

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

FILED  
MAR 15 2011  
STATE ENGINEER'S OFFICE  
PROTEST

IN THE MATTER OF APPLICATION NUMBER 54015  
FILED BY LVVWD / SNWA  
ON October 17, 1989 TO APPROPRIATE THE  
WATERS OF UNDERGROUND

Comes now HOLLY M. WILSON

whose post office address is P.O. Box 150665 ELY, NV 89315

whose occupation is a Retired Educator and protests the granting

of Application Number 54015, filed on October 17, 1989 by LVVWD / SNWA to appropriate the

waters of UNDERGROUND situated in \_\_\_\_\_ County, State of Nevada, for the following and on the following grounds, to wit: (CHECK ALL THAT APPLY)

- 1. There is insufficient water available in the proposed source of supply.
- 2. The application and proposed use would conflict with existing water rights and protectable interests in domestic and/or ranch production and/or municipal wells
- 3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds and would be environmentally unsound as it relates to the proposed export basin: Harm to wildlife and wildlife habitat, degradation of air quality, destruction of recreational and aesthetic values, degradation of water quality, degradation of cultural resources, harm to state parks and state and federal wildlife refuges and parks.
- 4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed: Undue limitation of future economic activity and growth in the basin of origin, undue economic harm will extend to the economies and communities of downgradient hydrologically connected and downwind basins, loss of public lands grazing and forage.
- 5. The proposed action is not an appropriate long-term use of Nevada's water:
- 6. The Applicant has not justified the need to import water from another basin:
- 7. The Applicant has not implemented a sufficient conservation plan.
- 8. The Applicant has not demonstrated the good faith intent or financial ability and reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence.
- 9. The Applicant has a duplicative application filed in 2010 which may require a duplicative hearing for the same groundwater.
- 10. The appropriation and export of groundwater from Spring Valley will harm existing permitted uses in the hydrologically connected Snake Valley and Great Basin.
- 11. The appropriation and export of groundwater from Cave, Dry Lake, and Delamar Valleys will harm hydrologically connected areas including Pahrnagat and White NWRs and White River Valley and Lake Mead NRA.
- 12. Protester reserves the right to amend this protest to include issues as they develop and incorporates other protests to SNWA's applications by reference.

THEREFORE the Protestant requests that the application be **DENIED**

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Holly M. Wilson Holly M. Wilson

Holly M. Wilson  
Printed or Typed name, if agent

PO Box 150665  
Ely, NV 89315  
Address

775-289-3709  
Phone Number

STATE ENGINEER'S OFFICE  
2011 MAR 15 PM 1:21  
RECEIVED

Subscribed and sworn to before me this 9<sup>th</sup> day of March, 2011  
JSP



Notary Public  
State of Nevada  
County of White Pine

## Spring Valley Water Protest

The State Engineer has not published a sensitivity analysis for groundwater recharge based on variable amounts of precipitation. The applicant, Southern Nevada Water Authority, justifies its requests on the lowering of Lake Mead, particularly during the last decade of drought conditions. The State Engineer must likewise show that groundwater supplies, whose recharge is based on the same drought, would be adequate through all climatic periods.

The protocol for determining average annual precipitation is to use the last 3 decades of annual precipitation data. Therefore, the current hydrologic models used the data period 1971-2000 (9.97" for Ely). Since another decade has been completed, the models should be run using the current proper data period – 1981-2010 (9.74" for Ely). In addition, due to the severity and significance of the drought and climate trends, a model should be run on the 2001-2010 period (8.44" for Ely).

