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

IN THE MATTER OF APPLICATION NUMBER 79271
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF underground

PROTEST

FILED
22 APR 2010
STATE ENGINEER'S OFFICE

Comes now Audubon Council of Utah
Printed or typed name of protestant

whose post office address is P.O. Box 520867
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 79271, filed on January 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:

Please See Attached

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2010 APR 22 PM 1:46
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

Nathan Darnall
Printed or typed name, if agent

Address P.O. Box 520867
Street No. or PO Box

Salt Lake City, UT 84152-0867
City, State and ZIP Code

Phone Number

Subscribed and sworn to before me this 20th day of April, 2010

TYLER ELLGEN
Notary Public
State of Utah
My Commission Expires Dec. 6, 2010
Commission #567339

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 Audubon Council of Utah AGAINST APPLICATION NO. 79271, FILED 1-28-10, BY THE SOUTHERN NEVADA WATER AUTHORITY

This attachment lists and briefly describes the reasons and grounds for this protest of **Audubon Council of Utah** ("Protestant") against Application Number 79271. The Council is comprised of four Audubon chapters in Utah: Bridgerland Audubon, Great Salt Lake Audubon, Red Cliffs Audubon, and Wasatch Audubon. The chapters' missions are similar and are centered on protecting wildlife habitat, birds, animals and plants, and on maintaining healthy ecosystems for people and wildlife.

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. While the proposed applications are entirely in Nevada, it is well established that the basins in 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 current users of this water are on the Utah side of Snake Valley, and that most of the impacts on the area's economy, air quality and environment will be in Utah. The Snake Valley and Spring Valley aquifers are part of an inter-basin flow system which connects groundwater within Nevada and between Utah and Nevada (USGS Scientific Investigations Report 2007–5261, and Las Vegas Valley Water District Rpt #9, Hydrologic Basin 195).

The proposed water transfers from the two connected basins, Spring Valley and Snake Valley, will depreciate the Snake Valley aquifer which lies mostly in Utah. The Spring Valley aquifer flows around the North Snake Range and into Snake Valley. Wells proposed for Spring Valley will prevent water from flowing to Snake Valley and wells proposed for Snake Valley will further prevent water from flowing to the Utah side of the aquifer. This is essentially "double dipping" as water will be withdrawn twice from the same aquifer.

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

Wells 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 (31 m);
- 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.

The above findings from the USGS report were based on withdrawals of 25,000 acre-feet proposed at the time, but SNWA has applied for as much as 53,000 acre-feet. Withdrawals greater than 25,000 acre-feet would raise impacts significantly.

Utah already has an example of negative impacts associated with groundwater mining such as SNWA's project portends. "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" http://www.sltrib.com/news/ci_14705878.

Therefore, we protest this application, because the overall project will be harmful to Utah as well as Nevada:

1. Harm to wildlife and wildlife habitat in Utah;
2. Destruction of recreational and aesthetic values;
3. Degradation of water quality;
4. Degradation of cultural resources;
5. Harm to state parks and state and federal wildlife refuges;
6. Harm to the Great Basin National Park including water, air, ecosystem, view shed, resources;
7. 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 downgradient, hydrologically connected, and to downwind basins, and
    c. Loss of public lands grazing and forage;
8. The proposed action is not an appropriate long-term use of Utah's water;
9. The Applicant has not justified the need to import water from another basin;
10. The Applicant has not implemented a sufficient conservation plan and studies show if Las Vegas conserved as other western cities have the pipeline would not be needed;
11. 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 changed circumstances, uncertain intent, doubtful financing, and, failure to demonstrate ability to access land containing point of diversion; and
12. Air quality in Utah will be degraded, because desiccation of soils will result in more frequent and severe dust storms. These dust storms will likely have catastrophic impacts on human and animal health and could aggravate severe respiratory problems. These dust storms could also 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 according to 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 the Wasatch Front, which contains 80% of Utah's population, is downwind of areas in Utah that will be affected by pumping in Spring and Snake valleys, it can be reasonable concluded that a large portion of Utah citizens will be negatively affected by degraded air quality if conditions here are similar to those provided by the California example.

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