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

IN THE MATTER OF APPLICATION NUMBER 54015
FILED BY Las Vegas Valley Water District
ON October 17, 1989, 20

PROTEST

FILED
MAR 24 2011
STATE ENGINEER'S OFFICE

Comes now Millard County, a political subdivision of the State of Utah
Printed or typed name of protestant

whose post office address is 50 South Main, Fillmore, UT 84631
Street No. or PO Box, City, State and ZIP Code

whose occupation is by and through the Millard County Board of Commissioners and protests the granting

of Application Number 54015, filed on October 17, 1989, 20

by Las Vegas Valley Water District (predecessor to Southern Nevada Water Authority) for the

waters of underground in Spring Valley Hydrographic Area #184 situated in White Pine
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 attachment

RECEIVED
2011 MAR 24 AM 11:37
STATE ENGINEERS OFFICE

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 Bart A. Whatcott
Agent or protestant

Bart A. Whatcott, Chairperson, Millard County Board of Commissioners
Printed or typed name, if agent

Address 50 South Main
Street No. or PO Box

Fillmore, UT 84631
City, State and ZIP Code

(435) 864-3901
Phone Number

E-mail

Subscribed and sworn to before me this 22nd day of March, 20 11

LEANN HEPWORTH
NOTARY PUBLIC • STATE of UTAH
COMMISSION NO. 576736
COMM. EXP. 09-19-2012

Leann Hepworth
Notary Public

State of Utah
County of Millard

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

REASONS AND GROUNDS FOR MILLARD COUNTY'S PROTEST AGAINST APPLICATION NO. 54015, FILED OCTOBER 17, 1989 BY LAS VEGAS VALLEY WATER DISTRICT, PREDECESSOR TO SOUTHERN NEVADA WATER AUTHORITY

1. Granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby deplete and diminish the water resources, specifically groundwater, which is available to Millard County and its businesses and residents.

2. Granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby have a negative impact on the citizens of Millard County, Utah by depletion of the underground water aquifers and natural surface waters. Due to the recurring drought conditions throughout west Millard County, there is reduced recharge to the aquifers in this area and reduced surface water accumulations.

3. Granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby concentrate the use of water and lower the water table to such an extent that it will substantially reduce groundwater-dependent vegetation, which will destabilize soils and contribute to blowing dust resulting in reduced air quality in Millard County and northward into other Utah counties. Air quality is specifically impacted by the alkali nature of the soils in the area resulting in public health impacts and other social costs. In addition to causing severe respiratory problems, the particulate matter that will be mobilized in dust storms in these areas is likely to contain radioactive fallout that heretofore has been held in place by the groundwater-fed moisture in the soil and vegetation.

4. In addition to the other effects of groundwater table drawdown, granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby eliminate specific sources and the overall available supply of groundwater in the hydrographic basin to support both existing economic activities and potential future economic growth. Existing economic activities that would be undermined include livestock and other ranching uses, agriculture, domestic uses, mining and prospecting uses, tourism and recreational uses. Future economic growth and development that would be unduly limited include the expansion of all of the above-listed activities, as well as potential future energy development. As a result, the proposed change(s) will have a negative impact on grazing, agriculture, mining, recreation, natural habitat, scenery and general aesthetics.

5. Based on the interconnectivity of the hydrogeologic structures in the Great Basin as identified by the USGS BARCASS report and other such investigations and reports, granting this application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby cause long-term detrimental effects on other ground water resources and flows in other parts of Millard County and other Utah counties, negatively impacting the agricultural industry of Millard County and other Utah Counties.

6. Granting the application and other applications filed contemporaneously therewith, will interfere with interbasin flow from Spring Valley to Snake Valley and thereby lower the static water level in the area of Millard County in the vicinity of the proposed underground pumping. Such changes will adversely affect the quality of the remaining ground

water rights or with protectable interests in existing domestic wells as set forth in NRS 533.024. Therefore, under NRS 533.370(5) the application should be denied.

14. The use of groundwater proposed and targeted by the application and the interference it will cause to the interbasin flow from Spring Valley to Snake Valley threatens to prove detrimental to the public interest. Therefore, under NRS 533.370(5) the application should be denied.

15. Given the severity and duration of the economic downturn in the Las Vegas area and the resulting halt in economic growth, the applicant cannot justify the need to import water from another basin. Therefore the interbasin transfer of water targeted in the application and its resulting interference with interbasin flow from Spring Valley to Snake Valley should be denied as required by NRS 533.370(6)(a).

16. Granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby deplete the quantity and quality of water flow in various springs and seeps throughout the basin targeted by the application and will thereby diminish and otherwise damage riparian areas and the riparian vegetation, riparian wildlife, migrating birds and livestock that depend upon those riparian areas. Accordingly, under NRS 533.370(6)(c), the interbasin application targeted in the application should be denied as not environmentally sound as it relates to the basin of origin.

17. Granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby unreasonably deplete the water table throughout the basin targeted by the application and will thereby diminish and otherwise damage the phreatophytic vegetative species that depend on the water table as well as the wildlife and livestock that depend on those phreatophytic species. As stated in paragraph 3 above, this phreatophytic plant loss will destabilize soils and contribute to dust and other air quality problems. Accordingly, under NRS 533.370(6)(c), the interbasin application targeted in the application should be denied as not environmentally sound as it relates to the basin of origin.

18. As stated in the previous paragraphs, granting the application will interfere with interbasin flow from Spring Valley to Snake Valley and thereby unduly limit the future growth and development in the basin of origin from which the water will be exported. Accordingly under NRS 533.370(6)(d), the interbasin application targeted in the application should be denied.

19. If the application is not denied outright, then any permitted use under this application should be conditioned upon and preceded by sufficient comprehensive studies of groundwater resources in the area and interbasin flow from Spring Valley to Snake Valley, and the impacts on those resources by limited incremental ground water pumping and withdrawals at intermittent levels. No additional pumping and export of water should be allowed unless the intermittent staged pumping and exports from Spring Valley prove beyond a reasonable doubt not to interfere with the groundwater flow from Spring Valley to Snake Valley that could damage any and all of the resources of Millard County mentioned above.