

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

IN THE MATTER OF APPLICATION NUMBER 79287  
FILED BY Southern Nevada Water Authority  
ON January 28, 2010, TO APPROPRIATE THE  
WATERS OF Underground - North Spring Valley, Shoshone Cedars



PROTEST



Comes now Delaine Spilsbury

Printed or typed name of protestant

whose post office address is P O Box 1055, McGill, NV 89318

Street No. or PO Box, City, State and ZIP Code

whose occupation is retired / self-employed

and protests the granting

of Application Number 79287, filed on January 28,

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:

ADDITIONAL REASONS AND GROUNDS ATTACHED

The "Shoshone Cedars" are prehistoric Rocky Mountain Junipers that were pushed by glacial activity to their present location. These Junipers were/are held sacred by the Native Newe (Western Shoshone) people. Massive water withdrawal will result in the destruction not only of the prehistoric forest but the plant and wildlife also sacred to the Newe.

The Newe were nomadic but established a number of villages in the "Shoshone Cedars" area. The area was/is a site for social, hunting, and sacred ceremonial gatherings. Settlers knew of the gatherings. Consequently, three Newe massacres occurred at this site. Two are of official record and one by vigilantes is not. These incidents have made the land even more sacred and to retain its sacredness must be maintained in a natural state. SEE ATTACHED

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

*Delaine Spilsbury*  
Agent or protestant

Delaine Spilsbury for all Great Basin Shoshone

Printed or typed name, if agent

Address

P O Box 1055

Street No. or PO Box

McGill NV 89318

City, State and ZIP Code

775-235-7557

Phone Number

RECEIVED  
2010 APR 14 PM 1:17  
STATE ENGINEERS OFFICE

Subscribed and sworn to before me this 12<sup>th</sup>

day of April

2010



*Sandra Barela*  
Notary Public

State of

Nevada

County of

White Pine

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

**ATTACHMENT TO PROTEST OF Delaine Spilsbury AGAINST  
APPLICATION NO. 79287, FILED January 28, 2010,  
BY THE SOUTHERN NEVADA WATER AUTHORITY**

This attachment lists and briefly describes the reasons and grounds for this protest of Delaine Spilsbury ("Protestant") against Application Number 79287. The Southern Nevada Water Authority ("SNWA" or "Applicant") has filed this Application to appropriate groundwater from Basin 184 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").

- 1. There is insufficient water available in the proposed source of supply.
  - 2. The application and proposed use would conflict with existing water rights and protect able interests in domestic and/or ranch production and/or municipal wells.
  - 3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds and would be environmentally unsound as it relates to the proposed export basin:
    - Harm to wildlife and wildlife habitat:
    - Degradation of air quality:
    - Destruction of recreational and aesthetic values:
    - Degradation of water quality:
    - Degradation of cultural resources: *sacred + historical sites*
    - Harm to state parks and state and federal wildlife refuges
    - Harm to the Great Basin National Park including water, air, ecosystem, view shed, resources
  - 4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed:
    - Undue limitation of future economic activity and growth in the basin of origin:
    - Undue economic harm will extend to the economies and communities of down- gradient hydro-logically connected and downwind basins.
    - Loss of public lands grazing and forage
  - 5. The proposed action is not an appropriate long-term use of Nevada's water:
  - 6. The Applicant has not justified the need to import water from another basin:
  - 7. The Applicant has not implemented a sufficient conservation plan.
  - 8. 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.
    - Changed circumstances, uncertain intent, doubtful financing:
    - Failure to demonstrate ability to access land containing point of diversion.
  - 9. Protestant reserves the right to amend this protest to include issues as they develop.
  - 10. Protestant incorporates other protests to SNWA's applications by reference.
- ADDITIONAL REASONS AND GROUNDS ON NEXT PAGE ⇒⇒⇒⇒⇒