

Ken and Kathy Hill
550 Trout Creek Rd.
Wendover, UT 84083

September 30, 2010

Jason King, State Engineer
Division of Water Resources
901 Stewart St. Suite 2002
Carson City, NV 89701

Dear Mr. King,

Thank you for your willingness to listen and communicate with us regarding the contentious water issues surrounding the SNWA applications. We appreciate having information put on your website in a timely fashion. It certainly helps us as we struggle to learn how to be effective participants in the process.

We are Utah citizens and previously have not been active in Nevada issues. Removing water from Spring Valley and Snake Valley has the potential of greatly affecting our lives and so we believe an educated and active participation is the best way to ensure a better outcome in this debate.

I understand you will consider comments about your interpretation of the Supreme Court decision and your information sheet.

Notification

The issue is about fairness and allowing citizens to participate in processes that directly affect their lives. I don't believe this fundamental concept has been addressed satisfactorily.

- 1) Publishing notices in *Lincoln County Record* OR *Ely Daily Times* - this is not adequate noticing for citizens who will be affected by the decision. Notification should be advertised at least in all the counties affected.
- 2) A special effort needs to be made to also notify Utah citizens whose water rights may be affected by Snake Valley and Spring Valley water withdrawals.
- 3) Contact with original protestants - crying poor shouldn't excuse you - "we count every stamp" - from doing your job of re-noticing all protestants. So far, other organizations have worked more effectively to notify these protestants of their rights than has the SE office.

2010 Protests

When SNWA refiled duplicate water applications immediately after the Supreme Court ruling, it caused a lot of confusion. However, we didn't dare ignore those applications and encouraged many people to file protests. Your decision was not to allow those new protests to be transferred to the 1989 applications and not to refund the protest filing fee. There was no reason stated as the basis of determination and so your ruling feels "capricious and oppressive" to those of us who filed protests on those applications. Confusion continues to exist about the status, necessity, and handling of those applications. Moreover, your office received hard earned money from people who are struggling to survive and whose not only every stamp counts, but every crumb counts. Again, it seems unfair, causes undue hardship, and is not in the spirit of Judge Robison's ruling to refuse to apply the 2010 protests to the 1989 applications that were duplicated in 2010 – or to refund the money and void the protests if they don't count for anything.

Hearing Dates

While you are to be commended in setting up hearing dates a year in advance, the dates set for July through September make it very difficult for ranchers and farmers to attend. This is one of the busiest seasons of the year, and unlike some other professions, it is not possible to reschedule cropping until a more convenient time. It would be helpful to schedule hearings during the winter months when farming is not at its most critical time.

In the Utah-Nevada-SNWA agreements, the Nevada State Engineer's office is a key factor to insure fairness. The way your office initially proposed to handle the issues addressed above does not inspire a lot of confidence in Utah residents, among other protestants. We thank you for giving us opportunity to make comments. We hope they will be helpful in making fair and equitable decisions.

Sincerely,

Ken and Kathy Hill