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RECEIVED

From Louis Benezet
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STATE ENGINEERS OFFICE

7/26/06

Dear Sir,

I am writing in support of the Petition filed by Great Basin Water Network asking that the State Engineer re-notice Southern Nevada Water Authority's (SNWA) 34 applications for groundwater in the Spring, Snake Cave, Delamar and Dry Lake Valleys or allow petitioners to participate fully as protestants in the upcoming hearings. I have read this petition and agree with the arguments stated therein.

The original applications filed by Las Vegas Water District (and later transferred to SNWA) drew an unprecedented response in the form of 3,600 protests filed with the State Engineer. Some of these protests were filed by individuals or groups who held water rights in the same valleys and feared the proposed wells would affect these rights. A greater number of protests were directed against the SNWA's "Cooperative Water Project" (CWP) as a whole, which entailed the mass exportation of all available water from a twenty thousand square mile area in rural Lincoln, Nye, and White Pine Counties to support the unchecked growth of the Las Vegas metropolitan area. This response was summed up in the expression, "remember Owens Valley."

Thus the Nye, Lincoln and White Pine Boards of County Commissioners, and the Caliente and Ely City Councils protested all the original 147 applications and so did government agencies like the Bureau of Land Management and the Fish and Wildlife Service. And many individuals, most of them residents of the rural counties, filed protests on one or two applications, selected more or less randomly, because they wanted to be part of the CWP protest but could not afford to protest every application. These people hoped in this way to voice their concerns about the project as a whole.

As the present Petition makes clear, there have been many changes during the sixteen years that have elapsed while the applications await a hearing. Many of the original protestants have died or left the state. But there are many new people concerned who have recently come of age or moved to Nevada and wish to be heard. SNWA dropped some of the original applications, and others they turned over to the Lincoln County/Vidler partnership under the Lincoln/SNWA deal of 2003. This considerably reduced the number of protests (including most notably those filed by the Lincoln County Commissioners) and individuals who had filed protests only on applications dropped or transferred found themselves without a voice concerning the water transfer project as a whole.

And this overall water export program by which I mean now the full magnitude of water transfers that will result from the construction of the CWP pipeline is in no way diminished by SNWA dropping or transferring applications. The pipeline capacity agreement between Lincoln County and SNWA is intended to ensure that water Lincoln

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may access as a result of their deal with SNWA can be transferred from northern to southern basins over the 150-mile length of the county. Meanwhile, anticipating the pipeline, the Whittemore Coyote Springs Venture is rapidly buying up ranches in Lincoln County. Whittemore has filed applications to transfer permitted water from Lake Valley To Coyote Springs via the SNWA pipe. Whittemore is also buying whatever he can get in the Meadow Valley Wash from Eagle Valley south to Caliente. Perhaps he plans to draw water permitted in the northern area of this drainage from wells near Moapa. The wholesale buy up transfer of permitted water is Owens Valley all over again. Meanwhile SNWA has not dropped any applications in Nye County. They're simply moving ahead piecemeal picking off their divided opponents one at a time.

All of which is to say that a decision by the State engineer to approve a substantial volume of water in Spring Valley could be the crucial decision as to the fate of the CWP pipeline, and could lead to regional change on a massive scale. Indeed the future of Nevada water law is probably at stake. Will there even be a public water resource for the State Engineer to administer, one wonders. This falls in the broad category of the concerns related to the public interest. The SNWA may think these issues should be disqualified from consideration from the start. I think the public interest cannot be protected unless the citizen has a right to be heard.

At any rate the environmental, social, and economic impacts of the pipeline to the rural areas will be tremendous. Most rural residents who filed protests in 1989 were responding to this water transfer program as a whole with all its ramifications. If however, they protested applications only in Patterson or Lake Valley for example, they will have no opportunity to be heard in the decision-making process that will affect them.

In asking that the State Engineer re-notice these applications I will close by noting that if the State Engineer had the authority to allow SNWA to keep their applications alive for 16 years, he should have the authority to make the process accessible to all concerned. He has this opportunity to show that the "public interest" is not just a meaningless phrase.

Sincerely

Louis Benezet

A handwritten signature in cursive script, reading "Louis Benezet". The signature is written in dark ink and is positioned to the right of the typed name.