

**Abigail C. Johnson
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STATE ENGINEERS OFFICE

October 1, 2010

Jason King, State Engineer
Division of Water Resources
901 Stewart St., Ste. 2002
Carson City, NV 89701

Dear Mr. King,

Thank you for the opportunity to provide you with feedback on the website announcement of August 19 regarding the hearing schedule for SNWA applications and the previous Interpretation and informational statements. I was a protestant in 1989 to a Spring Valley application. Since that time I have become a property owner and part time resident of Baker. I protested some of the SNWA 2010 applications in Snake Valley and Spring Valley. I am on the board of Great Basin Water Network. The comments and concerns that follow are my own.

You have the power and authority to consolidate the 2010 protests of the SNWA applications and the 1989 protests, and you should. It is clear from the many protests filed in 2010 by individuals, units of government, organizations and businesses that people still want to be heard on this matter. The SE should either consolidate the applications and their protests or refund the fees to the individuals. People should not have to pay twice to be heard once.

The due process issues described in the Supreme Court's decision are indicative of the numerous and confusing circumstances that have arisen in the intervening decades since the original applications were filed by SNWA's predecessor in 1989. It is essential that the State Engineer perform due diligence outreach to ensure that the 1989 protestants are located and notified that the hearings are being renoticed and that they have the chance to be participants. For example, as you know, many original protestants were not aware of the hearings due to a massive change of address by the Ely post office. In addition, due to the legislation to permit successors in interest to carry forward the original protest, it is now imperative that the SE make every effort to notify the original protestants of their right to participate in the remanded hearings. While the SE may believe that publishing notices in weekly newspapers in rural

Nevada and posting a notice on its website is adequate, in the real world in rural Nevada, that level of effort will not reach the people who protested in 1989 but were denied participation in the hearings due to the circumstances referred to earlier.

Before scheduling any further actions on any SNWA applications associated with its groundwater development project, please make a final, formal determination on what you intend to do with the 2010 applications and protests, and notify in writing all protestants of all SNWA 1989 and 2010 applications of that determination, how you intend to proceed, and what their options are for future participation.

While the Nevada Supreme Court focused on the one year hearing issue in its decision, it was clear that the due process issues, chronicled at length in the decision, were factors that ensured a unanimous decision. It would be unfortunate if the same protestants who were excluded before from the Spring Valley and Cave, Dry Lake and Delamar hearings are again left out due to lack of adequate notice. It would also be a mistake to dismiss the legitimate protests filed on SNWA's January 2010 applications. Consolidating those with the original protests will be cost effective for the Division of Water Resources and will ensure that due process and fairness prevail for concerned individuals and organizations that are endeavoring to participate fully in the hearing process on this fundamental issue: the future of rural Nevada.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abigail Johnson".

Abigail Johnson