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

IN THE MATTER OF APPLICATION NUMBER 79293
FILED BY Southern Nevada Water Authority
ON 28 January, 2010, TO APPROPRIATE THE
WATERS OF underground source in Spring Valley

PROTEST

FILED
APR 14 2010
STATE ENGINEER'S OFFICE

Comes now Kathryn and Kenneth Hill
Printed or typed name of protestant

whose post office address is HC 61 Box 550 Wendover, UT 84083
Street No. or PO Box, City, State and ZIP Code

whose occupation is Teacher (Kathryn) and School Secretary (Kenneth) and protests the granting

of Application Number 79293, filed on 28 January, 2010

by Southern Nevada Water Authority to appropriate the

waters of underground source in Spring Valley 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

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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 Kathryn A. Hill Kenneth F Hill
Agent or protestant

Kathryn Hill Kenneth F Hill
Printed or typed name, if agent

BETH B. ANDERSON
NOTARY PUBLIC • STATE of UTAH
290 PONY EXPRESS RD HC 61
CALLAO, UT 84083
COMM. EXP. 2-9-2011

Address HC 61 Box 550
Street No. or PO Box

Wendover, UT 84083
City, State and ZIP Code

435—693—3120
Phone Number

Subscribed and sworn to before me this 8th day of April, 2010

Beth B Anderson
Notary Public

State of

County of

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to Protest of
Kenneth and Kathryn Hill
against Application No. **79293**,
Filed by the Southern Nevada Water Authority

This attachment lists and briefly describes the reasons and grounds for this protest of **Kenneth and Kathryn Hill** against **Application Number 79293**. The Southern Nevada Water Authority (SNWA) has filed this Application to appropriate **ground water from Spring 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). We believe this project will greatly impact Utah, as well as Nevada, residents.

1. **There is insufficient water available in the proposed source.**

The State Engineer should deny the applications because there is insufficient water in Snake Valley for the proposed applications. The current science does not have consensus about recharge, evapotranspiration, and interbasin flow in the valley. BARCASS estimates on discharge/recharge are inadequate due to insufficiencies of the way PRISM was used and insufficient measurements.

The science available is unclear about interbasin flow. It is possible that water would be doubly allocated if water is removed from Spring Valley. BARCASS shows a significant amount of interbasin flow from Spring Valley into Snake Valley. If water is removed from Spring Valley, there is a possibility of interfering with flow to Snake Valley unless more clear and accurate data can be gathered about the flow system. Monitoring, while a valuable tool, may not be finely tuned enough to prevent massive amounts of damage done to the environment until too late.

Further, this application would remove water from the basin, causing greater distress to the environment than water which is removed from the ground and used within the basin. Because of the lack of solid science and difficulties in ongoing monitoring, this application should be denied.

2. **Application and proposed use will conflict with existing water rights.**

The State Engineer should deny the applications because the proposed appropriation would conflict with existing senior water rights. In order to capture the large amounts of ET considered available water, a large cone of depression will be necessary around the pumping areas. This will obviously severely impact those users (people and wildlife) near the pumping areas. Mitigation has been offered for those water rights holders who are impacted. This is an acknowledgement by the applicant that they recognize the strong likelihood of severe impacts.

3. **The appropriation and export of water would be detrimental to the public interest because of the environmentally unsound practices necessary to obtain water.**

The State Engineer should deny the applications because the withdrawal and export of this water will cause irreparable damage to the environment. Capturing ET as available

water will kill plant life which holds the soil together. It is extremely difficult, if not impossible, to establish non-noxious, non-invasive plants in our desert alkaline soil.

SNWA has agreed that some ponds and springs will be destroyed by pumping. Their management and mitigation plan is to build an artificial habitat on some of their purchased ranches and establish a new habitat for the species that depend on the destroyed habitat. This is a naïve and unsound practice for protecting the environment. Species that are endangered and threatened are particularly vulnerable to relocation because they don't adapt readily, if at all, to new environments.

The idea of a virtual reality being as appealing and appropriate as the real thing is a particularly Las Vegas type of thinking and abhorrent to many people. This type of management is thoroughly unacceptable, both for scientific and aesthetic reasons.

