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 September 15, 2010, TO APPROPRIATE THE
WATERS OF underground

} PROTEST

FILED
APR 19 2010
STATE ENGINEER'S OFFICE

Comes now Utah Farm Bureau Federation
Printed or typed name of protestant

whose post office address is 9865 So. State Street, Sandy, UT 84070
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 79271, filed on Jan. 10, 2010

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 Attached

RECEIVED
2010 APR 19 PM 2:29
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

Randy N. Parker
Printed or typed name, if agent

Address 9865 So. State Street
Street No. or PO Box

Sandy, UT 84070
City, State and ZIP Code

801. 233. 3040
Phone Number

Subscribed and sworn to before me this 16th day of April, 2010

_____
Notary Public

VIANN HAYES
Notary Public State of Utah
My Commission Expires on:
October 1, 2012
Comm. Number: 576036

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.

Utah Farm Bureau Federation

9865 South State Street, Sandy • Utah 84070-3205 • Fax: (801) 233-3030
www.fb.com/utfb

RANDY N. PARKER
CHIEF EXECUTIVE OFFICER
(801) 233-3040

April 14, 2010

State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Southern Nevada Water Authority Application for
Trans-basin Transfer of Snake Valley Groundwater.

Dear State Engineer:

Pursuant to NAC 533.100, the Utah Farm Bureau Federation hereby requests recognition as an interested party with respect to Snake Valley well application number 79271for 7,250 acre feet annually. Please find enclosed the $25.00 fee as required.

The Utah Farm Bureau Federation is the largest farm and ranch organization in the state representing more than 27,000 member families. Water is the lifeblood of agriculture and its availability will determine the success and failure of food producers in the region. Farmer and rancher members of the Farm Bureau located across the western Utah, particularly along the border region could potentially be harmed if the Southern Nevada Water Authority (SNWA) request is granted without full and comprehensive study of the area's underground water resources.

The Utah Farm Bureau Federation did not file comments at the time of the original protest period because the proposed action did not receive widespread notification, excluding much of Utah. The limited Utah notification and the lack of understanding of the interaction between interconnected groundwater aquifers and associated water rights along the Utah-Nevada border strongly suggests Utah interests should receive additional attention in the permitting process.

Utah Farm Bureau believes that our testimony on behalf of the state's collective agriculture industry is an important consideration and provides critical insights important to the Nevada State Engineer in making a determination.

Thank you for the opportunity to offer testimony on the trans-basin transfer of Snake Valley groundwater. The Utah Farm Bureau Federation, representing more than 27,000 member families across the state, is asking the Nevada State Engineer to protect the sovereign waters of the state of Utah, agriculture interests and the fragile desert ecosystem when considering the SNWA application to pump groundwater from aquifers occupying the Utah-Nevada border or in close proximity. The Southern Nevada Water Authority must provide full protection to existing water rights in the affected region, recognize the jurisdictional issues and state boundaries and assess the impacts associated with the proposed pipeline along the western Utah border.

A process must be incorporated that adequately protects the historic values of the region, including the sovereign water rights of the state of Utah.

History suggests that the Snake Valley aquifer is in balance based on long-term discharge and recharge. The SNWA proposal to extract groundwater and transfer it to Las Vegas will have a direct impact on Utah interests. Nevada and Utah are the two most arid of the 50 states. During times of drought, recognized impacts on the nearby landscape include springs drying up and plant life changing. Approved levels of agricultural pumping and the impacts of regional droughts could be just a precursor to the impacts of SNWA's trans-basin transfer proposal to withdraw 55,000 acre-feet annually from Snake Valley and some 90,000 acre feet annually in the surrounding region.

There is undocumented speculation of a deep carbonate aquifer containing ancient water. Hydrologists, with adequate time, have the ability to estimate the amount of water and how pumping with affect the aquifer and ultimately sustainability. Science suggests the adverse impacts from groundwater pumping in Snake Valley to satisfy the growing demands of Las Vegas and dropping water levels may not be manifested in the associated ecosystem for years or even decades.

If a deep aquifer is present containing ancient water, only a scientific analysis will determine the hydrologic connection between it and the shallow alluvial aquifer. Ultimately, could deep water mining for transport to Las Vegas have a detrimental impact on the shallow aquifer and the existing rights, businesses and the ecosystem it supports?

The Snake Valley aquifer rests largely in Utah. The mountains that collect moisture and provide water recharge are shared by both states. SNWA has suggested that Nevada should claim the water from *their* mountains before it gets to Utah. Certainly current water law suggests otherwise. What would that perspective mean to Colorado River water users and existing compacts? What impact on Nevada would that view promote if the Upper Basin States suggested they had greater claim on Colorado water "if they take it before it gets to Las Vegas"?

Under Public Law 108-424, the States of Nevada and Utah must enter into an agreement regarding the division of water resources of the interstate groundwater system, which is reflected in the Snake Valley portion of the pipeline project. The law requires balancing the environmental impacts while offering sustainable beneficial use of the water resources and protecting existing water rights.

