

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

**IN THE MATTER OF APPLICATION) ELY SHOSHONE TRIBE'S
NOS. 54022 THROUGH 54030,) RESPONSE TO MAY 23, 2008,
INCLUSIVE, FILED TO FILED TO) REQUEST FOR ADMINISTRATIVE
APPROPRIATE THE) NOTICE BY SNWA
UNDERGROUND WATERS OF)
SNAKE VALLEY (195),)
HYDROGRAPHIC BASIN)**

Comes now, the Ely Shoshone Tribe, and replies to the request by SNWA that the State Engineer take administrative notice of the items raised in SNWA's May 23, 2008, letter.

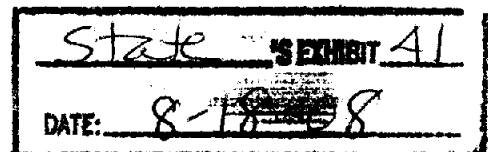
INTRODUCTION

The State Engineer should require SNWA to present evidence regarding its need for the water, its conservation plan, and that it is not locking up water for possible future uses. The State Engineer should not take administrative notice of these matters.

BRIEF STATEMENT OF PROCEDURAL HISTORY

In or about 1989 the Las Vegas Valley Water District (hereinafter "LVVWD") filed applications A54022 through A54030 (hereinafter the "Applications") with the Nevada State Engineer (hereinafter "the State Engineer") to appropriate water in Snake Valley. The Ely Shoshone Tribe filed a timely protest to application A54027. The LVVWD subsequently assigned its interest the Southern Nevada Water Authority (hereinafter "SNWA"). On or about May 28, 2008, the State Engineer scheduled a pre-hearing on the Applications and scheduled a hearing for July 15, 2008, at 9:30 am. At the July 15, 2008, pre-hearing the State Engineer set a deadline of August 18, 2008, for the

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filing of briefs regarding whether the State Engineer should take administrative notice of the items raised in SNWA's May 23, 2008, letter.

ARGUMENT

The State Engineer should not take administrative notice regarding SNWA's need for the water, its conservation plan, and that it is not locking up water for possible future uses. According to a recent study entitled *Hidden Oasis: Water Conservancy and Efficiency in Las Vegas*, water demand in Las Vegas could be reduced by 40% in single-family homes, and by 30% in hotels and casinos, by taking additional water conservation steps. In addition, SNWA should be required to prove these items after taking into account the water that has been apportioned to SNWA by the State Engineer's previous rulings and the water that SNWA has purchased and leased from the valleys surrounding it. The evidence that SNWA has presented and previous hearings on this matter have not taken into account these issues. Because of the amount of water sought to be apportioned from Snake Valley, and the potential effect of this on the protestants, interested persons, and many others, the State Engineer must require SNWA to prove its need for the water, its conservation plan, and that it is not locking up water for possible future uses

DATED this 15th day of August, 2008.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of August, 2008, I

deposited for delivery via certified mail, postage prepaid, and fax, a true and correct copy of the foregoing, addressed to:

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