

Mr. Jason King  
Nevada State Engineer  
c/o Susan Joseph-Taylor, Chief Hearing Office  
Office of the State Engineer  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701

RE: SNWA Hearings on Remand from Nevada Supreme Court

Dear Mr. King,

I am a resident of the State of Nevada and a retired attorney, though not from Nevada. Throughout my career, I litigated a few water cases which involved disputes over the rights to ground water and state aqueduct water. In those cases, the central theme was always "There's not enough water to go around".

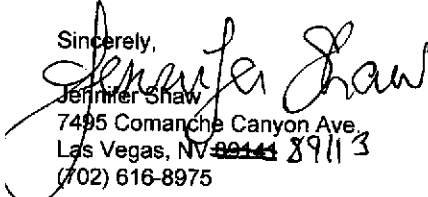
I have read that the ground water which is the subject of the SNWA Cases on Remand, as a matter of Nevada water law, belongs to the "people of Nevada". There is a lot of wiggle room in that definition, which I believe your decision needs to address in writing:

- (1) Does the subject ground water belong only to the "people" who could feasibly appropriate it by drilling wells, or does the water belong to the people of the entire state?
- (2) Does the subject ground water belong only to the currently-living "people of Nevada", or does it also belong to future residents/people of Nevada?
- (3) In using the words "people" to define who owns the subject ground water, does that term include legal entities like private corporations, limited liability companies, municipal corporations and their equivalent state and regional agencies?
- (4) If corporations and the like are people under Nevada law, are wild animals and birds who are owned by the state under common law also "people" to be protected by the exercise of the state's powers over ground water? If animals and birds are not "people" under the law, why are municipal corporations and their equivalent state and regional agencies "people" who can be granted water rights?

I believe that the above listed legal questions need to be specifically addressed in the State Engineer's decision.

As to the answer to Question 2, I specifically ask that the State Engineer and his lawyers read and address the topic of people's "right to travel" i.e. freely move their residence from place to place, as discussed in Justice William O. Douglas' concurrence in **Edwards v. People of State of California, 314 U.S. 160** (1941). In the context of that Federal 14th Amendment right to move a person's residence from place to place, the State Engineer needs to specifically address the affect of his decision on the future, continued influx of new people/residents into Clark County, and the right of those future residents/people of Nevada to have the ground water owned by the "people of Nevada" made available to them for their use.

Sincerely,

  
Jennifer Shaw  
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