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

IN THE MATTER OF APPLICATION NUMBER 79339
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Basin No. 173B--Railroad Valley (North)

PROTEST

RECEIVED
2010 APR 15 PM 2:14
STATE ENGINEERS OFFICE

Comes now County of Inyo, California
Printed or typed name of protestant
whose post office address is 710 Autumn Leaves Circle, Bishop, California 93514
Street No. or PO Box, City, State and ZIP Code
whose occupation is Political Subdivision of the State of California and protests the granting
of Application Number 79339, filed on January 28, 20 10
by Southern Nevada Water Authority to appropriate the
waters of Basin No. 173B--Railroad Valley (North) situated in Nye
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

FILED
APR 15 2010
STATE ENGINEER'S OFFICE

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 Gregory L. James
Agent or protestant
Gregory L. James
Printed or typed name, if agent
Address 710 Autumn Leaves Circle
Street No. or PO Box
Bishop, California
City, State and ZIP Code
760-873-6838
Phone Number

Subscribed and sworn to before me this 14 day of april, 20 10

MARYLOU SOWA
Commission # 1792552
Notary Public - California
Inyo County
My Comm. Expires Mar 14, 2012

Marylou Sowa
Notary Public
State of California
County of Inyo

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

BASIS OF THE PROTEST BY INYO COUNTY

(Attachment to Protest)

The County of Inyo, State of California, protests the granting of the attached Application for the following reasons and on the following grounds:

1. If this Application is granted, the appropriation and diversion under this permit will eventually reduce or eliminate the flows in springs, and the supplies of groundwater, in several areas and communities (including Death Valley National Monument) in eastern Inyo County which are dependent upon recharge from a regional carbonate rock aquifer. The diversion proposed by this Application is located in the regional carbonate rock province which underlies a large area of Nevada is part of a regional groundwater flow system that, in part, discharges through springs and maintains groundwater supplies in Inyo County, California. Springs and groundwater supplies in eastern Inyo County, will be affected by the cumulative impacts of groundwater pumping under this Application and other related applications. The carbonate rock province is typified by complex interbasin regional flow systems from basin to basin. The cumulative impact of the proposed groundwater pumping is expected to reduce interbasin flows and modify the direction of groundwater movement in adjoining hydraulically connected basins and ultimately reduce the discharge through regional springs in Inyo County, California, including Death Valley, Death Valley Junction, Shoshone, Tecopa, Tecopa Hot Springs, China Ranch, and Charleston View.

Inyo County is protesting 61 applications that may impair the water resources of eastern Inyo County, California. These 61 applications are located within Indian Springs, Three Lakes, Tikapoo, Railroad, Cave, Dry Lake, Delamar and Coyote Spring Valleys, which are located west of the White River Flow System and north of the Pahranagat Shear Zone--an area identified in available scientific literature as critical to the groundwater resources of eastern Inyo County, California.

The appropriation and diversion proposed by this application is expected to reduce the volume and velocity of groundwater flowing through the regional aquifer system which could begin the process of closing connected fractures and solution cavities, substantially impairing the capacity of the aquifer to transmit water.

2. There is insufficient unappropriated groundwater in the groundwater water basin to provide the water sought in the above-referenced Application and all other pending applications involving the utilization of surface and groundwater from the basin.

3. The appropriation of this water when added to the already approved appropriations and existing uses and water rights in host water basin will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude will lower the water table, degrade the quality of water from existing wells, cause negative hydraulic gradient influences, and threaten springs, seeps and phreatophytes which provide water and habitat that are critical to the survival of wildlife and grazing livestock, including areas within Inyo County.

4. The granting or approval of the above-referenced Application would unreasonably lower the water table and sanction water mining, which is contrary to Nevada law and public policy.

5. The cumulative impacts of groundwater pumping under this Application in conjunction with other applications filed by the Southern Nevada Water Authority and others will deprive many areas, including areas within Inyo County, of the water needed to protect and enhance their environment and well being, and the diversion will unnecessarily destroy environmental, ecological, scenic, and recreational values.

6. The proposed groundwater pumping would be detrimental to the public interest on environmental grounds and would be environmentally unsound for the export basin.

7. Applicant has not justified the need to appropriate and export groundwater from another basin.

8. Applicant has not implemented a sufficient water conservation plan.

9. The proposed action will unduly limit the future growth and development in the basin.

10. A water extraction and interbasin conveyance project of this magnitude has never been considered by the State Engineer. Accordingly, protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.

11. Each and every other protest to this Application and/or any application filed that is associated with the water importation project is incorporated by reference as though fully set forth herein and is adopted by protestant as part of its protest.