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

IN THE MATTER OF APPLICATION NUMBER **72602**

FILED BY **COYOTE SPRINGS INVESTMENT LLC**,

ON **APRIL 13, 2005** TO APPROPRIATE THE WATERS OF

UNDERGROUND (CARBONATE) IN **LINCOLN** COUNTY NEVADA.

} PROTEST

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STATE ENGINEER'S OFFICE

Comes now the **Sierra Club, Toiyabe Chapter** whose post office address is **PO Box 8096, Reno, Nevada 89507** whose occupation is **an outdoor recreation and conservation organization** and protests the granting of Application Number **72602**, filed on **April 13, 2005** by the **Coyote Springs Investment LLC** to appropriate the waters of **UNDERGROUND (Carbonate Aquifer)** situated in **Lincoln** County, State of Nevada, for the following reasons and on the following grounds, to wit:

- The application(s) **72602** (72589-72602 inclusive) for permission to appropriate water for municipal use is not justified. The applicant has water rights on-site to supply water for the proposed Coyote Springs development. In addition, other local water purveyors, including Lincoln County Water District/Vidler Water, have announced plans to supply Coyote Springs development with water from other water basins located much closer to basin #210, Coyote Springs Valley, than basin #183, Lake Valley, over 100 miles away. In addition, there are no existing pipelines to convey ground water from basin #183 to basin #210 nor any indication that transfer costs can be met by the applicant.
- The application **72602** to appropriate 10 cfs or 7240 af/y, cumulatively nearly 75,000 af/y, greatly exceeds the estimated recharge published for basin #183. In 2004, Reno and Sparks used 86,000 af/y, an amount which supplied M&I uses for a population of over 260,000. Pumping at proposed high rates cannot occur without significant impacts on existing agricultural, domestic, and municipal water users in the basin and environmental uses of water.
- The State Engineer should rely on the independent hydrology of the USGS as the scientific basis for decisions which affect the carbonate aquifer of eastern and southern Nevada. The recharge for the carbonate aquifer in basin #183 is unknown. The connections between the alluvial and the carbonate aquifers in basin #183 are unknown. Flow rates and flow amounts of the carbonate aquifer in basin #183 to other basins are unknown. The USGS is currently conducting studies of the carbonate aquifer in White Pine, Lincoln, and adjacent counties in Utah, known as BARCASS. A phase 2 of BARCASS will develop a predictive model of the impacts of pumping from the carbonate aquifer. Additional independent studies and test pumping may be required by the State Engineer of the carbonate aquifer in eastern Nevada to prevent significant impacts of proposed pumping to existing water users and the environment.
- The application(s) may affect significant regional springs supported by the carbonate aquifer many of which provide habitat for threatened, endangered and sensitive wildlife and plant species. These include Ash, Hiko, and Crystal Springs and springs on Key Pittman Wildlife Management Area and Pahranagat National Wildlife Refuge, Rogers Spring on the Lake Mead National Recreation Area, and the warm springs of Moapa Valley. Current scientific research shows carbonate aquifer flow from Lake Valley through and under Dry Lake Valley to Pahranagat Valley, where it is the source of Hiko, Crystal and Ash Springs. Carbonate aquifer flows continue below Coyote Springs Valley to discharge areas at the Muddy River and other areas south and west.
- Applications are not in the public interest: They do not meet the NRS requirements on interbasin water transfers.
- Applications are not in the public interest: Excessive pumping could significantly affect state parks, wildlife management areas, national parks, national wildlife refuges, and national recreation areas in eastern and southern Nevada which are dependent on the carbonate aquifer.
- Applications are not in the public interest: The applicant does not have an indoor or outdoor conservation program for proposed developments which feature multiple golf courses in a very arid region of the state.

The protestant reserves the right to amend the subject protest to include such issues as may develop as a result of further information and study. The undersigned additionally 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 Dennis Ghiglieri
Dennis Ghiglieri **for the Sierra Club, Toiyabe Chapter**
P.O. Box 8096, Reno, Nevada 89507

Subscribed and sworn to before me this 8th day of September, 2005

Susan Cox
Notary Public

SUSAN COX
NOTARY PUBLIC
STATE OF NEVADA
No.05-95399-12 My Appt. Exp. Apr. 11, 2009

State of Nevada

County of Carson City

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