

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

IN THE MATTER OF APPLICATIONS)	
53987 THROUGH 53992, INCLUSIVE,)	
AND 54003 THROUGH 54021,)	
INCLUSIVE, FILED TO APPROPRIATE)	
THE UNDERGROUND WATERS OF)	MILLARD AND JUAB COUNTIES'
SPRING VALLEY, CAVE VALLEY,)	MOTION TO SUBSTITUTE A WITNESS
DELAMAR VALLEY, AND DRY LAKE)	
VALLEY HYDROGRAPHIC BASINS)	(REQUEST FOR EXPEDITED DECISION)
(180, 181, 182 AND 184), LINCOLN)	
COUNTY AND WHITE PINE COUNTY,)	
NEVADA)	

Millard County, Utah and Juab County, Utah, through their undersigned counsel, submit this motion to substitute a witness, namely substitute Juab County resource specialist Glenn Greenhalgh in for Juab County Commissioner Chad Winn.

As indicated in Millard and Juab Counties' Initial Exhibit and Witness List, the undersigned had intended to call Juab County Commissioner Chad Winn as a witness on October 31, 2011 to testify "regarding Juab County's interest in monitoring and preserving groundwater levels in Snake Valley from unreasonable draw-down due to pumping in Spring Valley, as well protecting agricultural resources, grazing, vegetative, wildlife and air quality resources, and all of the resources identified for protection in the Area of Interest defined in the Nevada Engineer approved September 8, 2006 Stipulation for Withdrawal of Protests in the earlier prior Spring Valley hearing." Mr. Greenhalgh would address these very same matters, and only these matters, if allowed to testify, so there is no prejudice to SNWA or the other parties resulting from making proposed substitution. Moreover, Mr. Greenhalgh, with the benefit of his full time

position as a resource specialist for Juab County, is in a better position to advise the State Engineer about the matters identified for discussion.

The undersigned sent an e-mail October 19, 2011 to SNWA's counsel and all other counsel of record, cc'd to the Hearing Officer, advising of Millard and Juab Counties' wish to substitute Mr. Greenhalgh in for Commissioner Winn, and asking if the parties would stipulate to this substitution. On October 25th, SNWA's counsel advised in a reply e-mail that SNWA would not so stipulate but would object to such a request. SNWA's counsel did not contend that such a substitution would prejudice SNWA.

Motion

Accordingly, Millard and Juab Counties submit this formal motion to the State Engineer for leave to substitute Glenn Greenhalgh as a witness in the place of Commissioner Chad Winn, on the understanding that Mr. Greenhalgh will testify only to those matters to which Commissioner Winn was going to testify as identified in Millard and Juab Counties' Initial Witness and Exhibit List herein.

SNWA has been on notice since the date of Millard and Juab Counties' Initial Witness and Exhibit Exchange that a witness from Juab County would testify regarding Juab County's interest in monitoring and preserving groundwater levels in Snake Valley from unreasonable draw-down due to pumping in Spring Valley, as well protecting agricultural resources, grazing, vegetative, wildlife and air quality resources, and all of the resources identified for protection in the Area of Interest defined in the Nevada Engineer approved September 8, 2006 Stipulation for Withdrawal of Protests in the earlier prior Spring Valley hearing. The only difference here is that another Juab County than Chad Winn will so testify. Accordingly no prejudice will accrue to SNWA or the other parties by reason of this stipulation. No additional time burden will be

placed on the hearing schedule and the calendar of the Engineer's Office and the Hearing Officer as a result of this substitution. Mr. Greenhalgh is in a position to better advise the State Engineer as to the matters identified for discussion in the Initial Witness and Exhibit List. The Engineer's interests in a full and complete airing of the issues herein will be better served.

For these reasons the motion should be granted.

Request for Expedited Ruling

This motion is being served by e-mail to the Hearing Officer and all counsel of record, as well as by overnight courier (Fed Ex) to the Hearing Officer and counsel for SNWA Mr. Taggart. For obvious reasons, request is hereby made for expedited ruling on this motion given that Millard and Juab Counties' case will come on for presentation Monday October 31st

Respectfully submitted this 26th day of August, 2011.

/s/ J. Mark Ward
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CERTIFICATE OF SERVICE

On October 26, 2011, copies of the foregoing document were served upon all counsel of record via e-mail, and on October 26, 2011 copies of the foregoing document were on the Hearing Officer and SNWA's counsel via Federal Express Overnight Courier.

/s/ J. Mark Ward