

**BEFORE THE STATE ENGINEER, STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,  
DIVISION OF WATER RESOURCES**

IN THE MATTER OF APPLICATIONS  
NOS., 54003 through 54021, FILED BY  
SOUTHERN NEVADA WATER  
AUTHORITY TO APPROPRIATE  
UNDERGROUND WATER IN  
SPRING VALLEY HYDROGRAPHIC  
BASIN (184).

**SOUTHERN NEVADA WATER  
AUTHORITY'S SUPPLEMENTAL  
WITNESS LIST REGARDING  
REBUTTAL EVIDENCE FOR  
HEARING ON SEPTEMBER 11,  
2006**

COMES NOW, SOUTHERN NEVADA WATER AUTHORITY, by and through its attorneys, PAUL G. TAGGART, ESQ., of the law firm of KING & TAGGART, LTD., and MICHAEL VAN ZANDT, ESQ., of the law firm MCQUAID, BEDFORD & VAN ZANDT, LLP., and submits its supplemental witness list and summary of witness statements regarding rebuttal evidence for the hearing to be conducted by the State Engineer beginning September 11, 2006.

**1. Frank A. D'Agnese, Ph.D.** Dr. D'Agnese is a Geologic Engineer and may testify in rebuttal regarding the proper use, validity and development of numerical groundwater models in the Spring Valley area, including errors in conceptual models, data errors and numerical errors. He may also address the misuse of previous models by protestants, including Prudic and Harrill (1995), Schaefer and Harrill (1995), and may provide rebuttal testimony regarding Elliott, et al. (2006). He may compare and contrast the models submitted by Congdon and Myers with the model submitted by Durbin and principles and guidelines for the formulation of models. He may also testify concerning the Death Valley Flow System Model as it compares to the models presented at the

hearing. He may also testify concerning protestants' expert reports regarding hydrogeological conditions and effects analysis in Spring Valley.

**2. R. Michael Turnipseed, P.E.** Mr. Turnipseed is a former Nevada State Engineer and may testify in rebuttal regarding existing water rights analysis by the protestants. Mr. Turnipseed may testify regarding the water budget analysis, perennial yield, and unappropriated water provided by the protestants. He may testify about the analysis regarding the lowering of the static water level predicted by protestants. He may also testify regarding the comparison of the Spring Valley project to hydrogeological conditions in Owens Valley.

**3. Dwight Smith, P.E.** Mr. Smith is a Geologic Engineer who may testify in rebuttal about the existing water rights and current uses in Spring Valley performed by the protestants.

**4. Peter D. Rowley, Ph.D.** Dr. Rowley is a Geologist and may testify in rebuttal concerning the geologic and hydrogeologic analysis performed by the protestants, including the analysis in the USGS Elliot, et al. (2006) report on the Great Basin National Park.

**5. Gary Dixon,** Mr. Dixon is a Geologist and may testify in rebuttal concerning the geologic and hydrogeologic analysis performed by the protestants, including the analysis in the USGS Elliot, et al. (2006) report on the Great Basin National Park.

**6. Andrew Burns.** Mr. Burns is a Senior Hydrologist for the SNWA. Mr. Burns may testify in rebuttal regarding the water resource assessment for Spring Valley performed by protestants. He may testify concerning the use of prior USGS studies,

including Rush & Kazmi, and Nichols. He may also testify regarding the calculation of unappropriated water, perennial yield, recharge, discharge and evapotranspiration by the protestants. Moreover, he may testify concerning the water budget and effects analysis, including drawdowns, existing water rights and well analysis conclusions reached by the protestants.

