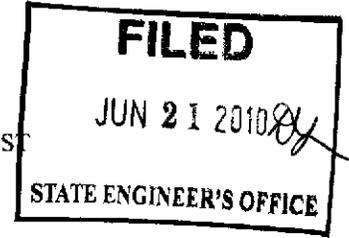


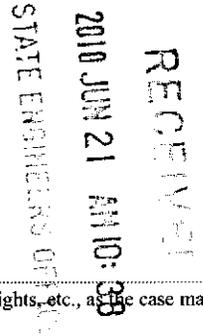
IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79807
FILED BY City of West Wendover, NV & City of Wendover, UT
ON April 26, 20 10, TO APPROPRIATE THE
WATERS OF an underground source in Basin 187 (Goshute Valley)



PROTEST

Comes now Southern Nevada Water Authority
Printed or typed name of protestant
whose post office address is 1001 S. Valley View Blvd., Las Vegas, NV 89153
Street No. or PO Box, City, State and ZIP Code
whose occupation is municipal water purveyor and protests the granting
of Application Number 79807, filed on April 26, 20 10
by City of West Wendover, Nevada and City of Wendover, Utah to appropriate the
waters of an underground source in Basin 187 (Goshute Valley) situated in Elko
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 A.



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.

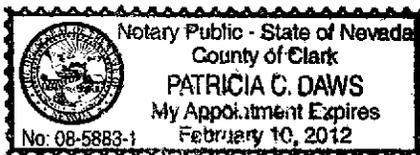
DCNR/DWR
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JUN 17 2010

LAS VEGAS OFFICE

Signed Richard B. Holmes
Agent or protestant
Richard B. Holmes, Acting Deputy General Manager
Printed or typed name, if agent
Address 1001 S. Valley View Blvd.
Street No. or PO Box
Las Vegas, Nevada 89153
City, State and ZIP Code
(702) 862-3708
Phone Number

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



Patricia C. Daws
Notary Public
State of Nevada
County of Clark

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

ATTACHMENT A

1. The City of Wendover, Utah has not demonstrated that there are insufficient water supplies within the State of Utah to satisfy the proposed beneficial use. Therefore, the application should be denied pursuant to NRS 533.520(2)(e).
2. The State of Nevada ("Nevada") is the driest state in the United States. There is a limited supply of water within Nevada and there are reasonably anticipated demands for additional water for beneficial uses within Nevada as well as reasonably foreseeable shortages of water within Nevada. Therefore, the application should be denied pursuant to NRS 533.520(2)(a) through NRS 533.520(2)(d), inclusive.
3. The Applicants have not demonstrated that the water in Basin 192 is insufficient to meet the Applicants' water needs or that other water resources within Basin 192 cannot be developed. Therefore the Applicants have failed to justify the need to import the water from Basin 187 into Basin 192 and the application should be rejected pursuant to NRS 533.370(6)(a).
4. Nevada is the driest state in the United States and the Applicants should be required to demonstrate that a water conservation plan has been adopted for Basin 192. There is no evidence that a conservation plan has been adopted for Basin 192, much less that one is being effectively carried out. Therefore, the application should be rejected pursuant to NRS 533.370(6)(b) until such time as a conservation plan is adopted for Basin 192 and effectively carried out.
5. The Applicants state that the proposed diversion will require a drilled and cased well, motor and pump, pipelines and a distribution system. The proposed point of diversion is over 30 miles from the proposed place of use. Despite the considerable work required for such a diversion, the Applicants have estimated that the cost of the necessary works will be \$750,000. That estimate is unrealistically low and indicates a lack of good-faith intention to construct the work. Actual costs will be well in excess of those estimated by the Applicants and the Applicants lack the financial ability and a reasonable expectation to actually construct the necessary works. Therefore, the application should be denied pursuant to NRS 533.370(1)(c).
6. Granting the application is not in the public interest under the guidelines set forth in State Engineer Ruling 3787.

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