

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

IN THE MATTER OF APPLICATION NUMBER 79412  
FILED BY Virgin Valley Water District  
ON February 1, 20 10, TO APPROPRIATE THE  
WATERS OF Other Surface Water

FILED  
PROTEST  
APR 13 2010  
STATE ENGINEER'S OFFICE  
RECEIVED  
2010 APR 13 AM 11:06  
STATE ENGINEER'S OFFICE  
and protests the granting

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 79412, filed on February 1, 20 10

by Virgin Valley Water District to appropriate the

waters of Other Surface Water situated in Virgin River 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

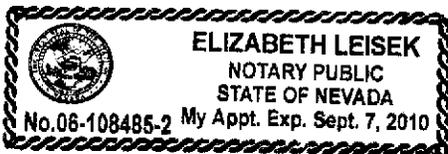
Carson City, NV 89703

City, State and ZIP Code

775-885-5000 ext. 106

Phone Number

Subscribed and sworn to before me this 12<sup>th</sup> day of April, 20 10



*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 79412 and 79413**

1. The Protestants, Lincoln County Water District ("LCWD") and Vidler Water Company, Inc. ("Vidler"), have prior applications to appropriate water for municipal purposes in the Virgin River Valley Basin (222), for use in Lincoln County. The granting of these applications would unduly impair LCWD's and Vidler's existing applications and other senior water rights in the basin. The Protestants request that the subject applications be denied.
2. The Applicant proposes a dam and reservoir with pipeline transferring water from Lincoln County for use in Clark County, Nevada and Mojave County, Arizona. The Applicant has not provided a water service plan or any other technical demonstration of the need for the Beaver Dam Wash water that is located within Lincoln County. Currently, the Virgin Valley Water District has approximately 12,115 acre feet of permitted groundwater rights. For many years it has only been using a small portion of these rights to serve its customers. Applicant should not be authorized to export water from Lincoln County for use in Clark County, Nevada or Mojave County, Arizona, particularly when the Applicant has not utilized or developed its existing permitted water rights. Applicant cannot show the need for the use of the water proposed to be appropriated in the applications.
3. Lincoln County has a Water Master Plan for Lincoln County. There are two projects supported by the water rights developed from the Tule Desert that have been identified under Lincoln County's Water Master Plan: the development of 13,000 acres under the Lincoln County Land Act and the development of the Toquop Energy Park. The total water demand for these projects at build out is estimated to range from 15,000 af/yr to 16,000 af/yr. Lincoln and Vidler are ready and willing to proceed with the development of the necessary water resources for the Toquop Energy Park and the land in the Lincoln County Land Act. There is a need for the water in Lincoln County and the State Engineer has already recognized the need to import water from Tule Desert for use in Lincoln County for the Toquop Energy Park and the Lincoln County Land Act which are located in the Virgin River Valley Basin.
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. There will be no water available to appropriate at the source for the Applicant's applications based upon existing permitted water rights and the LCWD and Vidler senior applications if granted.
6. 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

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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 project

8. 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.
9. Protestants object to the export of water from Lincoln County for use in Clark County, Nevada or Mojave County, Arizona. 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 or Mojave County, Arizona.
10. Any monitoring and management plan proposed by the Applicant must be substantive with supporting analytical data.
11. The Protestants request that the subject applications be denied.