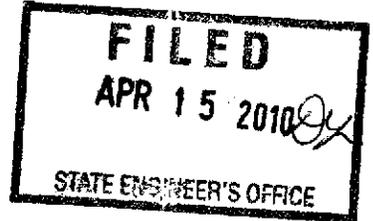


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79361
FILED BY Lincoln County Water District / Vidler Water Company
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Underground



PROTEST



Comes now Tim Vogt

Printed or typed name of protestant

whose post office address is 9033 Sandy Shores Drive Las Vegas, NV 89117

Street No. or PO Box, City, State and ZIP Code

whose occupation is Geologist

and protests the granting

of Application Number 79361, filed on January 28, 20 10

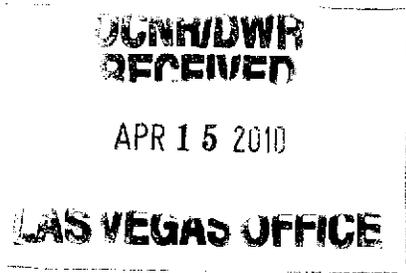
by Lincoln County Water District and Vidler Water Company Inc. to appropriate the

waters of Underground situated 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:

See Attachment for Application 79361



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.

RECEIVED
2010 APR 19 PM 2:55
STATE ENGINEERS OFFICE

Signed

Tim Vogt
Agent or protestant

Tim Vogt

Printed or typed name, if agent

Address

9033 Sandy Shores Drive

Street No. or PO Box

Las Vegas, NV 89117

City, State and ZIP Code

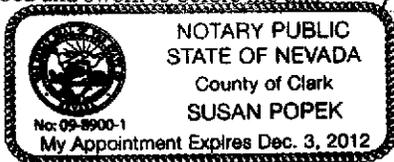
702-360-9218

Phone Number

Subscribed and sworn to before me this

15th

day of April, 20 10



Susan Popek
Notary Public
State of Nevada
County of Clark

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

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APR 15 2010

LAS VEGAS OFFICE

Attachment for (the protest to) Application 79358, 79359, 79360, 79361 by Tim Vogt

The four applications, 79358, 79359, 79360, and 79361, to appropriate underground water in the Clover Valley basin, Lincoln County each occur in similar settings, with similar conditions, and similar reasons that each of the four applications should be denied. For the following reasons and on the following grounds the protestant requests that each of the four applications be denied.

1) There is no unappropriated water at the proposed source.

In a recent ruling, #6031, the State Engineer found 1) the accepted perennial yield, at this time, is a combined yield for hydrographic basins 198 through 205 of 25,000 afa; 2) the combined committed groundwater resources for hydrographic basins 198 through 205 total over 69,000 afa.

In addition, current research indicates that subsurface water flows from the Clover Valley across the Clover Mountains into the Virgin River Valley. This means that some portion of the 25,000 afa accepted perennial yield is not available for use in the combined basins.

The knowledge base does not currently exist to understand and make an informed decision about effects that would likely result if groundwater were to be removed from the present groundwater system. The Clover Valley is not a traditional Basin and Range extensional fault bounded valley surrounded by mountains with mountain front runoff, alluvial and lake/playa deposits nearer the basin center. The Clover Valley basin in the area where the applications have been proposed consists primarily of materials that are part of the Caliente Caldera. Aside from surface mapping there is almost no direct geologic or hydrologic evidence or information that exists in the area of the proposed groundwater pumping. The topographically high southern portion of the Clover Valley almost certainly contributes significant portions and amounts of water to the many springs, seeps, riparian and other wet areas of both the Clover Valley basin and the adjacent Virgin River Valley of the Colorado River Basin. This includes Cottonwood Creek, in part within the Clover Mountains Wilderness Area, what the BLM has called "one of the longest pristine year-round streams in southern Nevada".

One of the most fundamental areas for which there doesn't seem to be information is a comprehensive inventory of springs, seeps, riparian areas, and other wet spots. This comprehensive inventory of springs, seeps, riparian areas and other wet spots does not seem to exist, except on an unreasonably coarse scale. It is important that this comprehensive inventory be completed on a very detailed scale as evidenced by the statistically significant work underway that indicates wildlife, specifically birds, are very responsive to very small local wet spots. Mapping riparian areas by traditional satellite imagery by definition misses many critical wet areas that most likely contribute significantly to the welfare and existence of our desert fauna and flora.

2) The application conflicts with existing rights and 3) would not be environmentally sound for the basin of origin or those affected immediately adjacent basins.

Primarily because of a lack of information and understanding of the geologic and hydrologic conditions in the vicinity of the applications there is no confidence that no harm will come to current and existing sources of water for wildlife. The wildlife currently depend on the many small springs, seeps, riparian areas, and other wet spots. The likely loss of even a small portion of these wet spots would not be environmentally sound.

4) The proposed use threatens to prove detrimental to the public interest.

Most surrounding basins are over-allocated now. The long-term effects of current and proposed pumping are not understood. Removing additional water without some additional knowledge of the groundwater system will almost certainly impact us in unplanned areas proving detrimental to the public interest.