

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

FILED  
MAY 19 2000  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 66162  
FILED BY DRY LAKE WATER LLC  
OF LAS VEGAS NEVADA,  
ON March 17, 2000, 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, Generation, and protests the granting of Application Number 66162 filed on March 17, 2000, 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.

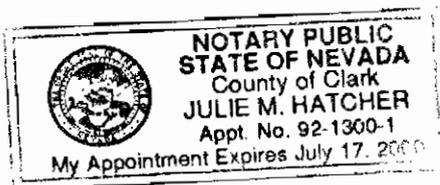
Subscribed and sworn to before me this 16th day of May, 2000

Julie M. Hatcher  
Notary Public

State of NEVADA

County of CLARK

My Commission expires July 17, 2000



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**IN THE MATTER OF APPLICATION 66162  
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 of LAS VEGAS NEVADA has an application filed with the State Engineer for water as follows:

App #	Filing Date	Point of Diversion					Div Rate (cfs)	Type of Use	Annual Duty
		QQ	Qtr	Sec	Twp	Rng			
66162	3/17/2000	SW	SE	21	17S	63E	10	Q-MUN	

The total annual duty sought under Application 66162 assuming continuous pumping would be 7239 acre-feet per year.

**POTENTIAL ADVERSE EFFECTS**

<sup>1</sup>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 hydrographic 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 over appropriated, issuance of an additional 10-cfs diversion requested under Application 66162 from the carbonate aquifer in this Groundwater Basin could result in groundwater mining.

Furthermore this application is for the change the point of diversion, manner and place of use heretofore appropriated under Permit No. 64038. Said permit has not been issued and

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

it is the subject of a bonified protest filled by Nevada Power Company. Said protest is attached and incorporated by reference.

### **RECOMMENDATIONS**

No action should be taken on application 66162 until the State Engineer addresses outstanding protests against application 64038. Furthermore, the public interest would not be served by granting a permit to application 66162 since it could result in over appropriation from the carbonate aquifer.