

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
THE LAS VEGAS VALLEY WATER
DISTRICT TO APPROPRIATE THE
UNDERGROUND WATERS IN SPRING
VALLEY (184) HYDROGRAPHIC BASIN,
LINCOLN AND WHITE PINE COUNTIES,
NEVADA

STIPULATION REGARDING
SNWA'S MOTION TO DISMISS
AND MOTION TO EXCLUDE
FILED IN STATE ENGINEER
MATTER CONCERNING
SPRING VALLEY, NEVADA
WATER RIGHT
APPLICATIONS

COMES NOW, the Southern Nevada Water Authority (SNWA), by and through its attorneys, the law firm of KING & TAGGART, LTD. and McQUAID BEDFORD & VAN ZANDT, LLP, and the U.S. National Park Service (NPS), by and through their counsel, PETER FAHMY, for the DEPARTMENT OF INTERIOR, SOLICITOR'S OFFICE, to enter this stipulation to certain contested procedural and evidentiary matters.

WHEREAS, the State Engineer has scheduled a hearing to consider the SNWA water right applications in Spring Valley, Nevada,

WHEREAS, on July 7, 2006, SNWA filed a Motion to Dismiss Individual Protest Claims Regarding Applications and Memorandum in Support ("Motion to Dismiss"),

WHEREAS on July 7, 2006, SNWA filed a Motion to Exclude Evidence Related to Protests Against Applications in Spring Valley ("Motion to Exclude"),

WHEREAS, said motions seek to have certain protest issues that were raised by the NPS dismissed, and to have certain evidence excluded that has been offered by the NPS for use in the Spring Valley hearing, and

State 'S EXHIBIT 47
DATE: 9-11-06

WHEREAS, SNWA and NPS desire to enter this stipulation to have certain protest issues dismissed, to agree that certain witnesses will not be offered as experts or offer expert opinions, and agree that SNWA will not construe, nor should the State Engineer construe the failure of NPS to oppose the remaining claims in the motions as an admission by NPS, and that any argument over the validity of the remaining arguments in the motions regarding NPS will be deferred to the hearing.

NOW THEREFORE, the Parties agree as follows:

1. Withdrawal of Certain Protest Issues: SNWA alleges in its Motion to Dismiss that certain protest issues that were raised by the NPS in its protest against the subject applications should be dismissed. The NPS agrees that the following protest issues are withdrawn.
 - a. NPS Protest Issue X – That it is unclear whether the quantity of water contemplated by the applications is necessary and is an amount reasonable required for municipal and domestic purposes. Past open and notorious practices would indicate otherwise.
 - b. NPS Protest Issue XI, sec. K – That the applications do not clearly indicate the place of use, the description of proposed works, estimated cost of works, number and type of units to be served or annual consumptive use. Nor is it clear that the appropriation sought is necessary and is in an amount reasonably required for the beneficial use to be served.
 - c. NPS Protest Issue XIII – That NPS reserves the right to amend its protest as more information becomes available.
2. Persons Not Offered as Experts, or to Offer Expert Opinions: SNWA alleges in its Motion to Exclude that certain witnesses that are offered by the NPS, or which have prepared reports, are not qualified as experts or did not properly prepare

expert reports. The NPS agrees as to the following persons, that they will not be offered as experts, their reports will not be offered as expert reports, and they will not offer expert opinions.

a. Tod Williams, Chief of Resource Management, Great Basin National Park.

b. Eric Lord, Water Rights Specialist, National Park Service.

3. Remaining Challenges to NPS Protest Issues, Witnesses, or Evidence: The Parties agree that any remaining arguments made by SNWA in the Motion to Dismiss or Motion to Exclude are hereby preserved by SNWA and NPS to be made at the hearing that is scheduled by the State Engineer. Accordingly, the NPS need not oppose those motions, as is currently required by the Intermediate Order on July 21, 2006, and the SNWA waives and will not assert that the failure by NPS to file an opposition by such date should be construed by the State Engineer, or any other judicial or administrative officer, as an admission or

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concession to the validity of the arguments made by the SNWA in the Motion to Dismiss and Motion to Exclude.


DATED this 19th day of July, 2006.


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DATED this 19th day of July, 2006.

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CERTIFICATE OF SERVICE

Pursuant to NRC 5(b), I hereby certify that I am an employee of KING & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the STIPULATION REGARDING SNWA'S MOTION TO DISMISS AND MOTION TO EXCLUDE FILED IN STATE ENGINEER MATTER CONCERNING SPRING VALLEY, NEVADA WATER RIGHT APPLICATIONS, address as follows:

By **U.S. POSTAL SERVICE**: I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed to:

SEE ATTACHED SERVICE LIST

By **FACSIMILE**: I transmitted via facsimile from the law offices of KING & TAGGART, a true and correct copy of the above-identified document, in the ordinary course of business, to the individual and facsimile number listed below:

SEE ATTACHED SERVICE LIST

By **E-MAIL**:

SEE ATTACHED SERVICE LIST

By **HAND DELIVERY**, via:

- Reno-Carson Messenger Service
- interoffice-type messenger
- other type of delivery service: _____

by placing a true and correct copy of the above-identified document in an envelope containing the above-identified document, in the ordinary course of business, addressed to:

SEE ATTACHED SERVICE LIST

DATED this 19th day of July, 2006.



Employee of KING & TAGGART, LTD.

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