

**IN THE MATTER OF APPLICATIONS 53987 THROUGH 53992 AND 54003 THROUGH
54021 FILED BY THE SOUTHERN NEVADA WATER AUTHORITY TO APPROPRIATE
GROUNDWATER IN SPRING VALLY, CAVE VALLEY, DRY LAKE VALLEY AND
DELAMAR VALLEY**

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Protestant to SNWA Applications 54003 through 54021 for Groundwater in Spring Valley, Nevada.

Proposed Ruling

EskDale Center does not offer a legal form of a proposed ruling for these applications, but does have recommendations as to specific issues and processes which should be included.

EskDale Center has concluded that the evidence and testimony presented by the Applicant in the Hearings does not provide sufficient justification of need, nor does the scientific study and analysis support a conclusion that ET capture is possible and effective using the methodology proposed for the Points of Diversion in the applications. EskDale Center also believes that the proposed pumping and export program results in water mining according to NRS definitions, and that the long-term impacts will be generally irreversible.

Therefore, EskDale Center believes that the applications should be rejected.

Requirements for Granting Water Rights

If the State Engineer determines that water rights are to be granted under these applications, the following requirements should be included:

1. A new extraction plan should be submitted which includes the most efficient locations for pumping Points of Diversion, so that ET capture areas include these POD's. Change applications for POD's should be required in support of this plan.
2. Additional hydrogeologic investigation of the hydraulic connectivity between Spring Valley and other basins should be required in support of a revised water budget and an updated hydrogeologic model. Uncertainty estimates must be attached to all water budget component analysis.
3. Leading indicators for identification of impacts and pumping cessation should be developed, rather than the lagging response of the "Adaptive Management" process. These values would be based on the additional information, analysis, and modeling above. The objective must be to prevent impacts, rather than live with the impact (mitigate).

4. Initial quantities of water should be limited to only that necessary for further evaluation of drawdown impacts and ET capture efficiency in the most productive ET zones. Only proven ET capture amounts should be included in any rights granted.
5. Water rights should be limited to a stated project lifespan, and should not become effective until an updated requirements forecast, based on all current demographic and economic information, is prepared.
6. Annual withdrawal limits should be imposed, based upon short-term forecasts (not to exceed 5 years) requiring this specific resource, and authorized by the State Engineer. Spring Valley groundwater should not be a primary unrestricted SNWA resource.
7. Any exported groundwater should be restricted to use in the existing SNWA service area, with audit requirements.
8. Refiled SNWA applications for the same or similar water rights and POD's should be withdrawn and prohibited.
9. Include provisions which prevent "streamlining" of the requirements and restrictions in any permits, so that public interest and input is preserved.

This is not an exhaustive list of possible permitting elements, but EskDale Center believes that these basic protections and provisions will contribute to a more informed, effective, equitable, and environmentally responsible approach to groundwater allocation in Spring Valley and its effects on related basins.

Thank you for the opportunity to contribute to this process.

EskDale Center