IN THE OFFICE OF THE STATE ENGINEER

STATE OF NEVADA **1169A**

ORDER

WHEREAS, on March 8, 2002, the State Engineer issued State Engineer's Order No. 1169.

WHEREAS, Order No. 1169 was issued after an administrative hearing was held before the Nevada State Engineer regarding protested Applications 54055 through 54059 held by the Las Vegas Valley Water District, and protested Applications 63272 through 63276 and 63867 through 63876 held by Coyote Springs Investment, LLC.

WHEREAS, Order No. 1169 indicated that there was insufficient information to determine if additional water was available for appropriation under the applications and additional study was needed in order to make that determination.

WHEREAS, pursuant to Order No. 1169, the State Engineer ordered that all applications pending and any new filings for the appropriation of water from the carbonate-rock aquifer system within Coyote Spring Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (North) (Basin 217), Muddy River Springs Area a.k.a. Upper Moapa Valley (Basin 219), and Lower Moapa Valley (Basin 220) would be held in abeyance until further information was obtained by stressing the aquifer by pumping water under those water right permits already issued to appropriate water from the system.

WHEREAS, Order No. 1169 ordered that a study covering a minimum five-year period of time during which at least 50% of the water rights then currently permitted in Coyote Spring Valley be pumped for at least two consecutive years. The amount of water to be pumped was 8,050 acre-feet annually for two consecutive years.

WHEREAS, Order No. 1169 included as study participants those certain entities identified as having applications for additional water rights or as currently holding water rights in the referenced basins, specifically, the Las Vegas Valley Water District, Southern Nevada Water Authority, Coyote Springs Investment, LLC, Nevada Power Company and Moapa Valley Water District.

WHEREAS, on April 18, 2002, the State Engineer issued State Engineer's Ruling No. 5115 that addressed Applications 54075 and 54076 then held by the Las Vegas Valley Water District in California Wash (Basin 218). Pursuant to Ruling No. 5115, the State Engineer indicated that additional information was necessary before large quantities of groundwater could be appropriated from California Wash. Application 54075 was approved subject to a monitoring program to be prepared in conjunction with the study ordered under Order No. 1169 and Application 54076 was held in abeyance until the Order No. 1169 study was completed.

WHEREAS, by letter dated April 16, 2010, the State Engineer granted the Moapa Band of Paiute Indians' request to participate in the Order No. 1169 study. The Moapa Band of Paiute Indians' reservation is located within California Wash. The letter noted that the intent of Ruling No. 5115 was to include California Wash within the study area as the current evidence strongly supports a hydrologic connection between California Wash and the other hydrographic basins included in Order No. 1169.

WHEREAS, by letter dated May 26, 2010, the Moapa Band of Paiute Indians indicated their concern that the pumping test itself was likely to impact resources at the Muddy River Springs. On June 22, 2010, the State Engineer held a meeting to discuss the pumping test and the Tribe's concerns.

WHEREAS, by letter dated July 1, 2010, the State Engineer expressed his concern that it had been eight years since the pumping test was ordered and the pumping requirements of the Order No. 1169 study had not even begun. The State Engineer noted that the final reports ordered under Section 7 of Order No. 1169 and updating the groundwater model under Section 8 of the Order were only required after completion of the pumping test. However, the State Engineer indicated that decisions regarding future appropriations in the basins subject to Order No. 1169 could not be deferred indefinitely. Therefore, regardless of whether the 8,050 acre-feet minimum requirement was met or not, the study participants were ordered to comply with Sections 7 and 8 of Order No. 1169. The two-year pumping period was to commence when pumping and water export from well MX-5 commenced and the Section 7 report(s) were to be filed in the Office of the State Engineer within 180 days of completion of the first two years of pumping. The pumping test was expected to begin in August or September 2010 and actually began on November 15, 2010. The Southern Nevada Water Authority was also ordered to submit model simulation results showing the predicted effects of pumping both existing rights and current applications in Lower Meadow Valley Wash (Basin 205), Kane Springs Valley (Basin 206), Coyote Spring Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (North) (Basin 217), California Wash (Basin 218), Muddy River Springs Area a.k.a. Upper Moapa Valley (Basin 219), and Lower Moapa Valley (Basin 220). The State Engineer notified all study participants that monitoring activities were to be in place no later than August 1, 2010.

WHEREAS, the State Engineer has maintained information related to the pumping test on the Nevada Division of Water Resources website http://water.nv.gov/mapping/order1169/ and can be viewed by any member of the public.

WHEREAS, the State Engineer believes that sufficient information has been obtained through the pumping test and related monitoring in order to make a determination on the applications pending in these basins.

NOW THEREFORE, the State Engineer orders:

1. The pumping test is declared completed as of December 31, 2012.
2. In recognition of the information that has already been provided pursuant to the pumping test, the provisions of Section 8 of Order No. 1169 that required an update of Exhibit No. 54 from the July 2001 hearing is hereby rescinded.
3. Any study participant, which includes the Las Vegas Valley Water District, Southern Nevada Water Authority, Coyote Springs Investment, LLC, Nevada Power Company, Moapa Valley Water District and Moapa Band of Paiute Indians, may file a report in the Office of the State Engineer in Carson City, Nevada, by June 28, 2013, addressing the information obtained from the study/pumping test, impacts of pumping under the pumping test and the availability of water pursuant to the pending applications.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada

this 21st day of December, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of Amended Order No. 1169 was served:

By U.S. certified mail, postage prepaid, on December 21, 2012, on the following:

Coyote Springs Investment, LLC
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By U.S. regular mail, postage prepaid, on December 21, 2012, on the following:

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