7. **Zane Marshall.** Mr. Marshall is a Senior Biologist who may testify in rebuttal regarding the federal Endangered Species Act, coordination with U.S. Fish and Wildlife Service, the Great Basin Bird Observatory, and Nevada Department of Wildlife, and past and ongoing research and studies on biological resources in Spring Valley. He may also testify concerning management activities associated with species for other SNWA projects, including the Lower Colorado River Multispecies Conservation Program, the Virgin River Recovery Implementation Team, the Clark County Multispecies Habitat Conservation Plan, the Coyote Springs Groundwater Project, the Muddy River Recovery Implementation Team, and the Las Vegas Valley Wash Comprehensive Adaptive Management Plan. He may also testify concerning the status of Pahrump poolfish, bald eagle, spring snails, Columbia Spotted frog, Least chub, bats, Speckled dace, cutthroat trout, phreatophytes, swamp cedars, riparian areas, and wetlands and waterfowl, and other species as they relate to Spring Valley and Snake Valley.

8. **Terry McLendon, Ph.D.** Dr. McLendon may testify in rebuttal concerning the management of the ecological tasks associated with the groundwater and vegetation conditions in the Owens Valley, California. He may also testify concerning the mitigations applied, the impacts of groundwater on vegetation, and development of

tools used to manage groundwater pumping and environmental protection, in relation to the Owens Valley.

9. **Gene Coufal.** Mr. Coufal is an employee of Los Angeles Water and Power and is the onsite manager of the Los Angeles Aqueduct located in Owens Valley, California. He may testify in rebuttal as to his responsibilities as land manager and to management practices and mitigations applied to groundwater pumping activities in the Owens Valley and their effects on vegetation and wildlife.

#### **LIST OF REBUTTAL EXHIBITS**

- 672. Revised Witness List
- 673. Resumes
- 674. Southern Nevada Water System Amended Facilities and Operations Agreement, June 20, 2002
- 675. Water Supply Agreement Among the Moapa Band of Paiute Indians, Las Vegas Valley Water District, Southern Nevada Water Authority, Muddy Valley Irrigation Company, and Moapa Valley Water District, April 20, 2006
- 676. Agreement for Lease of Water Rights By Moapa Valley Water District, the Southern Nevada Water Authority, and the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, March 31, 2006
- 677. Federal Register: Notice to Reopen the Public Scoping Process for the Proposed Clark, Lincoln and, White Pine Counties Groundwater Development Project
- 678. BLM informational package regarding the reopening of the Public Scoping Process for the Proposed Clark, Lincoln and, White Pine Counties Groundwater Development Project
- 679. Fish and Wildlife Service's Species List for Clark, Lincoln, and White Pine Counties Groundwater Development Project
- 680. Federal Register: Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife, July 6, 1999
- 681. Federal Register: Endangered and Threatened Wildlife and Plants; Removing the Bald Eagle in the Lower 48 States From the List of Endangered and Threatened Wildlife, February 16, 2006
- 682. Draft National Bald Eagle Management Guidelines, February 2006
- 683. Swamp Cedar Instant Study Area
- 684. News Release: Status Review Completed: Greater Sage-Grouse Not Warranted for Listing as Endangered or Threatened

