FILED
AUG 10 1998
STATE ENGINEER'S OFFICE

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

IN THE MATTER OF APPLICATION NUMBER 64041
FILED BY DRY LAKE WATER LLC
OF LAS VEGAS NEVADA,
ON APRIL 17, 1998, TO APPROPRIATE
THE WATERS OF UNDERGROUND

PROTEST

Comes now David G Barneby, on behalf of the Nevada Power Company, whose post office address is P. O. Box 230, Las Vegas, Nevada 89151, whose occupation is Vice President, Power Delivery, and protests the granting of Application Number 64041 filed on APRIL 17, 1998, by Dry Lake Water LLC of LAS VEGAS NEVADA, to appropriate the waters of Underground, situated in Clark County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Exhibit A Attached

THEREFORE the Protestant requests that the application be denied

Signed David G Barneby
Agent or Protestant

David G. Barneby
Printed or typed, if agent

Address P.O. Box 230
Street No. or P.O. Box No.

Las Vegas, Nevada 89151
City, State and Zip Code No.

Subscribed and sworn to before me this 19th day of August, 1998

Julie M. Hatcher
Notary Public

State of NEVADA

County of CLARK

My Commission expires July 17 2000

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
JULIE M. HATCHER
Appt. No. 92-1300-1
My Appointment Expires July 17, 2000

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18-Aug-98

IN THE MATTER OF APPLICATION 64041
EXHIBIT A

Protest by David G. Barneby
on behalf of the Nevada Power Company, Las Vegas, Nevada

INTRODUCTION

Nevada Power Company (NPC) is an investor-owned electric utility serving a population of more than a million people in portions of Clark and Nye Counties in Southern Nevada. Nevada Power's service territory continues to be one of the fastest growing areas in the nation with rates below the national average and substantially below other areas in the Southwest. The continued population growth, increasing electricity needs during the summer months, infrastructure financing needs, and the transition to a competitive industry have played a significant role in the way Nevada Power plans for its customers' increasing electric energy needs.

Dry Lake Water LLC General Corporate General of LAS VEGAS NEVADA has applications filed with the State Engineer for water as follow:

App #	Filing Date	Point of Diversion QQ	Qtr	Sec	Twp	Rng	Div Rate (cfs)	Type of Use	Annual Duty
64041	4/17/98	NE	NW	36	19S	63E	10	Q-MUN	

The total annual duty sought under Application 64041 assuming continuos pumping would be 7239 acre-feet per year.

POTENTIAL ADVERSE EFFECTS

[1]DWR commonly defines the availability of ground water for appropriation on the basis of "perennial yield." In essences, perennial yield is equivalent to the long-term recharge of each hydrograpic basin. By precedent, basin recharge in Nevada has been calculated using the "Maxey-Eakin approach" which is based on an altitude-precipitation-runoff-recharge relationship thought to be generally valid for Nevada desert basins.

Since the basin may already be overapproiated issuance of an additional 10 cfs diversion requested under Application 64041 from the carbonate aquifer in this Groundwater Basin could result in groundwater mining.

[1] Investigation for Alternate Water Resource for the Harry Allen Power Station, Kennedy / Jenks Consultants in Association with Converse Consultants SW, January 1997

BOB MILLER
Governor

STATE OF NEVADA

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818
(702) 687-4380 • Fax (702) 687-6972

RE: 64041

August 18, 1998

Attn: David G. Barneby
Nevada Power Company
P.O. Box 230
Las Vegas, NV 89151

Dear Mr. Barneby:

On August 10, 1998, this office received 6 protests filed by you against the granting of Applications 64037 through 64041 and 64045.

The protest filed against 60441 was not signed by the agent nor by a notary, therefore can not be excepted. You can resubmit the protest for Application 64041 with the proper signatures, but it must be received by 5pm on August 27, 1998.

If you have any questions please feel free to contact me at (702) 687-4381.

Sincerely,

Nynalea S. Rew
Management Assistant III

/nsr

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

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FILED BY DRY LAKE WATER LLC
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Agent or Protestant

David G. Barneby
Printed or typed, if agent

Address P.O. Box 230
Street No. or P.O. Box No.

Las Vegas, Nevada 89151
City, State and Zip Code No.

Subscribed and sworn to before me this ____ day of _____ , 1998

_____
Notary Public

State of NEVADA

County of CLARK

My Commission expires _____

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4-Aug-98

IN THE MATTER OF APPLICATION 64041
EXHIBIT A

Protest by David G. Barneby
on behalf of the Nevada Power Company, Las Vegas, Nevada

INTRODUCTION

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RECOMMENDATIONS

The public interest would not be served by granting a permit to application 64041 since it could result in overapproiation from the carbonate aquifer.