ground-water applications in Coyote Spring Valley and California Wash Valley. Some of the ground-water applications in these valleys are CWP applications filed by the District.

The purpose of this letter is to inform you, and therefore your clients that the District's ground-water applications located in Clark County, and more specifically in Coyote Spring Valley, California Wash Valley, Hidden Valley and Garnet Valley, are no longer considered a part of the CWP. The reason for this lies in the fact that the District has entered into various agreements with parties, the purpose of which is to utilize the ground water associated with these applications for specific projects in Clark County that are not related to the CWP.

1001 S. Valley View Blvd. • Las Vegas, Nevada 89153 • (702) 870-2011
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Mr. Stephen T. Bradhurst
February 16, 2001
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It is my understanding that it is likely that most, if not all, of your clients will not have disagreements with the District's ground-water applications located in Clark County, and therefore in the aforementioned water basins, as long as the applications are not related to the CWP. Be advised that if any of your clients do not oppose these applications at State Engineer hearings that such inaction will not create a precedence; hence, be utilized against these entities at any future administrative or judicial proceedings relative to CWP ground-water applications. Stated differently, your clients will not be waiving any legal right whatsoever as a result of their lack of participation at State Engineer administrative or judicial proceedings involving the District's ground-water applications in Coyote Spring Valley, California Wash Valley, Hidden Valley and Garnet Valley. Again, as set forth above, these applications are not part of the CWP.

As you are aware, the District and the Counties of Lincoln, Nye and White Pine entered into a certain Memorandum of Understanding dated April 1999. Nothing contained in this letter is intended to supersede or alter that document.

You are free to present this letter stating the District's position on its ground-water application in the four water basins to whomever or whichever agencies you so desire.

Sincerely,



Kay Brothers,
Director, SNWA Resources

KB:vw

c: David A. Donnelly, Deputy General Manager, Engineering/Operations