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

IN THE MATTER OF APPLICATION NUMBER 79268
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Snake Valley Hydrographic Area # 195

PROTEST

FILED
APR 09 2010
STATE ENGINEER'S OFFICE

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

whose post office address is 100 East Center Street, Provo, Utah 84606
Street No. or PO Box, City, State and ZIP Code

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

of Application Number 79268, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of underground in Snake Valley Hydrographic Area #195 situated in White Pine
Underground 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
2010 APR -9 AM 10: 26
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
Agent or protestant

Steve White, Chairperson Utah County Board of Commissioners
Printed or typed name, if agent

Address 100 East Center Street
Street No. or PO Box

Provo, Utah 84606
City, State and ZIP Code

801-851-8100
Phone Number

Subscribed and sworn to before me this 8th day of April, 20 10

Notary Public
BARBARA BOHN
100 East Center Street #2300
Provo, Utah 84606
My Commission Expires
March 26, 2011
State of Utah

Barbara Bohn
Notary Public

State of Utah
County of Utah

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

REASONS AND GROUNDS FOR UTAH COUNTY'S PROTEST AGAINST APPLICATION NO. 79268, FILED JANUARY 28, 2010 BY SOUTHERN NEVADA WATER AUTHORITY

This attachment lists and briefly describes the reasons and grounds for the protest of Utah County ("Protestant") against Application No. 79268. The Southern Nevada Water Authority ("SNWA" or "Applicant") has filed this Application to appropriate groundwater from Snake 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 applications will not be environmentally sound and will be detrimental to the public interest; and (2) the appropriation and export of water proposed in the applications 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 Applications Will Not Be Environmentally Sound and Will Be Detrimental to the Public Interest

A. Environmental Impacts of the Applications

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 inter-basin 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 residents of Utah 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. Groundwater pumping 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. In addition, visibility impairment caused by light scattering from particulates ($PM_{2.5}$) 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 Utah Valley causing a reasonably foreseeable direct and immediate public health threat to the residents of Utah 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).

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.[1] 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. 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 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 Utah County. These impacts are detrimental to the public interest and the State Engineer should deny this

[1] "Hydrologic Observations in the Great Utah Basin: Interactions Between Particulate Transport and Hydrologic Response."

application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

III. 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.