

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

STIPLUATION 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. Bureau of Land Management (BLM), Fish and Wildlife Service (FWS) and Bureau of Indian Affairs (BIA), by and through their counsel, STEPHEN PALMER, for the DEPARTMENT OF THE 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 BLM, FWS and BIA dismissed, and to have certain evidence excluded that has been offered by the BLM, FWS and BIA for use in the Spring Valley hearing, and

State	'S EXHIBIT 50
DATE:	9-11-06

WHEREAS, SNWA and BLM, FWS and BIA desire to enter this stipulation to withdraw certain protest issues, 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 BLM, FWS and BIA to oppose the remaining claims in the motions as an admission by BLM, FWS or BIA, and that no party waives any right as to the validity of the remaining arguments in the motions regarding BLM, FWS or BIA as such arguments 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 BLM and FWS in its protest against the subject applications should be dismissed. The BLM or FWS agrees that the following protest issues are withdrawn as to applications 54003 through 54021 for Spring Valley.
 - a. BLM Protest Issue Regarding Air Quality (BLM Protest at 3, Para.2) – That “the aesthetic and biologic quality of the air resource will decline because desertification increases airbourne particulars. Acute problems will result during periods of high winds.”
 - b. FWS Protest Issue Regarding Comprehensive Study (FWS Protest at 2) - That “the Fish and Wildlife Service strongly urges the State Engineer to undertake a comprehensive study of the environmental impacts to southern Nevada that the withdrawing of 860,000 acre-feet of water, the amount applied for by the Las Vegas Valley Water District, would have on the hydrologically connected basins in this area of the state prior to approving any of the applications.”
 - c. BLM Protest Regarding Amendment to Protest (BLM Protest at 3) – That “because it is impossible to anticpate all impacts at this time, the

BLM reserves the right to amend this protest as other issues develop and as additional studies provide further information.”

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 BLM and FWS, or which have prepared reports, are not qualified as experts or did not properly prepare expert reports. In filing its witness list and exhibits in this proceeding, the BLM, FWS and BIA did not offer certain witness as experts and as such, agree 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. Kevin J. Kritz, Fish and Wildlife Biologist.
- b. Shawn Goodchild, Fish and Wildlife Biologist.
- c. Annalaura Averill-Murray, Fish and Wildlife Biologist.
- d. Marianne Crawford, Fish and Wildlife Biologist.
- e. Steve Caicco, Botanist, U.S. Fish and Wildlife Service.
- f. Jay Banta, Refuge Manager, Fish Springs National Wildlife Refuge.
- g. Robert Boyd, BLM.
- h. Paul Podborne, BLM.
- i. Brad Pendley, BLM.
- j. Ray Roessel, BIA.

3. Remaining Challenges to BLM, FWS and BIA 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 BLM, FWS and BIA, and no response need be made by the BLM, FWS or BIA to the motions as filed. Accordingly, the BLM, FWS and BIA 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 BLM, FWS

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

DATED this 21st day of July, 2006.

DATED this _____ day of July, 2006.

By: 

PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
MICHAEL J. VAN ZANDT, ESQ.
Nevada State Bar No. 7199
Attorneys for SNWA

By: _____

STEPHEN PALMER
Assistant Regional Solicitor
U.S. Department of Interior
Attorney for Protestants BLM
FWS and BIA

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DATED this ____ day of July, 2006.

DATED this 21st day of July, 2006.

By: _____
PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
MICHAEL J. VAN ZANDT, ESQ.
Nevada State Bar No. 7199
Attorneys for SNWA

By: Stephen R. Palmer
STEPHEN PALMER
Assistant Regional Solicitor
U.S. Department of Interior
Attorney for Protestants BLM
FWS and BIA

CERTIFICATE OF SERVICE

Pursuant to NRCP 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 21st day of July, 2006.



Employee of KING & TAGGART, LTD.

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