

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

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JUL 09 1990

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

IN THE MATTER OF APPLICATION NUMBER 54076,  
FILED BY Las Vegas Valley Water District,  
ON October 17, 1989, TO APPROPRIATE THE  
WATERS OF an underground source

PROTEST

Comes now U.S. Department of the Interior, Bureau of Land Management

Printed or typed name of protestant

whose post office address is 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126

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

whose occupation is Land Management Agency, and protests the granting  
of Application Number 54076, filed on October 17, 1989

by Las Vegas Valley Water District to appropriate the

Printed or typed name of applicant

waters of an underground source 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 ATTACHED SHEET

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

Ben F. Collins

Agent or protestant

Ben F. Collins, District Manager

Printed or typed name, if agent

Address 4765 Vegas Drive, P.O. Box 26569

Street No. or P.O. Box No.

Las Vegas, Nevada 89126

City, State and Zip Code No.

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



NOTARY PUBLIC  
STATE OF NEVADA  
County of Clark  
CAROLYN J. SPOON

My Appointment Expires Oct. 9, 1990

Carolyn J. Spoon

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.

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Div. of Water Resources  
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The U.S. Department of the Interior, Bureau of Land Management protests the granting of the subject application for the following reasons and on the following grounds, to wit:

BLM is directed to implement water rights policy by: 1) "cooperating with the State Governments under the umbrella of State Law to protect water uses identified for public land management purposes", and 2) "to comply with the applicable state laws except as specifically mandated by Congress". The purposes mandated by Congress are defined by the Federal Land Management Policy Act (FLPMA) and includes "multiple use" which is defined as "... the management of public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people". Uses associated with multiple use include but are not limited to "recreation, range, wildlife, minerals, watershed and fish...". The Wild Horse and Burro Act, FLPMA, and the National Environmental Policy Act also recognize free wild horses and burros as resource uses under BLM management responsibility. Any application to the State Engineer of Nevada for a water permit, on BLM land, that interferes with the capability of the agency to provide water for the afore stated uses, within the legislated responsibilities of the agency, will be protested.

The Endangered Species Act requires all Federal departments and agencies to utilize their authorities to conserve species listed by the Secretary of the Interior or Secretary of Commerce as threatened or endangered. It further requires Federal agencies to ensure that the continued existence of listed species is not jeopardized and that designated critical habitat of listed species is not destroyed or adversely modified.

The California Wash Basin, in which this well is proposed, drains to the Muddy River. The Moapa dace (Moapa coriacea), which has been listed as an endangered species, is endemic to the Muddy River and its source springs. In addition, the Moapa White River springfish (Crenichthys baileyi moapae), Moapa roundtail chub (Gila robusta ssp.) and the Moapa speckled dace (Rhinichthys osculus moape), which have been identified as candidate species for listing, inhabit the river.

Although it is proposed that the deeper carbonate aquifer will be tapped, its hydrologic interrelationship with the overlying valley fill aquifer, as well as surface waters, is unclear at this time due to its complexity. Pumping within this basin (two proposed wells) could adversely impact the flow and/or quality of the Muddy River thereby, threatening the habitat of the endangered and candidate fish species. The potential for adverse impacts could be further exacerbated when the proposed pumping of the other basins, contributing to the river, is considered.

Pumping this well at the proposed rate will result in the lowering of the water table within the influence of its cone of depression. Although impacts to the phreatic vegetation will

probably be minimal, under normal pumping of this single well, when its impact is added to the other well proposed within the same basin and those wells pumping in adjacent basins, from which interbasin flow is received, noticeable altering of the existing vegetative character of the area is a reasonable expectation. The Water District has proposed temporary mining of ground water within several basins. This mining further increases the probability of lowering the water table, perhaps to a level from which dependent vegetation can not recover.

By Executive Order 11990 (Protection of Wetlands) federal agencies are directed to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial value of wetlands in carrying out programs affecting land use. An adverse impact on the flow of the Muddy River could result in a reduction of its associated riparian vegetation which in turn may impact those fish species previously discussed.

As a result of reductions in surface water and vegetation, wildlife can be expected to be adversely impacted. The degree to which phreatophyte dependent wildlife are impacted will depend on the extent of vegetation alteration or destruction. It is reasonable to expect a reduction in species diversity and numbers resulting from habitat degradation. In the event of the total destruction of a vegetative community or water supply, elimination of species from the affected area is a possibility.

Currently, there is insufficient information to ascertain the actual impacts to the various resources for which the BLM has management responsibility. Neither the Nevada State Engineer nor the Las Vegas Valley Water District has prepared an analysis of all anticipated impacts associated with the Water Districts filings. Until sufficient data is gathered and analysis performed, the extent of the impacts resulting from the pumping of this well, as well as, the cumulative impacts of pumping multiple wells can not be realized.

Because of the impacts discussed above and those not identifiable at this time, due to insufficient information and analysis, the BLM protests the granting of this water appropriation.

The Bureau is currently preparing notices of Public Water Reserves (PWR) 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 Engineer over the next several months prior to adjudication.