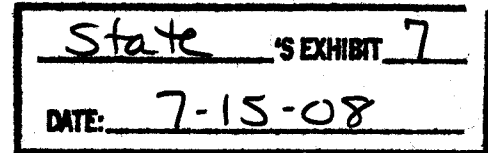


June 12, 2008

BY CERTIFIED MAIL

Tracy Taylor, P.E.
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701



Re: Recognition as Interested Person – Application Nos. 54022 – 54030, inclusive

Dear Mr. Taylor:

Pursuant to NAC §533.100, The Ely Shoshone Tribe hereby requests recognition as an Interested Person with respect to Application Nos. 54022 – 54030, inclusive. Enclosed is the \$25.00 fee required by NAC §533.100.

Pursuant to NAC §533.10(2), The Ely Shoshone Tribe hereby sets forth the following grounds in support of a showing of extreme circumstances that prevented the Ely Shoshone Tribe from filing a protest to Application Nos. 54022 – 54030 in a timely manner:

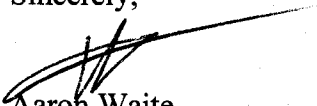
1. The Ely Shoshone Tribe is a Federally Recognized Sovereign Indian Tribe.
2. Adjacent to the Snake Valley, the Steptoe Valley consists of over 3,600 acres in Nevada where shallow aquifer water availability is in jeopardy. The Ely Shoshone Tribe has about 250 living on the reservation who all use substantial amounts of water. Through interbasin connection, groundwater pumping from adjacent basins could have negative impact on water availability in the Steptoe Valley.
3. In addition, the Ely Shoshone Tribe has federally reserved water rights pursuant to the “Winters” doctrine as recognized in *Winters vs. United States*, 207 U.S. 564 (1908). The Winters doctrine established that the creation of an Indian reservation impliedly reserves water rights to an Indian tribe sufficient for the present and future needs of the reservation.
4. Currently available water from the City of Ely, which will be affected by this project, is used for human consumption, and a drip-line system for vegetation and parks. Springs in the Steptoe Valley provide the sustenance for a variety of wildlife habitat, including fish and tree species that are found nowhere else.

5. Over the past several decades, Steptoe Valley water wells have been completed in the first available, shallow water zone. This consists of a sandy gravel aquifer, generally from 100 to 300 feet below ground surface. Drops in the water table from pumping impact can render these important wells useless.
6. The Southern Nevada Water Authority is the successor in interest to the Las Vegas Valley Water District, the entity that filed Application Nos. 54022 – 54030.
7. The Bureau of Land Management filed a protest to Application Nos. 54022 – 54030.
8. At the time the SNWA applications were filed, nearly 20 years ago, the Ely Shoshone Tribe was encouraged to rely on the United States Department of Interior's protests to protect the Ely Shoshone Tribe's rights and interests.
9. However, the Southern Nevada Water Authority and Federal Agencies have signed stipulations resulting in the abandonment of Federal Agency protests in the two most recent State Engineer hearings on SNWA's numerous groundwater applications (The Spring Valley Hearing and the Dry Lake, Delamar, and Cave Valleys Hearing).
10. The Department of Interior has failed to protect the Ely Shoshone Tribe's rights and interests in basins from which SNWA has applied to appropriate water. Indeed, DOI has failed even to consult with the Ely Shoshone Tribe before stipulating to withdraw its protests in these basins. As a result, the only way for the Ely Shoshone Tribe to defend and present evidence concerning its rights and interests in Snake Valley is to participate directly in the State Engineer's hearing on SNWA's applications in Snake Valley#9. The Ely Shoshone are currently plan to increase Steptoe Valley water rights to provide for community development projects.
11. The Southern Nevada Water Authority has delayed the consideration of Application Nos. 54022 – 54030 for almost 20 years, during which time it has become clear that the water table in Snake Valley already is declining and that the export of water from Snake Valley by SNWA would devastate the economy and environment of Snake Valley. This delay also clearly constitutes an extreme circumstance warranting recognition of the Goshute Tribe as an Interested Person for the hearing on Application Nos. 54022 – 54030.
12. The unprecedented magnitude of the proposed water project and its potential impact also supports a finding of extreme circumstances.

13. Southern Nevada Water Authority Application Nos. 54022 - 54030, seek a quantity of water that could substantially impact the springs and stream flows upon which the Ely Shoshone and their neighbors in Snake Valley depend.
14. Absent recognition as an Interested Person pursuant to NAC §533.100, the Ely Shoshone Tribe will have no ability to present testimony and other evidence concerning potential impacts to its resources, rights, and interests and the public policy implications of such impacts in upcoming proceedings on Application No. 54022 – 54030.

Based on the grounds as set forth above, request is respectfully made for recognition as an interested person in proceedings to be held on Application Nos. 54022 – 54030.

Sincerely,



Aaron Waite

Attorney

Ely Shoshone Tribe