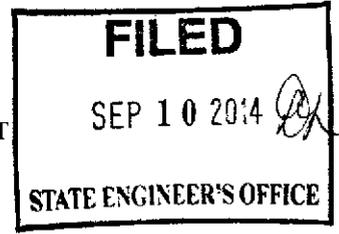


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84042
FILED BY Dry Lake Water LLC
ON July 1, 20 14



PROTEST



Comes now the Southern Nevada Water Authority
Printed or typed name of protestant
whose post office address is 1001 S. Valley View Blvd. MS #485 Las Vegas, NV 89153
Street No. or PO Box, City, State and ZIP Code
whose occupation is wholesale water purveyor and political subdivision of the State of Nevada and protests the granting
of Application Number 84042, filed on July 1, 20 14
by Dry Lake Water LLC for the
waters of an underground source (Garnet Valley HA 216) situated in Clark
an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

- 1) There is no unappropriated water available in the Garnet Valley basin.
2) Approval of the application would conflict with existing rights.
3) Approval of the application would threaten to prove detrimental to the public interest.
4) The application essentially seeks an interbasin transfer and should be subject to the analysis required by NRS 533.379(3).
Please see Attachment A for additional information.

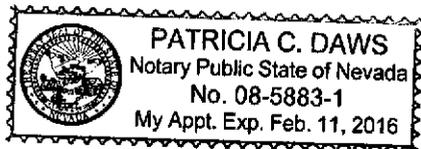
RECEIVED
SEP 10 2014

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 John J. Entsminger
Agent or protestant
John J. Entsminger, SNWA General Manager
Printed or typed name, if agent
Address 1001 S. Valley View Blvd. MS #485
Street No. or PO Box
Las Vegas, NV 89153
City, State and ZIP Code
(702) 258-7166
Phone Number
dana.walsh@snwa.com
E-mail

State of Nevada
County of Clark
Subscribed and sworn to before me on 9-8-14
by John J. Entsminger x x x

Signature of Notary Public Required



Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

SEP 10 2014

## Attachment A

### SNWA Protest to Application No. 84042

SNWA supports economic development for the City of North Las Vegas in the Apex area. However, SNWA has various concerns about Application No. 84042 as detailed below.

- 1) Garnet Valley is a fully appropriated basin. In State Engineer Ruling Nos. 6282 and 6256, the State Engineer found that there is no water remaining to be appropriated in Garnet Valley. The Applicant provides no evidence that water formerly appropriated in the Black Mountains Area (HA 215) will actually increase the perennial yield of Garnet Valley (HA 216) and that the applicant will actually be able to capture Black Mountains Area groundwater within Garnet Valley.
- 2) Dry Lake Water LLC filed Application No. 84042 requesting an additional point of diversion in Garnet Valley for water that is already permitted in the Black Mountains Area under Permit Nos. 68350-53. Essentially, the application is attempting to move pumping that would have taken place under Permit Nos. 68350-53 in the Black Mountains Area to Garnet Valley. Some of these permits are junior to permits held by SNWA in Garnet Valley, and pumping of additional water in Garnet Valley could impact SNWA's existing rights.
- 3) If Application No. 84042 is approved, pumping that would have occurred in the down-gradient Black Mountains Area would be authorized to occur in up-gradient Garnet Valley, which is closer to sensitive resources near the Muddy River. It could set a precedent for pumping to be moved across basin boundaries, where impacts to sensitive resources could propagate more quickly and directly. Application No. 84042 essentially requests that Garnet Valley and Black Mountains Area should be treated as one hydrographic area with one perennial yield and that the two basins should be managed as one "super-basin," which is an unprecedented request. By adding a point of diversion for Black Mountains Area groundwater to Garnet Valley, Dry Lake Water LLC would be moving their pumping effects closer to the area of concern, which threatens to prove detrimental to the public interest.
- 4) Application No. 84042 essentially is requesting an interbasin transfer and should therefore be analyzed pursuant to NRS 533.370(3). While the applicant points to SNWA Permit Nos. 54073-74 as precedent for having permits with a total combined duty for wells located in different hydrographic basins, a review of State Engineer Ruling No. 5008 shows that these permits do not support Dry Lake Valley LLC's approach here. Permit Nos. 54073-74 were subject to analysis under the interbasin transfer criteria, as Application No. 84042 should be here.