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

IN THE MATTER OF APPLICATION NUMBER 79324
FILED BY Southern Nevaada Water Authority (SNWA)
ON January 28, 2010, TO APPROPRIATE THE
WATERS OF UNDERGROUND

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PROTEST

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Comes now Indian Springs Civic Association
whose post office address is P.O. Box 1, Indian Springs, Nevada 89018-0001
whose occupation is a non-profit community association
and protests the granting of Application Number 79324, filed on January 28, 2010

by Southern Nevaada Water Authority (SNWA)
to appropriate the waters of UNDERGROUND situated in Lincoln County, State of Nevada,
for the following reasons and on the following grounds, to wit:
Please see attached: Exhibit A

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THEREFORE the Protestant requests that the application be DENIED
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Johnie E. Lewis

Johnie E. Lewis, President
Indian Springs Civic Association
P.O. Box 1
Indian Springs, Nevada 89018-0001

Phone Number (702) 879-3511

Subscribed and sworn to before me this 14 day of April, 2010

Helen M Grose
Notary Public

State of Nevada
County of Clark

**HELEN M. GROSE**
**Notary Public, State of Nevada**
**Appointment No. 07-5051-1**
**My Appt. Expires August 31, 2011**

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

**INDIAN SPRINGS CIVIC ASSOCIATION PROTESTS OF APPLICATIONS:**
**79309, 79310, 79311, 79312, 79313, 79314, 79315, 79323, 79324, 79348, 79349, and 79353**
**EXHIBIT A**

Indian Springs Civic Association (ISCA) is a community-based organization for residents of Indian Springs and Cactus Springs, Nevada. These communities are small, groundwater and associated spring-water dependent, rural communities. Without access to a viable and sustainable groundwater supply, there is no future for our community. The hydrographic basins where these protested applications are located are part of a groundwater flow system that terminates in Death Valley. Preventing the over-allocation of the groundwater in the basins affected by the listed (and associated) applications is of utmost importance to the viability and sustainability of the area. Therefore, ISCA protests as follows:

1. There is no unappropriated water at the proposed source of supply.
   - The State Engineer previously has found that there is too much uncertainty, too little sound data, and too great a risk of unsustainable over appropriation in the interbasin flow system of which this basin is a part.
   - If all previously allocated water rights, including federal reserve water rights, are counted, there is no remaining water available in the target basin.

2. The application conflicts with existing water rights or interests:
   - There are senior water rights and protectable interests in domestic wells in the basin targeted by this application, and connected down-gradient basins.

3. The proposed appropriation is detrimental to the public interest by:
   A. Causing unreasonable environmental harm:
      - Severely lowered groundwater levels in this and down-gradient basins in the interbasin flow system will result in drying out springs, seeps, wetlands, wet meadows, and moist playas, resulting in the death of dependent flora and fauna.
      - Species that will be harmfully impacted by this loss of water include federally and state protected species.
      - Wildlife habitat areas and refugia are likely to be harmed by the appropriation and export of water proposed in this application.

   B. Causing degradation of air quality:
      - Pervasive desiccation of moist and/or vegetated areas will result in dramatically increased mobilization of dust, resulting in more frequent and severe dust storms in this and down-gradient hydrologically connected basins.
      - Dust storms in these areas create severe public health issues, vehicle and aircraft operational issues, mechanical maintenance issues, and diminished quality of life and diminished property values.

   C. Destroying recreational and aesthetic values:
      - The loss of water, wildlife, clean air, and good visibility will destroy the recreational uses and value in this and downwind basins.

   D. Degrading water quality:
      - Infiltration of poor quality groundwater and other pollutants would result in significant degradation of groundwater quality in this and down-gradient hydrologically connected basins in the same interbasin flow system.



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E. Degrading cultural resources:
- Historical and cultural resources are likely to be harmed by the appropriation and export of water proposed under this application and SNWA's entire Pipeline Project, of which this Application is a part. These resources constitute an important part of Nevada's, and the Nation's, historical and cultural legacy.

F. Unduly limiting the economic future.
- The proposed withdrawal of groundwater will eliminate specific sources and the overall available supply of groundwater in the basin to support both existing and future economic activities in the basin.
- Future business activity, residential development, and future energy development will be negatively affected by the drawdown from this and associated applications in the target basins.
- The appropriation and export of groundwater proposed in this application would cause the same host of economic harms to the rural economies and communities of down-gradient basins.

4. Applications 79309, 79310, 79311, 79312, 79313, 79314, and 79315 are detrimental to the public interest because they duplicate previous applications (71167, 71168, 71169, 71170, 71171, 71172, and 71173 respectively) filed in 2004 after the 2003 legislative changes to Nevada water law. The original applications are not required to be acted upon until 2011. Affected parties have been put in the position of having to re-protest applications already protested, with the associated financial burden, which some cannot afford in these economic times. All protests of the original must be brought forward and applied to the new applications. If the old applications stand, the new protests must be applied to the old applications. This practice of re-applying over and over for the same water is detrimental to the public interest and discourages public participation in processes designed to protect a resource vital to the survival of citizens and communities.

5. The applicant has not justified the need to import water from another basin:
- SNWA has access to other more feasible sustainable, and cost-effective options, including but not limited to, drastically increased water conservation, desalination for downstream Colorado River users in exchange for additional Colorado River water, water microfiltration and treatment to drinking water standards in its service areas, and use of water commodity rates to promote conservation.
- Given the more cost-effective alternatives available, and the devastating impacts to rural communities and their economies, and the environment, SNWA's rural water grab is not an appropriate use of Nevada's scarce resources.

6. The applicant does not have an adequate, or reasonable, plan for conservation.
- It should be mandatory for SNWA and its client water districts to achieve the highest level of water conservation - as measured by reference to presently available technologies and methods and to the highest conservation levels achieved by sister western cities - before being permitted to transfer groundwater from rural basins of origin to SNWA's service area to feed its growth and excessive per capita water use.



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7. The applicant has not shown good faith intent, the financial ability, or reasonable expectation to construct the pipeline and apply the water to the intended beneficial use:

- Consistently masked in secrecy, the applicant has not provided the State Engineer or the public with a cost projection for the pipeline or the total cost of the water.
- SNWA's top management has stated that they do not plan to build the pipeline project in the near future and may never build it, saying they simply want to ensure that they have the option of doing so should they decide to in the future.
- SNWA's General Manager has publicly stated that with the economic downturn that has severely affected southern Nevada, SNWA's financial base has dramatically contracted, calling into question its ability to construct such a project. Therefore, the State Engineer should deny the Application pursuant to NRS § 533.370(1)(c) as a speculative request to tie up Nevada's water resources indefinitely.
- SNWA's ability to obtain financing for a groundwater export project of a magnitude never before seen in Nevada, or in the United States, is highly doubtful. It is highly likely that future residents of the entire state of Nevada would end up paying for the project should it be undertaken, seriously crippling the economic future of the state.
- With regard to applications in Basins 211 and 169A, the applicant has not demonstrated a reasonable expectation or ability to put the water to beneficial use because it does not have access to the lands on which the potential point of diversion is located.

8. Protestant reserves the right to amend this protest as may be warranted by future developments:

- 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.

9. The above-named Protestant incorporates by reference as though fully set forth herein and adopts as its own, each and every reason or ground from other protests to this Application and/or to any Application filed that is included in SNWA's groundwater export project and filed pursuant to NRS § 533.365.

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