

October 19, 2017

Office of the State Engineer  
Attn: Susan Joseph-Taylor  
901 S. Stewart Street, Suite 202  
Carson City, NV 89701

Dear Ms. Joseph-Taylor,

The following are my comments for the hearing record regarding the applications of the Southern Nevada Water Authority for groundwater permits in Spring, Cave, Dry Lake, and Delamar Valleys.

As a current Board Member of and former consultant to Great Basin Water Network, volunteer director of Citizens Education Project, Policy Advocate for Utah Audubon Council, and adviser to Utah Rivers Council and League of Women Voters of Salt Lake, all protestants in this and previous SNWA water applications in the SNWA groundwater development project areas, I have been actively involved in this process since 2005.

While I was unable to attend the hearings, I did listen to a considerable amount of testimony. I did not hear or see any new scientific or technical information offered by the applicant that would supersede or contradict the evidence previously submitted to the State Engineer. There was certainly nothing presented that could be considered a "game changer" that would satisfy the requirements set by the District Court's decision. Therefore the State Engineer should follow Nevada water law and the Court's ruling and deny the applications.

The evidence shows that the groundwater pumping and export project will impair existing and senior water rights, and harms the public welfare and trust with its widespread and devastating impacts to the environment and its negative economic, sociological and cultural/historic effects. The long-term, irreversible impacts of the proposed groundwater withdrawals amount to illegal groundwater mining. SNWA failed to demonstrate that it can effectively prevent or mitigate these impacts.

Moreover, the project will have regional impacts, including impacts upon Utah due to the inter-basin groundwater flows, interconnected economies and the contiguous airshed. The overall project is potentially (and historically proposed to be) much larger than just the four basins considered in these applications, and none of those broader impacts are considered in this phase of the project.


SNWA's Management, Monitoring and Mitigation (3M) Plan is still a vague concoction of "good" intentions, to-be-determined methodologies and "trust us" assurances. Yet the burden of proof of impacts to water rights is not on SNWA for its pumping or the failure of its 3M Plan to detect and trigger prevention and

mitigation in a timely manner. Rather the burden of proof is on the rural water rights holders to demonstrate harm by SNWA's pumping, at potentially enormous cost. For a 3M Plan to have any chance to be effective, it must involve all stakeholders in its development, preparation and implementation. That has not been done.

SNWA says it intends to mitigate the impacts of pumping but fails to demonstrate how they would accomplish that. SNWA has not done enough modeling or analysis to predict with any degree of certainty or confidence how quickly groundwater drawdowns might occur in specific locations. The triggers for mitigation in the 3M Plan are not hard and specific but are a process to develop a methodology or formula. To allow the pumping project to go forward and then see what happens and adjust later under some vague adaptive management regime is not only irresponsible, it is not in accordance with Nevada water statutes.

For all these reasons and more, the State Engineer should deny the applications.

Respectfully,

  
Steve Erickson  
444 Northmont Way  
Salt Lake City, UT 84103

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