

30 September 2017

Deputy Administrator Susan Joseph-Taylor

Office of the State Engineer

901 S Stewart St. Suite #2002

Carson City, NV 89701

Attention: Deputy Administrator Susan Joseph-Taylor

State Engineer Mike King

In Re: SNWA Pipeline Project (Lincoln/White Pine Counties, NV 2017)

Pursuant to the right to provide legal response in the form of PUBLIC COMMENT, I impart the following wisdom:

1. All State of Nevada Counties, Cities and Townships must live within their stated legal means and legally defined jurisdictions. Stealing any natural resource from outside of their legally defined actual jurisdictions only denies the 14<sup>th</sup> amendment rights granted by State of Nevada Constitution, (and equally the Federal Constitution) to the counties affected by this latest power grab of the SNWA. The SNWA is quasi-governmental agency that does have a limited legal right to the use of that resource, but they must be legally required by a stated Nevada State Policy to develop those natural resources where those resources are located—with prudence to use that resource without destroying the economic means/growth of future generations there and with the equally legally mandated deference to the local environmental/wildlife impact that must survive and benefit from it as well. It would be legal folly for the State of Nevada to develop an actual State of Nevada Policy to give political power outside of Clark County to the SNWA. Their own stated reason is to develop these water resources “is for the economic growth and use in Clark County”. The Constitutional challenges would be endless for Nevada in the courts and you must stop this now to prevent damaging other counties at the expense of the powerful counties such as Clark and Washoe.
2. The SNWA power grab would exert control by Clark County elected officials to impose their legal will on (subordinate) Lincoln and White Pine Counties by the approval of this request. No quasi-governmental unit controlled politically by one county should be allowed to affect the actual development of another county. A newly created Nevada Statute should restrict legal control of any quasi-governmental unit to one county only—unless it is controlled directly by the State of Nevada only.
3. Having personally witnessed the Arizona Cap project and the tragic consequences that resulted, the actual changes to the various local aquifers in Eastern Nevada will result in permanent harm

that you cannot correct later. Even now, the surrounding mountainsides in the Las Vegas Valley have suffered permanent damage by the past water grabs of the SNWA, here in Clark County. It would take another generation of positive changes to bring back the losses we have sustained here in Clark County. No amount of money can repair the loss of these trees that took hundreds of years to grow. The SNWA will deny their culpability in this by stating that their policies save water, but the truth is far from that. The real fact is that the surrounding forest trees are dying from the night time heat and the wildlife has been permanently damaged by the current and existing SNWA water use policies here in Clark County—the need for greater amounts of water to survive the heat grows each year. The SNWA has intentionally fashioned this problem of an ever-growing concrete island by their roguish mismanagement of the State of Nevada Water Resources, for their own gains. Their personal selfish interests are solely to create more profit, higher salaries for themselves and the need to grow into an even larger economic and political structure to impose their greater will on other counties and governments. This is the SNWA. They do not look at the true consequences of their action as the supposed public stewards of the people, but with greed and avarice for more power. The long-term water policy for Lincoln and White Pine Counties currently managed by Mike King, should be to foster and balance the use of the water without harm for the future of all life. This policy should serve as the model for future water use and development throughout Nevada. The State of Nevada must protect the water resources as a public—not private steward for the future, and not a short-sighted power grab at the expense of a weaker government unit.

4. I have personally witnessed thousands of trees and local vegetation die off as the direct result of the current policies of the SNWA in Clark County. The best predictor of the future lies in the results that I have witnessed. We know that the SNWA current water policies will continue to cause death and destruction on Mount Potosi, in the Red Rock Canyon National Park and on Mount Charleston. The SNWA must not be allowed to destroy any more precious natural resources of Nevada with this water grab in Lincoln and White Pine Counties.
5. Most importantly, the AQUIFERS OF NEVADA are being stressed at every level by the growth throughout the state, the stated policy for water use must balance the needs of the communities where the water is located. Since the State of Nevada has already imposed these exact rules for Nye County (in the Pahrump and Armargosa Valley Aquifers), these same rules of development must equally be imposed by the State of Nevada on the Lincoln and White Pine Counties, regardless of what the SNWA wants. The State must stop development when there exists a potential for resources to outstrip the needs of the population in any given area. The current policy of most governments to grow their tax base at the expense of proper growth must stop. Uncontrolled growth wastes resources and the quality of life to the people of Nevada. The State of Nevada must have one policy for the entire state, not multiple ones.
6. The State of Nevada cannot and should not create any State Policies that allow the economic growth of one county at the expense of another county. Political power should not prevail over the equal rights of outside counties at the will of the overbearing political powers of Washoe and Clark Counties.
7. I have personally been involved in water right issues in Nevada over the last 20 years. The water rights of the owner have never been interpreted by NRS law or State Engineer Policy to allow the use of water outside of any aquifer. Each area is quantified and never diverted—not at this level. The State of Nevada should not legally allow the diversion outside of any legally defined

Aquifer unless they wish to have the same problems as California currently has. Each legally defined political sub unit of the State of Nevada needs to abide by the rule of law in this matter. Diversion will lead to bitterness and unequal justice of the have and have nots.

I look forward to the decision of Mike King to determine whether the rule of law applies, or whether a burgeoning quasi-governmental agency can change the law without the consent or will of the people of the State of Nevada. The diversion of water outside of any defined aquifer would set a precedence of unequal political power and unequal application of the natural laws of man and constitutional law. The potential for political abuse by a quasi-governmental agency in this case outweighs their request for diversion. Eventually, the State of Nevada must enact legislation requiring the eventual divesture of the water rights by the SNWA outside of their legally defined jurisdiction of Clark County. Equal application of constitutional law is paramount here and we cannot foster false hopes for the SNWA to finally become the public steward they have failed to be for the last 30 years. A private steward for profit is not in the best interests of the people of Nevada.

Sincerely,

A handwritten signature in black ink, appearing to be 'J.C. O'Brien', written in a cursive style. The signature is positioned to the right of the word 'Sincerely,'.

J.C. O'Brien  
P.O. Box 33099  
Las Vegas, NV 89133-3099