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

IN THE MATTER OF APPLICATION NUMBER 79432
FILED BY Southern Nevada Water Authority (SNWA)
ON February 1, 20 10, TO APPROPRIATE THE
WATERS OF Underground Source

PROTEST

FILED
APR 19 2010
STATE ENGINEER'S OFFICE

Comes now Nevada Department of Wildlife
Printed or typed name of protestant

whose post office address is 1100 Valley Road, Reno, NV 89512
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 79432, filed on February 1, 20 10

by Southern Nevada Water Authority (SNWA) to appropriate the

waters of Underground Source 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:

There is no expectation that SNWA intends in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence pursuant to NRS § 533.370 1(c)(1).

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 [signature]
Agent or protestant

Tim Hunt, P.E.
Printed or typed name, if agent

Address 4600 Kietzke Lane, D-135
Street No. or PO Box

Reno, NV 89502
City, State and ZIP Code

775-688-1564
Phone Number

RECEIVED
2010 APR 26 PM 4:25
STATE ENGINEERS OFFICE

CARLINE J. ROCK
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 07-3918-2 - Expires February 5, 2011

Subscribed and sworn to before me this 19th day of April, 20 10

Carline J. Rock
Notary Public

State of Nevada

County of Washoe

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Southern Nevada Water Authority (SNWA) is an entity involved in providing municipal water to the citizens of the State of Nevada within its Place of Use. SNWA is not involved in the irrigation/farming industry except to show Proof of Resumption of Water to Beneficial Use on water rights subject to forfeiture that were purchased from other entities which perfected said rights.

Pursuant to its own Water Resource Plan 2009 publication, Executive Summary (copy herewith attached) which states:

"The Southern Nevada Water Authority (SNWA) was formed in 1991 by a cooperative agreement among the following agencies in Southern Nevada:

- Big Bend Water District
- City of Boulder City
- City of Henderson
- City of Las Vegas
- City of North Las Vegas
- Clark County Water Reclamation District
- Las Vegas Valley Water District

Together, these seven agencies provide water and wastewater service to nearly 2 million residents in the cities of Boulder City, Henderson, Las Vegas and North Las Vegas, and areas of unincorporated Clark County."

Since these water right applications, 79423 through 79436 inclusive are new appropriation on new non-irrigated lands, not change applications of existing rights, it indicates that SNWA intends to begin irrigating thousands of acres of new land which does not conform to its published water conservation plan. There is no hydrographic basin within the State of Nevada where irrigation is considered a preferred use. Additionally, there is nowhere within SNWA Water Resource Plan 2009 publication that it states it wishes to own and operate irrigated acreage and or farms for the benefit of one or all of the listed seven agencies or to benefit the public which it supplies water service.

There is no expectation that SNWA intends in good faith to construct any work necessary to apply the water to the <u>intended</u> beneficial use with reasonable diligence pursuant to NRS § 533.370 1(c)(1) and therefore must be denied pursuant to NRS § 534.370(5).

Executive Summary

The Southern Nevada Water Authority (SNWA) was formed in 1991 by a cooperative agreement among the following agencies in Southern Nevada:

- Big Bend Water District
- City of Boulder City
- City of Henderson
- City of Las Vegas
- City of North Las Vegas
- Clark County Water Reclamation District
- Las Vegas Valley Water District

Together, these seven agencies provide water and wastewater service to nearly 2 million residents in the cities of Boulder City, Henderson, Las Vegas and North Las Vegas, and areas of unincorporated Clark County. As their wholesale water provider, the SNWA is responsible for water treatment and delivery, as well as acquiring and managing long-term water resources for Southern Nevada. Since its inception, the SNWA has worked to seek new water resources for Southern Nevada, manage existing and future water resources, construct and manage regional water facilities and promote conservation.

The SNWA prepared its first Water Resource Plan in 1996. Since then, the plan has been reviewed annually and updated as needed. The 2009 plan represents the eighth revision in 13 years. This plan provides a comprehensive overview of water resources and demands in Southern Nevada, including a history of water resources and demands in the region; an overview of the SNWA water resource portfolio; and the SNWA's approach to demand forecasting, demand management and meeting long-term resource needs, including during times of declared shortages. The plan also includes a discussion on environmental issues that will influence future resource planning in Nevada and the Colorado River Basin.

An underlying principle of the 2009 Water Resource Plan is to maximize the use of existing resources, while maintaining the flexibility to adjust planning as circumstances or conditions warrant. This approach has proved increasingly valuable as the SNWA continues to work to address unprecedented drought conditions along the Colorado River, evolving demand-forecasting scenarios, and local economic conditions.

The SNWA has worked diligently over the last decade to enhance regional conservation efforts, secure additional in-state resources, enhance the flexibility of Colorado River management, and respond to severe and sustained drought conditions in the region. The following provides an overview of recent developments that continue to influence water-planning efforts in Southern Nevada.

DROUGHT

The SNWA continues to respond to ongoing drought conditions in the Colorado River Basin. Between 1999 and 2008, the average annual inflow to the system was 66 percent of normal. As a result, the combined storage of Lake Mead and Lake Powell – the two primary reservoirs in the Colorado River system – was 52 percent of the total combined capacity in early 2009.

For the SNWA, there are two primary consequences of continued declines in Lake Mead water levels:

possible reduction of available Colorado River supplies and operating challenges associated with water intake facilities at Lake Mead. Drought conditions have required the SNWA to enact contingency plans for Lake Mead intake facilities and develop a plan for responding to severe and sustained shortage of Colorado River resources.

To this end, the SNWA Board of Directors updated its drought plan in 2009 to outline the SNWA's approach to meeting demands during declared shortages in light of new rules and agreements. The drought plan has been updated to include current conditions and incorporated as a new chapter in the 2009 Water Resource Plan.

