



IN REPLY
REFER TO

United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, California 95825-1890

REC'D SEP 24 2007

September 21, 2007

Susan Joseph-Taylor
State Engineer of Nevada
State of Nevada
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

Subject: Application Nos. 53987-53992 filed by Southern Nevada Water Authority

Dear Ms. Joseph-Taylor:

At the recent Pre-hearing conference concerning the subject applications, the State Engineer directed the protestants to submit a letter identifying any of their protest grounds that could be voluntarily dismissed and to respond to the August 27, 2007, letter to the State Engineer by the Southern Nevada Water Authority (SNWA). Upon review of the protests to the subject applications filed by the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management and the U.S. Fish and Wildlife Service, the following protest grounds are hereby voluntarily dismissed.

National Park Service: Protest grounds numbered X and XI in protests to application numbers 53989, 53990, 53991 and 53992. These two protest grounds are also summarized in section XII, J and K in each of these protests. Also protest grounds numbered IX and X in protests to application numbers 53987 and 53988. These protest grounds are also summarized in section XI, I and J in each of these protests. These protest grounds concern whether the quantity of water claimed in the applications is reasonably required for the stated municipal and domestic uses and whether the applicant has adequately demonstrated the place of use, proposed works, cost of the works, number and type of units served or the annual consumptive use.

Bureau of Indian Affairs: Protest grounds numbered VIII and IX in the protest filed on behalf of the Moapa Paiute Indian Tribe to each of the subject applications. These two protest grounds are also summarized in section X, g and h. Also protest grounds numbered VI and VII in the protest filed on behalf of the Ely Shoshone Indian Colony to application numbers 53987 and 53988. These protest grounds are also summarized in section VIII, f and g. These protest grounds concern whether the quantity of water claimed in the applications is reasonably required

for the stated municipal and domestic uses and whether the applicant has adequately demonstrated the place of use, proposed works, cost of the works, number and type of units served or the annual consumptive use.

Bureau of Land Management: does not at this time voluntarily dismiss any of its protest grounds to the subject applications.

U.S. Fish and Wildlife Service: does not at this time voluntarily dismiss any of its protest grounds to the subject applications.

By this letter, the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management and the U.S. Fish and Wildlife Service acknowledge the determinations reached at the August 28, 2007, Pre-hearing conference concerning four issues that were "conclusively determined" in the prior ruling on Spring Valley that will not be at issue at the upcoming hearing on the subject applications and certain protest grounds that were summarily dismissed as having been previously ruled on. The four issues and twelve protest grounds were listed in the August 27, 2007, letter from SNWA to the State Engineer. Three of the twelve protest grounds were not summarily dismissed and remain issues in the upcoming hearing. These three protest grounds were summarized as follows in the SNWA letter: Failed to provide relevant information, Need for comprehensive planning and Further study/inadequate scientific information. Thus, protest grounds related to these issues are retained, as well as, any other protest grounds not expressly dismissed as stated above.

Thank you for the opportunity to provide input on these issues.

Sincerely,

Daniel G. Shillito
Regional Solicitor



By: Stephen R. Palmer
Assistant Regional Solicitor

cc: See Attached Mailing List

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