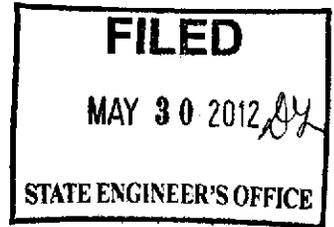


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 81727  
FILED BY READY MIX INC  
ON April 3, 20 12



PROTEST

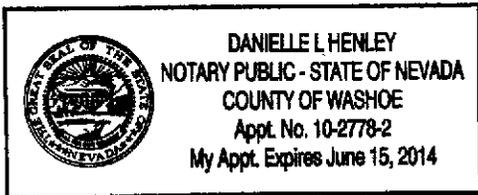


Comes now Toiyabe Chapter of the Sierra Club  
Printed or typed name of protestant  
whose post office address is P.O. Box 8096, Reno, NV 89507  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is conservation organization and protests the granting  
of Application Number 81727, filed on April 3, 20 12  
by READY MIX INC for the  
waters of Underground situated in Clark  
an underground source 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 Statement of Reasons.

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 Dennis Ghiglieri  
Agent or protestant  
Dennis Ghiglieri, Conservation Chair  
Printed or typed name, if agent  
Address P.O. Box 8096  
Street No. or PO Box  
Reno, NV 89507  
City, State and ZIP Code  
775 329 6118  
Phone Number  
conservation@toiyabe.sierraclub.org  
E-mail



STATE ENGINEERS OFFICE  
2012 MAY 30 PM 2:02  
RECEIVED

Subscribed and sworn to before me this 30 day of May, 20 12

Danielle L. Henley  
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.

**Statement of Reasons for Sierra Club  
Protest of Application No. 81727**

1. There is no evidence that the amount applied for change of manner of use, 300 afa, has ever or regularly been put to beneficial use, since 2006, for the sand and gravel operation or could have done so with its existing infrastructure - a well and a small pipeline to the sand/gravel site. The lease from the Bureau of Land Management for the sand and gravel operation has expired and required reclamation must be completed by the applicant by May 31, 2012. The small pond previously in use on the site has been filled since at least May 2011 (according to a Google earth map). The water cannot continue to be used for a commercial use since none currently exists.
2. There is no evidence of the impacts of the permanent use of 300 afa for municipal use on other existing water rights and water resources, including but not limited to those in basin #211 and down gradient basin #212; i.e. the Desert National Wildlife Refuge and its Corn Creek station, domestic wells in the community of Corn Creek, and the US Air Force in the southern portion of the Nevada Test and Training Range.
3. There is no evidence of a contract between the applicant, Ready Mix of Scottsdale, Arizona, with a municipal water supplier. Changing the manner of use from commercial to municipal requires evidence of such a contract or would violate Nevada water law prohibiting speculation.
4. There is no municipal water use in the four sections specified in the application #81727, Sections 5, 6, 8 & 9, Township 17 South, Range 58 East MDB&M. There is no municipality, no human residence, and no place to put water to beneficial use in the four sections or elsewhere in basin #211. The only water rights holders/users in the basin are the Nevada Department of Prisons, the US Air Force, wildlife, and stock. The remaining granted water rights are to the Southern Nevada Water Authority for interbasin transfer to Las Vegas Valley at some unknown future time. Municipal use would require a water pipeline and a right-of-way across public lands to the nearest municipal user. The applicant provides in line #15 a vague statement for the "detailed description of the proposed project and its water usage: "300 afa, tie to existing municipal system to be completed." Critical information is missing: What existing municipal system? How long is the "tie?" What is the cost of the pipeline? Will the works, including the pipeline, actually be completed in 3 years and 300 afa put to beneficial use in 5 years?
5. The amount of \$250,000, the estimated cost of works in line #12 of the application form for #81727, appears unrealistic, as a right-of-way across public lands managed by the Bureau of Land Management would require an Environmental Assessment or Environmental Impact Statement, the costs of either of which would likely exceed this stated amount.
6. Since the 300 afa cannot be developed in the manner specified, the application appears to be speculative and not in the public interest.

**Conclusion: This application should be denied.**

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