4. The appropriation and export of water would be detrimental to the environment.

The State Engineer should deny the applications because the removal of water will destroy our environment. In the process of capturing ET and lowering the water table, springs, seeps, wetlands, and other places will be harmed.

A. Destruction of Wildlife

Wildlife and their habitats will be threatened by reduced water flow and/or dried up wetlands. The wildlife threatened by the application includes sensitive and endangered species. Wildlife is also an important part of the value of the valley. Tourists and hunters, as well as local residents, enjoy the wildlife that will be irreparably harmed by the removal of plants and drying water sources.

B. Destruction of Plant life

Plant life is an important part of a healthy ecosystem. To deliberately denude the land of plants without an adequate plan of replacing those plants is irresponsible and injurious. If large areas of land are denuded of native vegetation and reseeding efforts are ineffectual, the lives and health of residents will be threatened. The potential for widespread introduction and spread of invasive and noxious weeds could be an extremely serious problem, diminishing the carrying capacity and safety of range and increasing the danger of wild fires.

C. Destruction of aesthetic value

The severe decline in groundwater levels will kill off vegetation and wildlife, destroy many springs, meadows and wetlands. Air quality due to dust storms will be diminished and the aesthetic pleasure of the land will be destroyed. This will occur on private property as well as on public lands. So the net result will be a diminishment of the value of land, both public and private.

D. Degradation of Air Quality

In order to capture available water currently used as ET in plants, there would need to be a systematic and methodical extinction of plants using groundwater. With no plants to hold soil in place, the results will be very susceptible to dust storms. More dust will cause increased problems, including the health of the residents of the valley.

6. Applicant has not justified the need to import water from another basin.

SNWA has not justified the need to import water from our basin. SNWA has many resources from which to draw water, while the residents of the proposed donation basin

have only one source. Because of the potentially devastating impacts to the basin, all alternatives should be considered as better options than the proposed plan.

A. Better conservation of municipal water in southern Nevada.
Although Las Vegas began a conservation water plan, it discontinued it when money got scarce. The conservation plan was limited, only targeting middle income users rather the wealthy, high-end users. The per capita water usage is much higher than other desert cities such as Tucson.

B. Modernize water requirements to actually reduce water demands.
Using a tiered water rate plan, mandating water-saving household fixtures, rethinking the use of gray water can all help the overall water usage in southern Nevada. None of these plans are currently very stringent.

C. Alternatives for getting more water
Desalination, drying up of man-made lakes, curtailing urban sprawl are all more environmentally sound alternatives than drying up rural Nevada.

7. Applicant has not established credible and sound ways to finance water withdrawal and export.

SNWA has committed a lot of money for the pipeline and pumping project including monitoring, management, and mitigation plans for water users and environments that will surely be impacted by the project. However, most money comes from new hookup fees in southern Nevada. Since the economic downturn, it is no secret that SNWA has lost money and is now struggling to meet all its commitments which include running ranches at record losses in Spring Valley and the third straw in Lake Mead.

Apart from the cost of pumping and pipeline construction, there are long term costs associated with the water withdrawal for managing, monitoring and mitigating impacts. SNWA has committed to a sizeable monitoring plan in Spring Valley under the stipulated agreement. They have also shown willingness to commit to an expensive plan in Snake Valley through a Utah/Nevada agreement required by law before pumping can begin.

However, there are no assurances that SNWA will be able to meet all the financial commitments either now or in the future. Any 3M plan must have ironclad financial resources that will be able to survive for decades, through changing personnel and changing economies. Because of the lack of financial dependability to support this project for the decades when pumping will cause impacts to other water uses, this application should be denied.

8. Incorporation of other protests to SNWA's applications by reference
The above-named protestant additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every reason or ground for other protests to this application and/or to any application filed that is included in SNWA's groundwater export project.

9. Protestant reserves the right to amend this protest as may be warranted by future development.

SNWA's proposed groundwater export project is on a scale never before seen in Nevada or in the United States. Thus, it is not possible to anticipate all potential adverse impacts without further study. New scientific or other data and changed circumstances may uncover different bases for this protest. Accordingly, the above-named protestant reserves the right to amend the subject protest to include such issues as they develop.