

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

IN THE MATTER OF APPLICATION NUMBER 79262
FILED BY Southern Nevada Water Authority
ON January 28, 2010, TO APPROPRIATE THE
WATERS OF Underground



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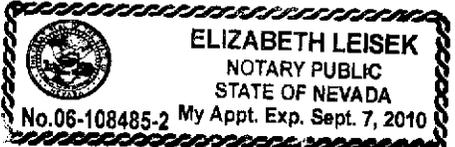
Comes now Lincoln County Water District and Vidler Water Company Inc.
Printed or typed name of protestant
whose post office address is P.O. Box 206, Pioche NV 89043
Street No. or PO Box, City, State and ZIP Code
whose occupation is _____ and protests the granting
of Application Number 79262, filed on January 28, 2010
by Southern Nevada Water Authority to appropriate the
waters of Underground situated in Dry Lake Valley in Lincoln

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:
Please see attached.

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 LeAnn Brandt
Agent of protestant
LeAnn Brandt
Printed or typed name, if agent
Address 3480 GS Richards Blvd. Suite 101
Street No. or PO Box
Carson City, NV 89703
City, State and ZIP Code
775-885-5000 ext. 106
Phone Number

Subscribed and sworn to before me this 12th day of April, 2010
Elizabeth Leisek
Notary Public
State of Nevada
County of Washoe



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

**Attachment to Protests of
Lincoln County water District and Vidler Water Company, Inc.
to Applications 79262 and 79278**

1. The Protestants, Lincoln County Water District (“LCWD”) and Vidler Water Company, Inc. (“Vidler”), have water permits and applications filed to appropriate water for irrigation purposes in the Dry Lake Valley (181). The Protestants have drilled a well and commenced in basin agricultural activities on property owned by Vidler pursuant to the terms of their existing permit. In Ruling 5993, the State Engineer awarded the remaining unappropriated water to the next senior applicants in the basin, LCWD and Vidler. According to Ruling 5993, there is no unappropriated water remaining in the basin. Thus, there is no water available for the Applicant to appropriate.
2. The BLM is reviewing the development of 59,000 acres in the Dry Lake Valley Basin for future solar energy projects under the Solar Programmatic Environmental Impact Statement. The 59,000 acres are adjacent to the SWIP right-of-way. The Protestants believe that solar projects would benefit the citizens of Lincoln County. The Applicant intends to export the water it seeks to appropriate out of the Dry Lake Valley Basin, impairing the use of water to be appropriated by LCWD and Vidler. Granting the subject applications would be detrimental to the public interest.
3. The Applicant does not control the land to place the water to beneficial use and cannot show a need for beneficial use in the areas described in the applications’ place of use.
4. The granting of these applications would unduly impair the LCWD and Vidler senior permitted water rights and recent applications.
5. The only studies available to support the applications are reconnaissance level studies and estimates. The applications seeking appropriations are not based upon basin specific data showing recharge and/or discharge to adequately determine perennial yield available to appropriate. The State Engineer should require the Applicants to provide a comprehensive hydrologic study or studies showing there is recharge and/or discharge available to appropriate, the hydrologic properties of the proposed points of diversion, and impacts associated with the Applicant’s proposed pumping. Until such studies are performed, impacts associated with sustained pumping of substantial water rights at the proposed points of diversion for Applicant’s project are not known and may impact existing rights and protectable interests in domestic wells.
6. The proposed points of diversion for these applications lie in Basin 181, while the proposed place of use includes Clark County, Lincoln County, Nye County and White Pine County. The applications call for a transfer of ground water out of the basin of

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origin for use in another basin. Applicant cannot show compliance with the requirements of the interbasin transfer statute, NRS 533.370(6), and *Bacher v. Office of State Engineer of State of Nevada*, 122 Nev. 1110, 146 P.3d 793 (Nev. 2006). At the present time, there is no agreement to use any of the water sought to be appropriated by these applications in the Lincoln County Water District service territory.

7. The works necessary to achieve beneficial use of the subject water rights are substantial and costly. The Applicant has not shown the State Engineer proof satisfactory of its financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonably diligence.
8. Protestants object to the export of water from Lincoln County for use in Clark County, Nye County or White Pine County. The provisions of NRS 533.438 and NRS 533.4385 must be applied to any transfer and beneficial use of water from Lincoln County to Clark County, Nye County or White Pine County.
9. Any monitoring and management plan proposed by the Applicant must be substantive with supporting analytical data.
10. The Protestants request that the subject applications be denied.