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

In the Matter of Application Number 54106 Filed By Las Vegas Valley Water District on October 17, 1989 to Appropriate the Waters of underground	)	PROTEST

RECEIVED
JUL 09 1990
Div. of Water Resources
Branch Office - Las Vegas, NV

Comes now the Toiyabe Chapter of the Sierra Club whose post office address is P.O. Box 8096, Reno, NV 89507 whose occupation is a nonprofit organization dedicated to explore, enjoy and protect the wild places of the earth, and protests the granting of Application Number 54106, filed on October 17, 1989 by the Las Vegas Valley Water District to appropriate the waters of underground situated in Clark County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Application 54106 lies within the boundary of the Nellis Air Force Range, an area managed by the U.S. Air Force for the national defense, and near the boundary of the Desert National Wildlife Range, an area managed by the U.S. Fish and Wildlife Service for the protection of flora and fauna - including the wild horse and the desert bighorn sheep.

2. Granting or approving Application Number 54106 would be detrimental to the public welfare in that it would: (i) likely jeopardize the continued existance of the Pale Four O'Clock, a former candidate for listing under the Endangered Species Act but rejected because more common or adequately protected at the time of the original submission for listing; (ii) prevent or interfere with the conservation of endangered and threatened species in violation of both federal and state law; (iii) likely affect flora and fauna in a unique natural area of southern Nevada

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:

1. 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.

2. require the construction of facilities to transport the water across lands of the United States under the jurisdiction of the United States Department of Interior (including the 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.

3. encourage the willful waste of water that has been allowed, if not encouraged, by the Las Vegas Valley Water District; consequently, the water will not be put to beneficial use.

4. be premature in that 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.

5. divert and export a sufficient quantity of water to lower the static water level in the area of the application and affect the quality of remaining ground water; further threaten springs, seeps and phraetophytes which provide water and habitat critical to the survival of wildlife.

6. impair wetlands and waters in the area of the application to support migratory birds, native fish, and other wildlife in conflict with Federal laws that seek to protect wetlands, migratory birds, and wildlife for the benefit of all.

7. in the absence of comprehensive planning, lead to a further degradation of the quality of life and the environment in the southern Nevada region with the most likely result being a further degradation of air quality in an area that presently exceeds Federal air quality standards established by the Clean Air Act for the protection of human health.

8. sanction water mining.

9. fail statutory requirements for a:
   (a) description of the place of use;
   (b) description of the proposed works;
   (c) estimated cost of such works; and
   (d) estimated time required to put the subject water to beneficial use.

10. discourage lower cost, more efficient alternatives to obtaining water and pass the development costs to the consumer.

11. be premature in that insufficient data has been provided to demonstrate that water of sufficient quantity and quality can be provided to the Las Vegas metropolitan area without adverse impacts on the environment.

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.

The undersigned additional incorporates by reference as though fully set forth herein and adopts as his [her/its] own, each and every other protest to the aforementioned application filed pursuant to NRS 533.365.

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

Signed _____

Dave Brickey, Southern Nevada Group
Conservation Chairman

Address 2068 N. Nellis Blvd., #105

Las Vegas, NV 89115

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

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSE YOHNER
My Appointment Expires Jan. 27, 1991

_____
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.