



CONFEDERATED TRIBES
of the
GOSHUTE RESERVATION

P.O. BOX 6104
IBAPAH, UTAH 84034
PHONE: (435) 234-1138
FAX: (435) 234-1162

State	'S EXHIBIT 8
DATE:	7-15-08

CONFEDERATED TRIBES OF THE GOSHUTES RESERVATION
P.O. Box 6104
195 Tribal Center Road

June 11, 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 Confederated Tribes of the Goshutes Reservation (the Goshute 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 Confederated Tribes of the Goshutes Reservation hereby sets forth the following grounds in support of a showing of extreme circumstances that prevented the Confederated Tribes of the Goshutes Reservation from filing a protest to Application Nos. 54022 – 54030 in a timely manner:

1. The Confederated Tribes of the Goshutes Reservation (CTGR) is a Federally Recognized Sovereign Indian Tribe.

2. Immediately adjacent to the Snake Valley, the Deep Creek valley consists of over 32,000 acres in Utah and Nevada where shallow aquifer water availability is in jeopardy. The CTGR (in the southern part of the valley) and ranchers currently have 10,200 AFY of available water rights on Utah records, consisting of 13 shallow water wells and 1905 decreed surface water rights along the Deep Creek drainage system in Utah. In Nevada, the CTGR has acquired existing senior state water rights from the purchase of two ranches along Spring Creek. Through interbasin connection, groundwater pumping from adjacent basins could have negative impact on water availability in the Deep Creek valley.
3. In addition, the CTGR 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 Deep Creek wells is used for human consumption, and the irrigation of livestock and crops. Springs in the Deep Creek 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, Deep Creek 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 Goshute Tribe was encouraged to rely on the United States Department of Interior's protests to protect the Goshute 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 Goshute Tribe's rights and interests in basins from which SNWA has applied to appropriate water. Indeed, DOI has failed even to consult with the Goshute Tribe before stipulating to withdraw its protests in these basins. As a result, the only way for the Goshute 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 Goshutes are currently plan to increase Deep Creek basin water rights to provide for community development projects. Up to 50,000 AFY will be needed for beneficial uses including expanded crop and livestock irrigation, fishery management, surface water reservoir operation and maintenance, and water pipeline conveyance.
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 Goshute Tribe and their neighbors in Snake Valley depend.
14. Absent recognition as an Interested Person pursuant to NAC §533.100, the Goshute 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,

A handwritten signature in cursive script that reads "Rupert Steele". The signature is written in black ink and is positioned above the printed name.

Rupert Steele, Chairman
Confederated Tribes of the Goshutes Reservation