685. SNWA Comment Letter for the Draft Resource Management Plan/Environmental Impact Statement for the Ely District
686. Federal Register: Notice of Availability of the Draft Resource Management Plan and Environmental Impact Statement for the Ely Field Office, Nevada, July 29, 2005
687. The Impact of a Water-Imposed Interruption of Growth in the Las Vegas Region
688. Death Valley Regional Ground-Water Flow System, Nevada and California – Hydrogeologic Framework and Transient Ground-Water Flow Model
689. From Models to Performance Assessment: The Conceptualization Problem
690. The Conceptualization Model Problem - Surprise
691. Hydrogeologic Evaluation and Numerical Simulation of the Death Valley Regional Ground-Water Flow System, Nevada and California
692. A Three-Dimensional Numerical Model of Predevelopment Conditions in the Death Valley Regional Ground-Water Flow System, Nevada and California
693. Methods and Guidelines for Effective Model Calibration, Table 1
694. Ground-Water Models Cannot Be Validated
695. U.S.G.S. Ground-Water Models Cannot Be Validated Policy Memo, 2-5-93
696. Jones Spring Agreement
697. Summary of Ownership for Certificate #8979
698. Summary of Ownership for Application #27768
699. Endangered Species Act
700. Endangered Species Act Amendments
701. Endangered Species Act Regulations 50 CFR Part 17 et seq.
702. National Environmental Policy Act
703. National Environmental Policy Act Regulations 40 CFR Part 1501 et seq.
704. Memorandum of Agreement Between the Bureau of Reclamation and the Southern Nevada Water Authority for Funding of Southwestern Willow Flycatcher Studies Within the Lower Colorado River Basin, April 16, 1998
705. Cooperative Agreement Between the Bureau of Reclamation and Southern Nevada Water Authority for Funding for Additional Work on Lake Mead Razorback Sucker Population and Distribution Study
706. Monitoring Vegetation Change in the Owens Valley: A Review of Concepts and Principles
707. Effect of Depth to Water on Vegetation Change in the Owens Valley
708. Fact Sheet 1: Monitoring Vegetation Change in the Owens Valley
709. Fact Sheet 2: Effect of Depth to Water on Vegetation Change
710. Right-of-Way Application and Plan of Development for Monitoring and Testing Wells at Four Sites in Southern Spring Valley
711. Summary of Ownership for Application # 2316
712. Summary of Ownership for Application # 9248
713. Summary of Ownership for Certification # 1755
714. Proof of Beneficial Use for Permit # 20794
715. Las Vegas Wash Cooperative Agreement, June 20, 2002
716. Las Vegas Wash Bat Survey, 2004-2005
717. State Engineer Ruling 2609
718. Scientific Basis of Water-Resource Management

719. Executive Order 107 – Public Water Reserves
720. Spreadsheet of Water Right Applications Identified by Tom Myers
721. Map of Water Right Applications Identified by Tom Myers
722. Dr. Frank D’Agnese’s Presentation on Groundwater Modeling
723. Water Rights Application # 7446
724. Water Rights Application # 7497
725. Water Rights Application # 8074
726. Water Rights Application # 8075
727. Water Rights Application # 8076
728. Water Rights Application # 8077
729. Water Rights Application # 8713
730. Water Rights Application # 10020
731. Water Rights Application # 12467
732. Water Rights Application # 16890
733. Water Rights Application # 18043
734. Water Rights Application # 18044
735. Water Rights Application # 18045
736. Water Rights Application # 18525
737. Water Rights Application # 18827
738. Water Rights Application # 18828
739. Water Rights Application # 18829
740. Water Rights Application # 18841
741. Water Rights Application # 18842
742. Water Rights Application # 18843
743. Water Rights Application # 19654
744. Water Rights Application # 20817
745. Water Rights Application # 22645
746. Water Rights Application # 25439
747. Water Rights Application # 25679
748. Water Rights Application # 25680
749. Water Rights Application # 26228
750. Water Rights Application # 26229
751. Water Rights Application # 26502
752. Water Rights Application # 26546
753. Water Rights Application # 26952
754. Water Rights Application # 27768
755. Water Rights Application # 29219
756. Water Rights Application # 29220
757. Water Rights Application # 29221
758. Water Rights Application # 29371
759. Water Rights Application # 29567
760. Water Rights Application # 30319
761. Water Rights Application # 31239
762. Water Rights Application # 34727
763. Water Rights Application # 38972
764. Water Rights Application # 39455

- 765. Water Rights Application # 45287
- 766. Water Rights Application # 45496
- 767. Water Rights Application # 58134
- 768. Water Rights Application # 58302
- 769. Water Rights Application # 60104
- 770. Water Rights Application # 63531
- 771. Water Rights Application # 65641
- 772. Water Rights Application # 67886
- 773. Water Rights Application # 67887
- 774. Water Rights Application # 69316
- 775. Water Rights Application # 72643
- 776. Documented Sensitive Species in Spring and Snake Valleys Nevada and Utah  
Natural Heritage Databases
- 777. Las Vegas Wash Coordination Committee 2005 Year-End Report
- 778. Memorandum Regarding Elliot and Others 2006 by Dixon and Rowley, June 29,  
2006

Submitted this \_\_\_\_ day of August, 2006.

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