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White Pine County
Board of County Commissioners

2010 SEP 24 AM 11:25
STATE ENGINEER

September 21, 2010

Jason King, P.E. State Engineer
Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701

RE: Proposed Schedule for SNWA Hearing on
Remand, Spring, Cave, Dry Lake, and Delamar Valleys

Dear Mr. King:

The White Pine County Commission would like to thank you for your efforts to provide a substantive hearing process and to post all hearing documents of the website. We appreciate the fact that you are providing adequate notice and an approximate timeline for the process so that we can prepare for the protest period, pre-hearing, preparation of legal briefs, exchange of evidence, and the administrative hearing. We also appreciate the determination that protestants will not have to refile their protests unless they want to change the grounds of their protests and that that you have not limited protest issues. However, we would like to express our concerns regarding the proposed schedule for the SNWA Hearing and ask that you reconsider the proposed process and schedule based on the following:

- 1) Considering all four valleys under consideration in the same hearing will result in confusion for the State Engineer's panel as well as the participants in the process as the discussion shifts from one basin to another. Having to prepare cases for both the Spring Valley issues at the same hearing as the Cave, Dry Lake, and Delamar Valley issues to be considered at one time will make it extremely difficult for the protestants with limited resources.
- 2) The schedule appears to be rushed to complete the process within one year of the Court ruling. This was not the intent or request of the protestants. The court case was based on the need to make sure all concerned parties have the opportunity to participate and not with the one-year time frame.

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3) The lack of a pre-hearing conference will make it very difficult for protestants to participate in and understand the process. Even with the Legislature preparing for the 2011 session, it seems that there should be a facility within the Carson City area that could be used for a pre-hearing conference.

4) We would ask that you reconsider the decision not to provide Internet access to the hearings or to conduct hearings in White Pine or Lincoln Counties. While we understand the concerns of budget limitations, it is also imperative that the people who have the most to lose if the groundwater development project negatively impacts the water resources, environment, and ability to support economic activity have the opportunity to hear and to participate in the deliberations.

Thank you for providing us with the opportunity to make suggestions on how to ensure an orderly and expeditious hearing. On behalf of White Pine County, we urge you to:

1) Reconsider the one-year time frame and conduct separate hearings for the Spring Valley applications and the Cave, Dry Lake, and Delamar Valley application to allow protestants adequate time to prepare for the hearings based on the issues in each area and to devote adequate resources to providing testimony needed to evaluate our protest points.

2) Conduct a pre-hearing conference. In the long run, a productive discussion prior to the hearings and an adequate understanding of the process will help to reduce confusion and support an orderly hearing process.

3) Broadcast the hearings and allow public comment from White Pine and Lincoln Counties. The White Pine County Commission understands budget constraints, but it is only fair to provide those people most likely to be negatively impacted by the Groudwater Development Project the opportunity to talk with you about their concerns.

Thank you for your consideration.

Sincerely,



Laurie L. Carson,
Chairman