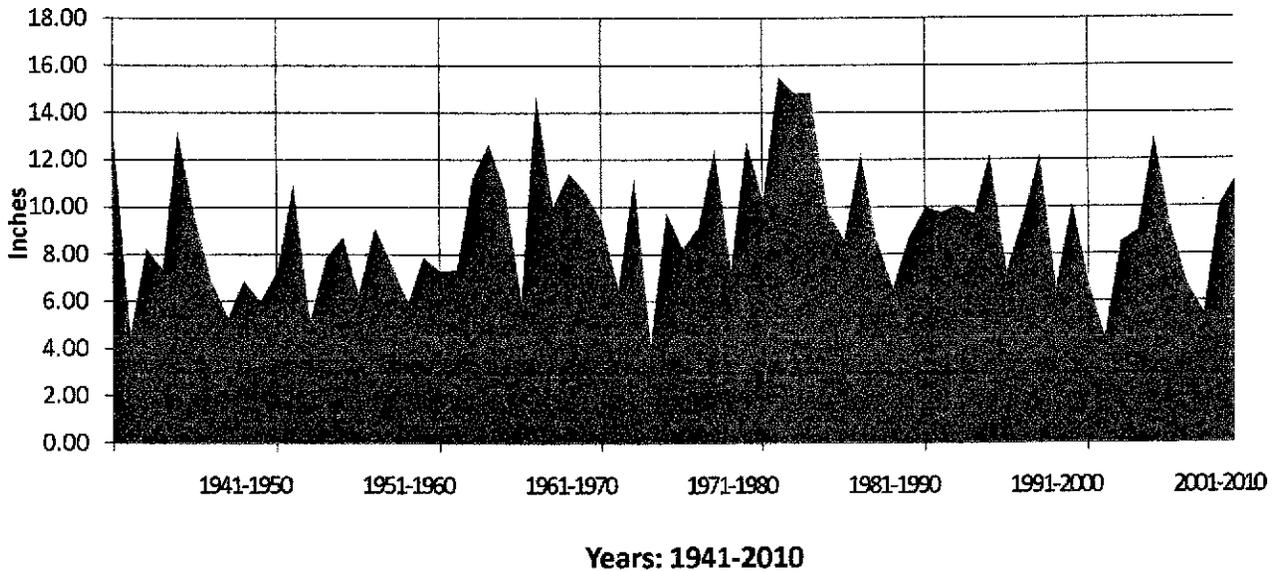
The attached graph and table shows that the differences are not insignificant. Based only on the published DRI data for the Ely weather station, the Spring Valley hydrologic basin (1 M acres) would receive 20,000 acre feet less precipitation per year using the 1981-2010 data compared to the 1971-2000 base. This total would drop to 135,000 acre feet per year using the 2001-2010 decade compared to the 1971-2000 base. These amounts are similar in magnitude to the requests for withdrawal.

It is not presumed that these figures are an actual calculation of recharge and water available for withdrawal. The needed algorithms to conduct these estimates are already contained in the previously prepared hydrologic models. The State Engineer must confirm that the model properly accounts for variations in precipitation by altitude and infiltration by soil, rock, and vegetation types. It should not be difficult or time consuming to recalculate available water using precipitation as a single variable.

The applications must be denied until the State Engineer can clearly document that recharge would be sufficient through all extended climate periods.

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## Annual Precipitation, Ely Nevada



Data source: DRI; <http://www.wrcc.dri.edu/cgi-bin/cliMONtpre.pl?nv2631>

2/21/11

Decade	From	To	Average			
	1941	1950	8.14			Avg 1941-2010 9.20
	1951	1960	7.71			
	1961	1970	10.22			
	1971	1980	9.13	Avg		
	1981	1990	11.03	1971-2000	Avg	
	1991	2000	9.75	9.97	1981-2010	
	2001	2010	8.44		9.74	

### Difference in total acre feet from precipitation based on Ely rainfall totals

Conversion			7.48	43,560	1,063,040	325,851
Factors			gal / cu ft	sq ft / acre	acres Sping V	gal / ac ft
Period	inches	feet	gal / cu ft	gal / acre	gal / basin	acre ft / basin
1981-2010 vs 1971-2000	0.23	0.019	0.14	6245	6,638,740,078	20,374
2001-2010 vs 1971-2000	1.53	0.128	0.95	41543	44,162,053,563	135,528