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

IN THE MATTER OF APPLICATION NUMBER 79277

FILED BY Southern Nevada Water Authority

ON January 28, 20 10, TO APPROPRIATE THE

WATERS OF Underground

FILED
APR 13 2010
PROTEST
STATE ENGINEER'S OFFICE

RECEIVED
2010 APR 13 AM 11:33
STATE ENGINEERS OFFICE

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 79277, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of Underground situated in Cave 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 or ~~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, 20 10

Elizabeth Leisek
Notary Public

ELIZABETH LEISEK
NOTARY PUBLIC
STATE OF NEVADA
No.06-108485-2 My Appt. Exp. Sept. 7, 2010

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 79276 and 79277

1. The Protestants, Lincoln County Water District ("LCWD") and Vidler Water Company, Inc. ("Vidler"), have applications filed to appropriate water for irrigation purposes in this basin. The granting of these applications would unduly impair the LCWD and Vidler senior applications. There is no water available for the Applicant to appropriate.

2. The Applicant proposes to pump water from Lincoln County for use in Clark County, Lincoln County, Nye County and White Pine County, Nevada. The Applicant has not demonstrated the need for wells in Lincoln County for its proposed uses. Granting the subject applications would be detrimental to the public interest.

3. Lincoln County has a Water Master Plan. There are projects identified under Lincoln County's Water Master Plan that require the development of water resources in Lincoln County for use in Lincoln County. There is a need for water resources to be developed in Lincoln County for use in Lincoln County not export out of Lincoln County.

4. 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.

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 Applicant 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 180, 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 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.

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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, Lincoln County Water District ("LCWD") and Vidler Water Company, Inc. ("Vidler"), request that the subject applications be denied.