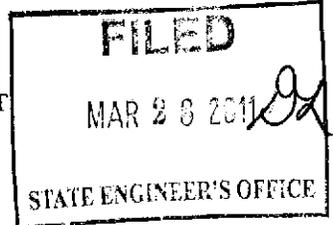


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 54005  
FILED BY Southern Nevada Water Authority  
ON October 17, 1989



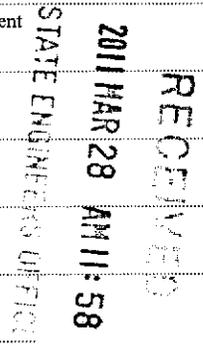
PROTEST



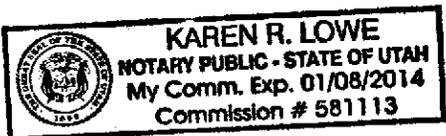
Comes now Peter M. Coroon  
Printed or typed name of protestant  
whose post office address is 2001 South State Street, N2100, Salt Lake City, Utah 84190  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Mayor, Salt Lake County, Utah and protests the granting  
of Application Number 54005, filed on October 17, 1989  
by Southern Nevada Water Authority for the  
waters of the Spring Valley Basin (groundwater) situated in Lincoln  
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:  
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 \_\_\_\_\_  
Agent or protestant  
Peter M. Coroon, Mayor  
Printed or typed name, if agent  
Address 2001 South State Street, N2100  
Street No. or PO Box  
Salt Lake City, Utah 84190  
City, State and ZIP Code  
801-468-2500  
Phone Number  
petermcoroon@slco.org  
E-mail



Subscribed and sworn to before me this 23 day of March, 20 11



\_\_\_\_\_  
Notary Public  
State of Utah  
County of Salt Lake

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

**ATTACHMENT TO PROTEST OF SALT LAKE COUNTY AGAINST  
APPLICATION NO. 54005 FILED OCTOBER 17, 1989  
BY THE SOUTHERN NEVADA WATER AUTHORITY**

This attachment lists and briefly describes the reasons and grounds for the protest of Salt Lake County ("Protestant") against Application No. 54005 ("Application"). The Southern Nevada Water Authority ("SNWA" or "Applicant") has filed an Application to appropriate groundwater from Spring Valley as part of its massive proposed network of wells and pipelines stretching across eastern Nevada from Clark County through Lincoln County and into White Pine County (the "Pipeline Project").

In sum, Protestant asserts as reasons and grounds for the Protest that: (1) the appropriation and export of water proposed in the application will not be environmentally sound and will be detrimental to the public interest; (2) the appropriation and export of water proposed in the application will jeopardize public health and be detrimental to the public interest; and (3) the appropriation and export of water proposed in the application will impact recreation, aesthetic values and have economic consequences detrimental to the public interest. These protest grounds are further explained below.

**I. The Appropriation and Export of Water Proposed in the Application Will Not Be Environmentally Sound and Will Be Detrimental to the Public Interest**

A. Environmental Impacts of the Application

NRS §§ 533.324 to 533.435 govern applications to appropriate public waters. In reviewing an application for an interbasin transfer of groundwater, the State Engineer must determine whether the application "threatens to prove detrimental to the public interest." The very nature of an interbasin transfer of groundwater involves broad public issues. In considering an application for an interbasin transfer of groundwater, the State Engineer shall consider whether the proposed action is "environmentally sound as it relates to the basin from which the water is exported." NRS 533.370(5)(c). The State Engineer previously considered the issue of what constitutes "environmentally sound" in the Spring Valley determination (State Engineer Ruling 5726) as follows:

While there are no definitions [in the statutes] of what environmentally sound is, there are examples of what environmentally sound is not, such as the Owens Valley project in California. The State Engineer believes that the legislative intent of NRS Section 533.370(6)(c) was to protect the natural resources of the basin of origin and prevent a repeat of the Owens Valley while at the same time allowing for responsible use of the available water resources by the citizens of Nevada.

## B. Fugitive Dust Impacts

The public interest ramifications for the one million residents of Salt Lake County cannot be overstated. Pumping will result in severely lowered groundwater levels in the basin from which the appropriation and export is proposed and in hydrologically connected down-gradient basins within the same interbasin flow system. The point of diversion for Application #54005 is in southern Spring Valley where the interbasin flow from Spring to Snake Valley is believed to be the greatest. Diverting groundwater at that point will deplete interbasin flow to Snake Valley and will lower the water table drying out springs, seeps, wetlands, wet meadows and moist playas, killing groundwater dependent vegetation. The loss of vegetation and root systems binding soil will cause a loss of barriers to wind.