The SNWA's new shortage response (Chapter 4) outlines several scenarios to offset drought impacts based on the severity of Colorado River conditions. These include the use of Intentionally Created Surplus (ICS), banked resources, shortage-sharing agreements and heightened conservation measures, and development of in-state groundwater resources. SNWA also continues to work with the other Colorado River Basin states to identify and explore options for long-term augmentation of Colorado River resources.

WATER CONSERVATION

Conservation is a long-standing component of the SNWA's water resource portfolio. Conservation will significantly lower projected demands during the 50-year planning horizon.

Building upon the success of its previous efforts, the SNWA Board of Directors in 2009 adopted a new conservation goal of 199 gallons per capita per day (GPCD) by 2035. Achieving this goal will reduce overall use by more than 50 GPCD and save the community approximately 276,000 acre-feet of water per year by the year 2035.

Based on the recommendation of a 2005 citizen advisory committee, the SNWA also is working with its member agencies to make major temporary drought-response measures permanent. These include, but are not limited to, landscape-development codes, assigned-watering schedules and golf course water budgets. The SNWA continues to maintain a broad mix of education and incentive programs, which is discussed further in Chapter 2.

COLORADO RIVER RESOURCES

The SNWA is actively engaged with the other Colorado River Basin states regarding Colorado River management and development guidelines.

In response to severe Colorado River Basin drought conditions, the Secretary of the Interior (Secretary), in cooperation with the seven basin states, initiated a process in 2005 to explore management options for lakes Mead and Powell. These efforts resulted in the Secretary's 2007 Record of Decision for Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead (Interim Guidelines).

Since that time, the SNWA has worked to maximize use of Colorado River resources, including development of Intentionally Created Surplus (ICS). To this end, the SNWA partnered with California and Arizona on funding for the Drop 2 Storage Reservoir to capture U.S. Colorado River water that would otherwise go unused in the lower basin and pass into Mexico, and began utilizing pre-compact water rights from the Muddy and Virgin rivers for use in meeting regional demands. The latter represents the first "new" permanent water supply put to use in the region since large-scale diversions of Colorado River water began in the 1950s.

IN-STATE DEVELOPMENT

In light of ongoing drought conditions in the Colorado River Basin, the SNWA continues to work through the necessary state and environmental permitting processes to develop in-state, non-Colorado River resources.

The 2009 Water Resource Plan assumes the development of 134,000 acre-feet per year (AFY) of in-state groundwater based on current permits and outstanding applications. Under normal hydrological

conditions, the SNWA is planning for use of this resource in 2020 (Figure 1); however, these resources may be needed sooner if drought conditions persist or intensify.

The SNWA depends on the Colorado River for 90 percent of its water-resource needs. Based on Colorado River hydrology and permitted uses, a long-term, non-Colorado River supply is needed to meet demands and provide protection for current and future drought.

DEMAND FORECAST

Several factors affect the timing of when and how resources are brought on-line, including growth, drought, cost and environmental permitting. Having a portfolio of resource options gives the SNWA enough flexibility to shift some resources if any of its other resources prove insufficient or unavailable over the long-term.

The current economic downturn affecting local, national and even global economies has presented unique challenges to planners as to when the local economic condition will recover and what future growth rates will occur. As a result, the 2009 Water Resource Plan reflects planning adjustments taken by the SNWA in response to latest conditions. Figure 1 displays the projected demands, the amount of conservation projected to be achieved and the additional resources needed to meet future demands through 2060.
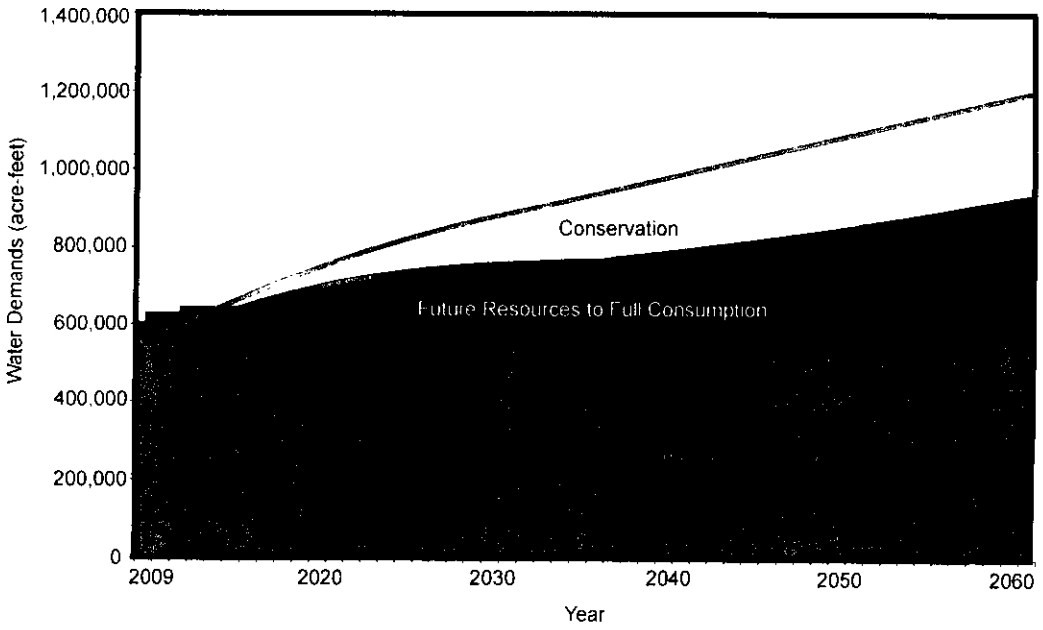
FIGURE 1 – Summary of Projected Water Demands and Water Resources