

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

FILED
AUG 18 1998
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 64039
FILED BY DRY LAKE WATER, LLC
ON APRIL 17 1998, TO APPROPRIATE THE
WATERS OF CLARK COUNTY, BASIN 210

} PROTEST

Comes now Moapa Valley Water District
whose post office address is P.O. Box 257, Logandale NV 89021
whose occupation is State Agency, Public Water Purveyor. and protests the granting of
Application Number 64039, filed on April 17, 19 98
by DRY LAKE WATER, LLC to appropriate the
Printed or typed name of applicant
waters of underground sources 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 ATTACHMENT

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 [Signature]
Agent or protestant
Van P. Robinson, Agent for Moapa Valley Water District
Address P.O. Box 257
Logandale Nevada 89021

Subscribed and sworn to before me this 13th Day of August 1998
Sharon M. Bayles
State of Nevada
County of Clark



\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE,
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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Attachment

RE: Application No. 64039

The quantity of water requested by the applicant, in conjunction with existing permits and senior applications, would far exceed the legal availability of water in Coyote Spring Valley as defined by the perennial yield of the basin. The applicant has not shown that the water is physically or legally available. In lieu of such proof, it must be assumed that the requested quantity of water is not physically or legally available within the basin. The application should therefore be denied.

The proposed water withdrawals, if approved, could result in impairment of senior water rights held by the Moapa Valley Water District in the down gradient basin (Muddy River Springs Area, Basin 219). The District currently provides public water supplies from springs and wells situated down gradient of the applicant's proposed point of diversion. The magnitude of the requested diversion rates is quite large and, if permitted, the diversions have the potential to reduce the discharge rates of the District's permitted withdrawals from Baldwin Spring and Pipeline Jones Spring (Permits # 28791 and # 22739, respectively). The diversions, if permitted, have the potential to decrease the production capacity of the District's existing water supply wells in the Muddy River Springs Area through the lowering of pumping levels at the MX well (Permit # 46932) and the Arrow Canyon well (Permits # 52520, 55450, and 58269). Further, the requested diversions could adversely impact the water chemistry of the groundwater system of the Muddy River Springs Area and the Lower Moapa Valley through the interception of subsurface recharge to these basins. The District has senior water rights in both of these areas that could be impaired if this application is approved. The application should, therefore, be denied.

The District believes that the application is associated with the development of a water supply for the industrial park at Apex. While the development of water for this industrial park would generally be considered to be in the public good, the diversion of such large quantities of potable water for industrial purposes is not considered to be in the overall public good. The application should, therefore, be denied.

Finally, the District notes that the applicant has also filed for large water right appropriations in four other basins located near Coyote Spring Valley. These filings list proposed points of diversion that are situated upgradient of one or more of the District's senior water rights in down gradient areas. These applications should be considered cumulative with Application No. 64039. Unless the applicant can demonstrate that the individual and cumulative effects associated with Application No. 64039 and the other applications will not impair senior water rights and are in the public good, then the application should be denied.