

ADVOCATES FOR COMMUNITY AND ENVIRONMENT

Empowering Local Communities to Protect the Environment and Their Traditional Ways of Life

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To: SUSAN JOSEPH-TAYLOR Fax No(s): 775-684-2811

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Message: ATTACHED IS DON RUFF'S RESPONSE
TO SNWA'S OPPOSITION TO HIS REQUEST
FOR SUCCESSOR IN INTEREST STATUS

state EXHIBIT 25
DATE: 7-15-08

Attachments: _____

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

IN THE MATTER OF APPLICATION)	RESPONSE TO
NOS. 54022 THROUGH 54030,)	SNWA'S OPPOSITION TO
INCLUSIVE FILED TO)	APPLICATIONS FOR
FILED TO APPROPRIATE)	INTERESTED PARTY
THE UNDERGROUND WATERS)	AND SUCCESSOR
OF SNAKE VALLEY (195),)	IN INTEREST STATUS
HYDROGRAPHIC BASIN)	

Comes Now, Donald Duff, by and through his counsel, Simeon Herskovits of Advocates for Community and Environment, and files this Response to the Southern Nevada Water Authority's (SNWA's) Opposition to Applications for Interested Party and Successor in Interest Status in the hearing regarding SNWA groundwater applications in Snake Valley, Nevada.

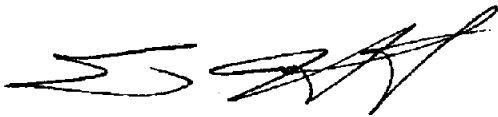
Mr. Duff filed a successor-in-interest form pursuant to NRS 533.370(10), in connection with property in Snake Valley that he purchased from Owen Gonder and asserted successor-in-interest to one of the protests filed by Owen Gonder at the time the Snake Valley applications were initially filed. The property is located on Snake Creek and contains two springs that flow onto and through the property.

Based on conversations with Mr. Gonder and other previous owners of the property, it is Mr. Duff's understanding that there is a vested water right appurtenant to the property he purchased from Mr. Gonder. That right is for domestic use of a portion of the spring water flowing on the property. According to the information Mr. Duff has received from prior owners of the property and other residents in the area, his property and a portion of the spring water on the property first was settled and put to beneficial use in 1867 by Mormon settlers. In addition, it is Mr. Duff's understanding that the spring

water on the property has been used as the domestic water supply for the residence on the property at least since Alfred Johnson (for whom Johnson Lake at the head of Snake Creek is named) started using the property as a residence prior to 1909.

Thus, there appears to be a century-old vested water right appurtenant to the property which Mr. Duff acquired from Mr. Gonder. Given the extraordinary shortness of time between when he received the Notice of Hearing and when he filed his successor-in-interest form, Mr. Duff did not have time to assemble proof of the longstanding water right that he acquired with his land in Snake Valley. Nor was it apparent that he was required to do so. Similarly, there has not been time since he received SNWA's Opposition to do the same. If the State Engineer requires that Mr. Duff prove this small vested water right, he will endeavor to do so as soon as possible.

Respectfully submitted,



Simeon M. Herskovits
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