

October 20, 2017

Jason King, State Engineer and Administrator
Nevada Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, NV 89701
Attn: Susan Joseph-Taylor, Deputy Administrator

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STATE ENGINEERS OFFICE

Subject: Southern Nevada Water Authority Water Right Applications for Spring, Cave, Dry Lake and Delamar Valleys (Applications 54003 through 54021, 53987, 53988, 53989, 53990, 53991, and 53992)

Dear Mr. King,

I urge you to thoroughly abide by the Seventh District Court's remand decision of December 10, 2013 and, in so doing, reject Southern Nevada Water Authority's (SNWA) applications for Spring, Cave, Dry Lake and Delamar Valleys on the grounds that unreasonable effects from pumping water from these valleys has not been shown to be mitigated beyond an arbitrary and capricious manner.

Any mitigation must consider climate change and inevitable droughts that, combined with pumping groundwater, would cause severe detrimental impacts to sensitive wetland and spring habitats, which are rare and vital in the driest state in the nation.

SNWA's arguments put forth in their evidence reports are inaccurate and must be rejected for the reasons stated in Thomas Myers August 8, 2017 rebuttal report, which must be thoroughly reviewed and publicly responded to by the Office of the State Engineer.

Pumping from the points of diversion in the applications will result in massive groundwater mining, causing devastating long-term impacts to both the environment and senior water rights holders as shown in SNWA's own evidence.

If groundwater pumping is allowed, it will completely dry up all wetlands and springs in Spring Valley. This is unacceptable and certainly an unreasonable effect, particularly considering the scarcity of water in this dry state and increasing scarcity due to climate change. With the Great Basin National Park to the east and the Schell Creek Range to

the west, Spring Valley is a classic basin in the uniquely horst and graben topography of the Basin and Range region. Allowing SNWA to suck this valley dry, causing increased dust and health hazards, only to whet southern Nevada's insatiable and unsustainable appetite for more and more growth, would be socially and environmentally devastating for eastern Nevada.

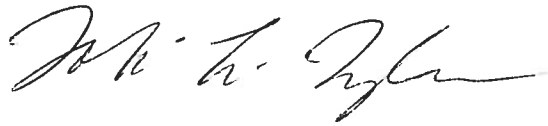
The monitoring, management and mitigation (3M) plan model is fundamentally flawed since it presumes mitigation is possible after monitoring and management is performed. Once the \$15 billion project is allowed, and water is flowing south, there is no going back – the damage is done and is impossible to be fully mitigated. The 3M plans also put the burden on the rural senior water rights' holders to defend their water rights instead of requiring this of SNWA. SNWA must be required to fully model and predict the impacts of groundwater loss for senior water rights holders and the environment.

One only needs to look at the similar situation in eastern California's Owens Valley where Los Angeles Department of Water and Power (LADWP) has been extracting and sending surface and groundwater to Los Angeles for decades. The situation has been extremely litigious and lawsuits will likely continue for many more years to come as groundwater extraction is drying up wells around the valley. Nevada has had far superior groundwater regulations to California, who only started regulating groundwater recently. These regulations must be adhered to by rejecting these applications. Learn from other region's mistakes and don't allow large, lawyered-up entities such as SNWA to destroy essential habitats and multi-generational livelihoods in these valleys for the sake of unsustainable growth.

SNWA seriously undercounted the amount of groundwater committed to existing water rights and the environment in basins within the White River flow system. Also, if the Cave, Dry Lake, and Delamar Valleys are hydrologically connected to the White River, as suggested in the Myers Rebuttal Report, then any wetlands and other waters in these valleys are not isolated since these waters are hydrologically connected to Lake Mead, a navigable water of the US. If wetlands and other waters in these valleys are claimed to be isolated, then further hydrologic studies are needed to disprove a

significant nexus between these hydrologic systems. Groundwater modeling and analysis of the flows within the White River flow system must be performed to fully calculate and predict where, when and how drawdown would affect senior water rights and the environment.

Thank you for the opportunity to comment on this important matter.

A handwritten signature in black ink, appearing to read "Tobi Tyler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tobi Tyler