

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

FILED
AUG 29 2002
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 67985
FILED BY Lynn Manthey
ON September 6, 2001 TO APPROPRIATE THE
WATERS OF an underground source



PROTEST

Comes now U.S. Department of Interior, Bureau of Land Management
Printed or typed name of protestant
whose post office address is 4701 N. Torrey Pines Drive; Las Vegas, NV 89130
Street No. Or P.O. Box, City, State and Zip Code
whose occupation is a land management agency and protests the granting
of Application Number 67985, filed on September 6, 2001
by Lynn Manthey of Las Vegas, Nevada to appropriate the
waters of an underground source situated in Clark County
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
Denial issued subject to protest as set out in the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [Signature]
Agent of protestant
John C. Jamrog
Printed or typed name of agent

Address 4701 N. Torrey Pines Drive
Street No. or P.O. Box No.
Las Vegas, Nevada 89130
City, State and Zip Code No.

Subscribed and sworn to before me this 28th day of August, 2002
[Signature]
Notary Public
State of Nevada
County of Clark

RECEIVED
AUG 29 9:49 AM
STATE ENGINEER'S OFFICE

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

 Notary Public-State Of Nevada
COUNTY OF CLARK
CAROLA McDERMOTT
My Appointment Expires
September 16, 2002
No. 94-4995-1

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

The proposed location is on public lands administered by the BLM. Lynn Manthey of Las Vegas, Nevada currently has no authorization nor have they applied for any authorization to drill a well upon the public lands at this location. Also, there is no authorization to place the water to the beneficial use (quasi-municipal), identified in an application, upon the public lands administered by the BLM.

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 the 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 (NEPA) 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.

Within Basin 163, there are springs and wells located on public land that could be impacted by the granting of this and the other proposed wells within this basin. The name and location of the springs and wells, currently known to be located within the vicinity on public land administered by the BLM, can be obtained by contacting the Las Vegas Field Office.

The water sources contribute to the watering of a wide variety of wildlife in the area. Any adverse impact to these water sources could have a detrimental affect on BLM's ability to properly manage wildlife habitat. Although impacts to the water sources could be minimal, under normal pumping of this single well, when its impact is added to other wells proposed within this same area and those wells existing, a reduction of spring flow is a reasonable expectation.

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 to the flow of the springs in the vicinity could result in a reduction of associated riparian vegetation.

Lowering of the ground water table is a reasonable expectation considering the volume of water planned for withdrawal in the area. 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 applicant has prepared an analysis of all anticipated impacts associated with this filing. Until sufficient data is gathered and analysis performed, the extent of the impacts resulting from this water withdrawal, as well as, the cumulative impacts of

the many other proposed and existing withdrawals 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.