

**IN THE OFFICE OF THE STATE ENGINEER OF
THE STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS)
54003,54004, 54005, 54006, 54007, 54008,)
54009, 54010, 54011, 54012, 54013, 54014,)
54015, 54016, 54017, 54018, 54019, 54020,)
54021, INCLUSIVE, FILED TO APPROPRIATE)
THE UNDERGROUND WATERS OF SPRING)
VALLEY HYDROGRAPHIC BASIN (184),)
WHITE PINE COUNTY, NEVADA.)

INTERMEDIATE ORDER
NO. 3

State 'S EXHIBIT <u>56</u>
DATE: <u>9-11-06</u>

GENERAL

I.

On July 7, 2006, the Great Basin Water Network, Defenders of Wildlife, David C. Bagley, Clark W. Miles, Raymond E. Timm, Theodore Stazeski, Sheldon M. Edwards, Kathryn Hill, Kenneth F. Hill, Scotty Heer, Beth B. Anderson, Susan L. Geary, Donald W. Geary, Robert Ewing, Pamela and Bruce Jensen, Renee A. Alder, Robert J. Nickerson, Joyce, B. Nickerson, Edward J. Weisbrot, Alexander Rose (in his capacity as Executive Director of the Long Now Foundation), Robert N. Kranovich, Pamela M. Pedrini, Rick Havenstrite, Terrence P. Marasco, Bryon Hamilton, John B. Woodyard II, Laurie E. Cruikshank, Walter J. Benson, Selena L. Weaver, Mary E. Collins, Candi A. Ashby, Sally L. Gust, Bruce Ashby, Daniel Maes, Robert N. Marcum, Tara Foster, Donald A. Duff, Elisabeth A. Douglass, Jamie Deneris, Nomi Martin-Shepard, Veronica F. Douglass, Abigail C. Johnson, Marie and James Jordan, Rutherford, Day, the Great Basin Chapter of Trout Unlimited, Wilda K. Garber, and the Utah Council of Trout Unlimited filed a Petition for Declaratory Order to Re-Notice 16 Year Old Groundwater Applications in the Delamar, Valley, Dry Lake Valley, Cave, Valley, Spring Valley and Snake Valley.

FINDINGS OF FACT

I.

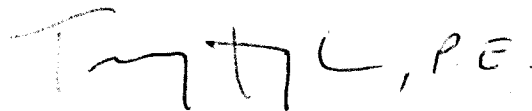
On January 5, 2006, the State Engineer held a pre-hearing conference as to the Las Vegas Valley Water District's/Southern Nevada Water Authority's applications filed to appropriate ground water in Delamar Valley, Dry Lake Valley, Cave Valley, Spring Valley and Snake Valley. During the pre-hearing conference, the State Engineer was

requested to re-open the process for protesting these applications.¹ In the State Engineer's Intermediate Order and Hearing Notice dated March 8, 2006, the State Engineer addressed the issue and ruled that he is not authorized by the Nevada Revised Statutes to either re-publish the applications or re-open the protest period and denied the request. The State Engineer finds the current petition is akin to a request for reconsideration of the decision denying the request to re-publish the applications and re-open the protest period.

CONCLUSION

The State Engineer concludes he will not reconsider the request to re-publish the applications and re-open the protest period.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/SJT/jm

Dated this 27th day of
July, 2006.

¹ Transcript, pp. 70-71, 76, 113-114, 152-162, 172, public administrative hearing before the Office of the State Engineer, January 5, 2006, official records in the Office of the State Engineer.

CERTIFICATE OF SERVICE

I hereby certify that a copy of INTERMEDIATE ORDER NO. 3 was served by U.S. certified mail, postage prepaid, on July 27, 2006, on the following:

Paul Taggart
King & Taggart
108 N. Minnesota Street
Carson City, Nevada 89703
Certified Mail
#7106 7808 0630 0022 5199 ✓

Michael Van Zandt
221 Main Street, 16th Floor
San Francisco, California 94105
Certified Mail
#7106 7808 0630 0022 5205 ✓

Simeon Herskovits
Western Environmental Law Center
108 B. Civic Plaza Drive
P.O. Box 1507
Taos, New Mexico 87571
Certified Mail
#7106 7808 0630 0022 5212 ✓

Matt Kenna
Western Environmental Law Center
679 E.2nd Ave., Ste 11B
Durango, Colorado 81301
Certified Mail
#7106 7808 0630 0022 5229 ✓

Nicole Rinke
Attorney at Law
505 S. Arlington Ave., Ste 110
Reno, Nevada 89509
Certified Mail
#7106 7808 0630 0022 5236 ✓

Steve Palmer
U.S. Dept. of Interior
Office of the Solicitor
2800 Cottage Way, Rm. E1712
Sacramento, California 95825
Certified Mail
#7106 7808 0630 0022 5243 ✓

Peter Fahmy
U.S. Dept. of Interior
Office of the Solicitor
755 Parfet St., Ste 151
Lakewood, Colorado 80215
Certified Mail
#7106 7808 0630 0022 5250 ✓

Dan Love c/o David Love
P.O. Box 187
Caliente, Nevada 89008
Certified Mail
#7106 7808 0630 0022 5267 ✓

Moriah Ranches
P.O. Box 46
Baker, Nevada 89311
Certified Mail
#7106 7808 0630 0022 5274 ✓

Panaca Irrigation District
P.O. Box 764
Panaca, Nevada 89042
Certified Mail
#7106 7808 0630 0022 5281 ✓

Richard Sears
White Pine County District Attorney
White Pine County Courthouse
801 Clark Street, Ste. 3
Ely, Nevada 89301
Certified Mail
#7106 7808 0630 0022 5298 ✓

George Benesch
190 W. Huffaker Lane
Reno, Nevada 89511
Certified Mail
#7106 7808 0630 0022 5304 ✓

Karen Peterson
Allison, MacKenzie, et al.
402 N. Division Street
Carson City, Nevada 89703
Certified Mail
#7106 7808 0630 0022 5311 ✓



Juanita Mordhorst, AAI