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

IN THE MATTER OF APPLICATION NUMBER **79268**

FILED BY Southern Nevada Water Authority (SNWA)

ON Jan 28, 2010 TO APPROPRIATE THE

WATERS OF UNDERGROUND

FILED
PROTEST
APR 02 2010
STATE ENGINEER'S OFFICE

Comes now the **Toiyabe Chapter of the Sierra Club**

whose post office address is **P.O. Box 8096, Reno, NV 89507**

whose occupation is a **Conservation Organization** and protests the granting

of Application Number 79268, filed on Jan 28, 2010

by Southern Nevada Water Authority (SNWA) to appropriate the

waters of UNDERGROUND situated in White Pine

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please See Attached List of Reasons.

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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

Printed or Typed name, if agent

Address **Toiyabe Chapter of the Sierra Club**
P.O. Box 8096, Reno, NV 80507

Address, City, State, Zip

Phone Number **(775) 329-6118**

Subscribed and sworn to before me this 31st day of March, 2010

Notary Public

BOYNTON PAEK
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF WASHOE
APPT. No. 06-108487-2
MY APPT. EXPIRES DECEMBER 19, 2012

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 Protest of Toiyabe Chapter, Sierra Club Against

Application No. 79268, Filed Jan 28, 2010

by the Southern Nevada Water Authority (SNWA)

This attachment lists and briefly describes the reasons and grounds for this protest of Toiyabe Chapter, Sierra Club ("Protestant") against Application Number 79268. The Southern Nevada Water Authority (SNWA) ("Applicant") has filed this Application to appropriate groundwater from basin 195 - Snake V. as part of its massive proposed network of wells and pipelines stretching across eastern Nevada from Clark County through Lincoln County and into White Pine County.

1. There is insufficient water available in the proposed source of supply.
2. The application and proposed use would conflict with existing water rights and protectable interests in domestic wells.
3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds and would be environmentally unsound as it relates to the proposed export basin:
    - Harm to wildlife and wildlife habitat and threatened and endangered species including harming areas set aside for the protection of wildlife: Desert National Wildlife Refuge (NWR), Pahranagat NWR, Ash Meadows NWR, Wayne E. Kirsch Wildlife Management Area (WMA), Key Pittman WMA, and Overton WMA.
    - Destruction of recreational and aesthetic values including harm to: Great Basin National Park (NP), Death Valley NP, Lake Mead National Recreation Area, Cathedral Gorge State Park (SP), Kershaw-Ryan SP
    - Degradation and loss of surface water springs and wetlands and streams
    - Degradation of water quality.
    - Degradation of air quality.
    - Degradation and loss of cultural resources.
    - Degradation and loss of multiple-use Public Lands and resources.
4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed:
    - Undue limitation of future economic activity and growth in the basin of origin:
    - Undue economic harm will extend to the economies and communities of downgradient hydrologically connected and downwind basins.
5. The proposed action is not an appropriate long-term use of Nevada's water.
6. The Applicant has not justified the need to import water from another basin.
7. The Applicant has not implemented a sufficient conservation plan.
8. The Applicant has not demonstrated the good faith intent or financial ability and reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence:
    - Reduced demand for water, conflicting statements of the intent of the applicant, and inadequate capacity for financing.
    - Failure to demonstrate ability to access land containing point of diversion.
9. Protestant reserves the right to amend this protest to include issues as they develop.
10. Protestant incorporates other protests to Southern Nevada Water Authority (SNWA)'s applications by reference.