Soil instability in the basin from which the water is exported will increase wind blown dust in the region. The desiccation of these areas will result in more frequent and severe dust storms in the basin targeted by this application and in down-gradient hydrologically connected basins in the same flow system. Among other things, dust storms impair visibility, creating traffic hazards and restricting airport operations. The disruption of transportation will have an economic impact in the County. In addition, visibility impairment caused by light scattering from particulates (PM<sub>2.5</sub>) in the atmosphere, including wind blown dust creates a condition known as regional haze. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

## C. Regional Air Quality Impacts

Wind blown dust conditions will aggravate the already challenged air quality in the Salt Lake Valley causing a reasonably foreseeable direct and immediate public health threat to the residents of Salt Lake County.<sup>1</sup> The Environmental Protection Agency ("EPA") has included Tooele County and Salt Lake County in a single non-attainment area under the Clean Air Act. Tooele County is recognized by the Bureau of Land Management's Nevada State Office as being located in one of the defined hydrologic basins designated in the draft project environmental impact statement. For these reasons, regional air quality impacts affecting Salt Lake County must be considered. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

## D. Snowpack and Recreation Impacts

A recent study has found that particulates settling on mountain tops creates a dark layer that absorbs sunlight causing snow to melt earlier. Researchers at the University of Utah have determined that dust storms in 2006 which originated hundreds of miles away coated the snowpack with a brown layer of dust.<sup>2</sup> The dust heated the surface and caused the snow to melt as much as a month early. The environmental and economic consequences of early melting are enormous affecting everything from water supplies to recreational activities. A shortened ski season in the Wasatch mountain range would have a severe economic impact in Salt Lake County. These

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<sup>1</sup> "Winds Wreak Havoc on Air Quality, Ski Lifts" Salt Lake Tribune, March 31, 2010. Copy attached, Ex. "A".

<sup>2</sup> "Hydrologic Observations in the Great Salt Lake Basin: Interactions Between Particulate Transport and Hydrologic Response."

impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

E. Climate Change Impacts

In addition to wind blown dust, a reduction in vegetative cover will contribute to climate change. Growing vegetation absorbs carbon dioxide (CO<sub>2</sub>) and is a natural reservoir for the accumulation and storage of greenhouse gas. The loss of these biological carbon sinks (e.g. vegetation) due to groundwater pumping will increase the atmospheric amounts of CO<sub>2</sub> causing a net warming effect of the atmosphere, by decreasing the amount of heat energy radiated by the earth back into space. An increase in atmospheric temperatures will, among other things, extend the wild fire season.

Wild fires will, in turn, release the absorbed CO<sub>2</sub> back into the atmosphere. Air quality will be further aggravated by soot and fine PM<sub>2.5</sub> particulates generated by combustion. Furthermore, the accumulation of dead and dying vegetation caused by the loss of groundwater will increase the availability of fuel making fires more frequent and severe. Climate change impacts are regional and must be evaluated when assessing whether the proposed action is environmentally sound. These impacts are the direct result of decreased groundwater and are detrimental to the public interest. For these reasons, the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

F. Wildlife and Wildlife Habitat Impacts

The loss of water caused by pumping will have an adverse impact on wildlife and wildlife habitat in the basin from which this application proposes to appropriate and export water and in hydrologically connected down-gradient basins within the same interbasin flow system. The species and species habitat likely to be adversely impacted by the appropriation and export of water proposed in this application includes fish, amphibians, other aquatic species, groundwater-dependent mammals and other terrestrial species, birds and insects. Among the species likely to be impacted by a loss of water are a number of federally and state protected species. The loss of species and habitat in the immediate down-gradient basins will have a regional impact, limiting development in other habitat areas. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

**II. The Appropriation and Export of Water Proposed in the Applications Will Jeopardize Public Health and be Detrimental to the Public Interest**

On December 7, 2009, EPA announced its “endangerment finding” on CO<sub>2</sub> and five other greenhouse gases.<sup>3</sup> After a great deal of debate and analysis, the EPA concluded that scientific evidence supports its decision to classify the six green house gases as pollutants that endanger public health and welfare. The direct human health risks linked to climate change in the endangerment finding are wide ranging. In simple terms, deteriorating air quality will exacerbate respiratory and cardio-pulmonary disease. These public health impacts will result in increased health care costs, reduced productivity and have significant economic consequences. These impacts

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<sup>3</sup> EPA Endangerment Finding. 74 Fed. Reg. 66496 (2009) (to be codified at 40 CFR Ch. I).

are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

**III. The Appropriation and Export of Water Proposed in the Applications Will Impact Recreation, Aesthetic Values and Result in Economic Consequences Detrimental to the Public Interest**

Economic impacts will not be limited to the basin targeted in this application, but will extend to down-gradient hydrologically connected basins within the same interbasin flow system and to downwind basins. The loss of water, wildlife, air quality, visibility and snowpack will destroy the recreational uses and the value of these basins and downwind areas. As previously noted, dust settling on mountain tops causes snow to melt earlier shortening the skiing season in the Wasatch mountain range and reduces the availability of surface water runoff for irrigation. These environmental conditions and the associated public health impacts, will have an adverse effect on existing economic activities and potential future economic growth in Salt Lake County. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

**IV. Protestant Reserves the Right to Amend this Protest as May be Warranted by Future Developments**

SNWA's proposed groundwater export project is on a scale never before seen in Nevada or in the United States. It is not possible to anticipate all potential adverse impacts without further study. New scientific or other data and changed circumstances may disclose additional basis for protest. For these reasons, the above-named Protestant reserves the right to amend the subject protest to include other issues as they may develop.

**V. Incorporation of Other Protests to SNWA's Applications by Reference**

The above-named Protestant additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every reason or grounds for other protests to this application and/or to any application filed that is included in SNWA's groundwater export project and filed pursuant to NRS §533.365.

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