In addition, what are the hydrologic connections between Utah's western aquifers and the impact on them by removing and transporting tens of thousands of acre feet of groundwater associated with pumping eastern Nevada aquifers? Could the magnitude of the SNWA project influence the hydrologic mechanics of these closely associated aquifers ultimately impacting Utah's sovereign water rights and associated Utah ecosystems?

The United States Geological Survey in Fact Sheet 086-00 (August 2000) points out that this "Nation's groundwater is among its most important resources. It provides drinking water to urban and rural communities, supports irrigation and industry, sustains the flow of stream and rivers and maintains riparian and wetland ecosystems."

It continues, "Groundwater resources in the Southwest are among the most overused in the United States. Natural recharge to aquifers is low and pumping in many areas has resulted in lowering of water tables. The consequences of large-scale removal of water from underground storage are becoming increasingly evident. These consequences include – land subsidence, loss of springs, streams, wetlands and associated habitat and degradation of water quality."

In later studies, USGS Fact Sheet 103-03 (November 2003), analysis indicates "increased ground-water pumping in south-central Arizona (Phoenix/Tucson) has resulted in water-level declines of between 300 and 500 feet. Land subsidence was noticed as early as the 1940's and a lower water table has adversely impacted vegetation. It analyzed the fast growing Las Vegas area reporting "In places, ground-water levels have declined by 300 feet ... these declines have caused springs to dry up and artesian wells to stop flowing."

SNWA general manager Pat Mulroy has been quoted as saying that "if the cost of the project is drying up Spring Valley, then it is probably too high." The science suggests that that is exactly what will happen if each year 55,000 acre feet of groundwater is taken out of Utah's Snake Valley. If some years down the road, the impacts are deemed detrimental to Snake Valley and Utah's sovereign rights, how will SNWA discontinue its groundwater pumping?

The Farm Bureau, through its annual policy process, asks for "careful planning by municipalities when acquiring water rights or water stock when developing water resources and systems in order to reduce adverse impacts on agricultural and other water users." The establishment of a pipeline so closely associated with the rights of a neighboring state and its citizens is problematic. Assurances must be made by SNWA regarding encroachment and diminishment of existing rights, if so impacted.

Utah Farm Bureau policy is explicit as regards changes in points of diversion and water rights transfers. We recommend the Utah State Water Engineer "prohibit changes in points of diversion, water rights transfers and new well permits until the impact on existing water rights and surrounding areas has been determined." We would make that recommendation to the Nevada State Engineer pertaining to the SNWA pipeline proposal as well.

The Utah Farm Bureau Federation therefore calls on the Nevada State Engineer to take the necessary time to provide a full, science-based inventory and assessment of the target groundwater basins along the Utah border, especially Utah's Snake Valley. The inventory and assessment must include detailed information allowing the Utah State Engineer to determine potential adverse impacts to Utah, its water rights, property rights and associated ecosystems.

The inventory and assessment must include but not limited to:

- A comprehensive inventory of recorded water rights, vested water rights, historical water rights and current uses.
- A comprehensive inventory of pre-project baseline conditions, including all springs and seeps on both private and public property, flows, water tables and vegetation.
- Use of resource inventory data in modeling to predict the potential impacts of 55,000 acre feet of groundwater removal from Snake Valley.

- A groundwater monitoring program that measures any adverse affects on Utah water resources, agriculture interests and the ecosystem.
- Agreement to incremental levels of pumping implemented over an agreed timeline to assure no adverse impacts to Utah's sovereign water resources or Snake Valley residents.
- Establishment of agreed to thresholds of impacts that will automatically reduce or stop SNWA pumping of Snake Valley groundwater.
- Advance agreements for mitigating adverse impacts of groundwater pumping in Snake Valley and compensation for affected parties including but not limited to the State of Utah, agricultural interests and others holding water rights.

Utah food and agriculture is the catalyst for more than $15 billion in economic activity, employing nearly 70,000 Utahns. The economic contribution is of greatest importance to our state's rural citizens, including Utah's west desert region and Snake Valley. In the counties that could be harmed by the proposed SNWA pipeline, there is additional cultural and economic importance. The Nevada State Engineer must assess the potential adverse socio-economic impacts to the historic residents of the region, especially in Utah.

Water is the lifeblood of the arid west. Availability of water is critical to the associated rural economies and farm and ranch families. Even the slightest lowering of the underground water resource could adversely impact farmers and ranchers. Increased costs associated with deeper pumping of water could render agriculture economically infeasible in the region.

Before proceeding with a groundwater pumping project with so many unanswered questions, there must be careful study of the hydrology, geology, environmental and socioeconomic impacts to the region. The Utah State Engineer and other local and state stakeholders must have independent oversight to protect Utah's sovereign water rights, especially in Snake Valley.

In addition, Farm Bureau recommends that assessment of the SNWA project and associated studies, especially as it pertains to Utah's Snake Valley, receive independent peer review before the project is allowed to move forward.

Respectfully,

Randy N. Parker, CEO