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

IN THE MATTER OF APPLICATION NUMBER 79270
FILED BY SOUTHERN NEVADA WATER AUTHORITY
ON ~~April 12~~ 1-28, 20 10, TO APPROPRIATE THE
WATERS OF UNDERGROUND

PROTEST

RECEIVED
2010 APR 16 PM 2:33
STATE ENGINEERS OFFICE

Comes now UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT, BRIAN MOENCH PRESIDENT
Printed or typed name of protestant

whose post office address is 4091 SPLENDOR WAY
Street No. or PO Box, City, State and ZIP Code

whose occupation is PHYSICIAN and protests the granting

of Application Number 79270, filed on ~~APRIL 12~~ 1/28, 20 10

by SOUTHERN NEVADA WATER AUTHORITY to appropriate the

waters of UNDERGROUND 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

FILED
APR 16 2010
STATE ENGINEER'S 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 Brian Moench
Agent or protestant

BRIAN MOENCH
Printed or typed name, if agent

Address 4091 SPLENDOR WAY.
Street No. or PO Box

SLC, UTAH 84124
City, State and ZIP Code

801-278-0890
Phone Number

Subscribed and sworn to before me this 12 day of April, 20 10
Brian MOENCH

Notary Public

LESLIE SUZANNE PRZYBYLA
Notary Public - State of Utah
Commission Number: 581142
My Commission Expires Dec. 23, 2013

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 UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT/
AGAINST APPLICATION NO. 79270 **, FILED January 28, 2010**
BY THE SOUTHERN NEVADA WATER AUTHORITY

BRIAN MOENCH
PRESIDENT

This attachment lists and briefly describes the reasons and grounds for this protest of UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT ("Protestant") against Application Number 79270. The Southern Nevada Water Authority ("SNWA" or "Applicant") has filed this Application to appropriate groundwater from Snake and Spring Valleys 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").

BRIAN MOENCH

While the proposed applications are entirely in Nevada, it is well established that two basins in particular, Spring and Snake Valleys, are the principal water supply for the Utah side of Snake Valley. It is also well established that most of the users of this water are on the Utah side of Snake Valley, and that most of the impacts on the area's the economy, air quality and, environment will be in Utah.

The Snake and Spring Valley aquifers are part of an interbasin flow system that affects a region of about 4 inter flow basins. According to the USGS BARCASS (Scientific Investigations Report 2007–5261) and a report by Las Vegas Valley Water District (Rpt #9, Hydrologic Basin 195; Brothers et, al, 1993) these basins are connected. The LVVW report acknowledges: "Snake Valley comprises a portion of the Great Salt Lake Desert Flow System...This flow system comprises 21 individual hydrologic basins and encompasses almost 13,000 sq miles, and the southwestern part of the system". BARCASS acknowledges: "Ground water exits the study area from Snake and Tippett Valleys and flows northeastward toward a terminal discharge area in the Great Salt Lake Desert", and underground waters from Spring Valley flow into Snake Valley.

The proposed water transfers from two connected basins, Spring and Snake Valleys will depreciate the Snake Valley aquifer which is mostly Utah. The Spring Valley aquifer flows around the North Snake range at the northern and southern ends of the range. Wells proposed for Spring Valley will prevent water from flowing to Snake Valley and those proposed for Snake Valley will further prevent water from flowing to the Utah side of the aquifer. This is essentially "double dipping"; water will be withdrawn twice from the same aquifer.

Utah Geological Survey Report #254 (Hurlow, et al, March 2005) concludes:

- Wells in Nevada proposed by the Southern Nevada Water Authority will likely adversely affect ground- water conditions in nearby Utah;
- Total drawdown of ground water near Garrison in western Millard County could be greater than 100 feet;
- The proposed pumping may change or reverse ground-water flow patterns for much of the east-central Great Basin in Utah and Nevada. The effects may eventually propagate eastward, and impact discharge at important regional springs in Wah Wah Valley and Tule Valley;
- Discharge of agriculturally and ecologically important springs will decrease; and,
- Further work is warranted to quantify both the hydrogeologic framework and hydrologic balance of the Snake Valley to accurately predict the effects of the proposed wells.

It needs to be noted that this report used 25,000 acre feet proposed at the time but SNWA had originally applied for 53,000 acre feet. Larger withdrawals over 25,000 acre feet would raise impacts significantly.

Utah already has an example of groundwater mining such as SNWA's project portends. http://www.sltrib.com/news/ci_14705878 "Cedar City » Since 1939, the Cedar Valley spreading west and north of Cedar City has dropped 100 feet and the only way to stop or slow the process is replenish the underlying aquifer with at least as much water as is being discharged through pumping."

Therefore, I protest because this project will be harmful to Utah as well as Nevada:

1. Harm to wildlife and wildlife habitat in Utah:
2. Air quality in Utah will be degraded: In other words, the desiccation of these areas will result in much more frequent and severe dust storms in the basin expressly targeted by this Application and in downgradient hydrologically connected basins in the same flow system. These dust storms likely will have catastrophic impacts on human and animal health in those basins and in additional downwind communities. 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. These dust storms also will dramatically degrade the aesthetic and recreational value of the basins in which they occur and additional downwind areas.

   The history of such massive interbasin water transfers must be heeded by the Nevada State Engineer. The Los Angeles diversion from both the Owens Valley and Mono Lake have caused the worst air pollution in the nation by the EPA. From the Sacramento Bee, March 11, 2010: "Some of the highest concentrations of dust ever recorded in North America occurred last fall at Mono Lake, one of the most scenic landscapes in California. Between 10 a.m. and 11 a.m. on Nov. 20, dust levels topped out at over 60,000 micrograms per cubic meter – more than 400 times the federal Clean Air Act standard, the Great Basin Unified Air Pollution Control District said. That far exceeds levels hazardous to human health and was the highest hourly reading ever recorded at Mono Lake. The eastern front of the Sierra often is raked by powerful windstorms. Greg Reis, with the Mono Lake Committee in Lee Vining, said decades of water diversions by Los Angeles have left the lake's shoreline exposed and vulnerable to nasty dust storms."

Since most of the environmental degrading impacts will be in Utah, and the fact that the area is upwind of the Wasatch Front which contains 80% of Utah's population, it can be reasonable concluded that a large portion of Utah's air quality will be degraded significantly.

3. Destruction of recreational and aesthetic values
4. Degradation of water quality
5. Degradation of cultural resources
6. Harm to state parks and state and federal wildlife refuges
7. Harm to the Great Basin National Park including water, air, ecosystem, view shed, resources
8. The appropriation and export of water proposed in this application would be detrimental to Utah's public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed:
    a. Undue limitation of future economic activity and growth in the basin of origin:
    b. Undue economic harm will extend to the economies and communities
    c. downgradient hydrologically connected and downwind basins
    d. Loss of public lands grazing and forage
9. The proposed action is not an appropriate long-term use of Nevada's nor Utah's water
10. The Applicant has not justified the need to import water from another basin
11. The Applicant has not implemented a sufficient conservation plan and there are studies that show if Las Vegas conserved as other western cities the pipeline would not be needed.
12. 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 due to 1) Changed circumstances, uncertain intent, doubtful financing, and, 2)
13. Failure to demonstrate ability to access land containing point of diversion.

Protestant reserves the right to amend this protest to include issues as they develop.