

(11)P-744

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March 18, 1992

R. Michael Turnipseed, P.E.
Nevada State Engineer
Division of Water Resources
123 West Nye Lane
Carson City, Nevada 89710

Re: Las Vegas Valley Water District
Cooperative Water Project

Dear Mr. Turnipseed:

This letter is intended to set forth the current status of the above matter. It is also intended to answer or reply to those issues raised in your letter of February 14, 1992. Copies of this letter will be hand-delivered to those attorneys of record and individuals who so request them. The Las Vegas Valley Water District (District) wishes to offer the following:

I. ENVIRONMENTAL REPORT

The environmental report, as set forth in NRS 533.368 and ordered by your office, is progressing. Field work, by reason of February snows, has been delayed for several weeks. It is anticipated that the final report will be available about May 15, 1992. Copies will be distributed in accordance with the above statute.

II. EXCHANGE OF INFORMATION

The District has previously exchanged draft hydrologic data with one protestant. Hydrologists for both the District and the protestant have been meeting for the purpose of better understanding each other's hydrologic position.

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A. It was originally contemplated that the District would present drafts, in various forms of completion, to protestants. It is now believed, based upon actual experience (#2 above) that draft documents, when reviewed, are counter-productive, expensive and extremely time-consuming to the District and protestants. Accordingly, the District offers as follows:

1. Six months prior to any particular hearing, the District shall distribute final reports, together with appropriate computer disks, to those protestants who have access to computers or have engaged hydrologists. Thus, the District believes that the data should be readily available, but only to those individuals who have actual use for the material.
2. The District further offers to have a workshop after distribution of all reports to answer questions and discuss hydrology. Request is made that the consultants and attorneys arrange an agreed upon time, and the District will provide space and expertise for such meeting. Inasmuch as the documentation is contained in District's Las Vegas office, the meeting will be held at that office.

III. ADDITIONAL EVIDENCE

Within thirty (30) days of any particular hearing, the District agrees to submit any additional documentary evidence (except for large illustrative charts), list all witnesses to be called, and summarize the proposed testimony.

IV. ACCESS

The District will, in the near future, be filing approximately 28 applications to change the points of diversion. Other than problems with the desert game range and the Air Force bombing site, the District believes that access will not be a problem.

V. INTERVENTION

The District has no objections to the proposed intervention of the Bureau of Indians Affairs. However, the District objects to any other "intervening parties". The water law does not allow "protestants" to intervene after the

statutory protest period has expired. As is customary, the State Engineer may allow any interested party to speak at the end of each particular hearing.

VI. DISCOVERY

It is believed discovery is not necessary for the following reasons:

- A. Reports, of a hydrologic nature, will be delivered to protestants at least six (6) months in advance of any particular hearing.
- B. Attached hereto is a schedule of water to be diverted from each ground water basin.
- C. As has previously been stated, the District intends to appropriate all unappropriated water in each basin.
- D. With the above information, it is not difficult for protestants to calculate the effects of the District's pumping, if any.
- E. Discovery will not assist protestants in presentation of their case. This is especially true in that the District has agreed (II.A.2., above) to present a workshop or "question and answer" session.
- F. In the interest of economy, all parties can be adequately prepared without the excessive costs added by discovery.

VII. PRELIMINARY RULINGS

The undersigned is most confused with the actual attorneys of record and the clients represented by them. It is requested the State Engineer inquire from all attorneys the following information:

- A. Attorney's name and mailing address.
- B. Name of attorney's clients.
- C. List of applications protested and corresponding client name.
- D. Precise water rights, together with legal descriptions thereof, claimed by the several indian tribes.

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The above information is requested for mailing purposes. As is readily apparent, it is certainly counter-productive for all attorneys to receive information pertaining to applications not protested by their clients.

VIII. OTHER

- A. Scheduling. It is respectfully requested the Virgin River applications be scheduled in the first week of November, 1992. All "one-time witnesses" will be called by the District at this time. It is believed that the procedure, outlined above, will save time and consequently funds for all parties. An example would be that individual employed by the District who would discuss the current conservation program.
- B. Order of Hearings. It is the request of the District that the hearings take place in the following order:
1. Virgin River.
 2. Spring, Snake and Patterson Valleys.
 3. Cave, Pahroc, Dry, Lake, Delamar, Garden, Coal, Coyote Springs, Hidden, Garnet and California Wash.
 4. Tikapoo (North and South) and Three Lakes (North and South).
 5. Railroad (North and South).

As mentioned above, the volume of water to be developed from each basin is as set forth on the attached sheet.

IX. PROCEDURE

It is requested that, at the first hearing involving mainly ground water hydrology (which is Spring, Snake and Patterson), the District will present the regional ground water flow for all basins, as set forth in VIII.B.2-5, above. In a similar fashion as the "one-time witnesses", this regional flow information will be utilized in conjunction with all subsequent hearings. Again, such procedure is suggested as a means of saving time and funds.

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X. LOCATION OF HEARINGS

Where possible, it is requested that the majority of the hearings be held in Las Vegas, Nevada. The District has no objections should a portion of the hearings be scheduled in White Pine County, Nye County or Carson City. Due to the lack of facilities, it is believed that hearings should not be held in Lincoln County.

Very truly yours,

HILL CASSAS & de LIPKAU


Ross E. de Lipkau

REd/lbe
02206.010

Table 5.--Cooperative Water Project Proposed Ground-Water Pumpage.

BASIN:	216	217	218	210	211	168	169	182	181	171	172	208	180	173	202	184	195	TOTAL
2007	2000	2000	2500	5000	5000	5000	3000											24500)
2008	2000	2000	2500	5000	5000	5000	3000											24500)
2009	2000	2000	2500	5000	5000	5000	3000											24500)
2010	2000	2000	2500	5000	5000	5000	3000											24500) PHASE 1
2011	2000	2000	2500	5000	5000	5000	3000											24500)
2012	2000	2000	2500	5000	5000	5000	3000											24500)
2013	2000	2000	2500	5000	5000	5000	3000											24500)
2014	2000	2000	2500	5000	5000	5000	3000											44500)
2015	2000	2000	2500	5000	5000	5000	3000											44500) PHASE 2
2016	2000	2000	2500	5000	5000	5000	3000											44500)
2017	2000	2000	2500	5000	5000	5000	3000											44500)
2018			2500	5000	5000	5000	3000											118000)
2019			2500	5000	5000	5000	3000											118000)
2020			2500	5000	5000	5000	3000											118000)
2021			2500	5000	5000	5000	3000											118000)
2022			2500	5000	5000	5000	3000											118000) PHASE 3
2023			2500	5000	5000	5000	3000											118000)
2024			2500	5000	5000	5000	3000											118000)
2025			2500	5000	5000	5000	3000											180800)
2026			2500	5000	5000	5000	3000											180800) PHASE 4

Does not include development of 70,000 ac-ft/year (60,000 ac-ft of surface water rights from the Virginia River and 10,000 ac-ft of ground water)