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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
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August 8, 2017

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Re: SNWA Remand Hearing
August 8, 2017
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Re: In the Matter of Protested Applications 53987, 53988 (Cave Valley - Basin 180), 53989, 53990 (Dry Lake Valley - Basin 181), 53991, 53992 (Delamar Valley - Basin 182), and 54003 through 54021 (Spring Valley - Basin 184)

Ladies and Gentlemen:

As all seem to be in agreement regarding a time for public comment, please be informed the attached First Informational Statement was posted on the Nevada Division of Water Resources (NDWR) website this morning. Public comment will be taken the afternoon of Friday, September 29, 2017, and written public comment will be accepted until close of business Friday, October 20, 2017.

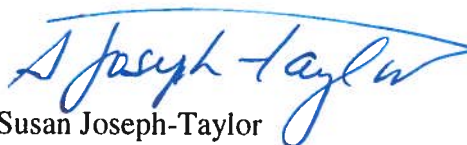
For your information, if you go to the NDWR website, under the "Hearings" tab, you can then click on "Past Hearings" and you will see that I have created a folder titled "Spring-Cave-Dry Lake and Delamar Valleys 2017." In that folder, you and any member of the public will find the information related to this hearing.

As to the SNWA's request of how the Protestants might present their witnesses, I will not be issuing an order as requested.

As to the SNWA's requested schedule for Motions in Limine, please be reminded that the motions practice is generally covered by NAC § 533.142, which provides a timeline for filing motions. However, NAC § 533.010 provides that where strict compliance is found to be impracticable or unnecessary, the State Engineer may permit for deviation from the provision of the hearing rules. In this instance, leaving only one week for review of any motions and responses and issuing an order is not practicable.

Any motions regarding this matter must be file-stamped in the Office of the State Engineer in Carson City and served by Friday, August 18, 2017. Any response is due to be file-stamped in the office by Monday, August 28, 2017, and any reply is due by Tuesday, September 5, 2017. I will attempt to have a written order issued as soon as possible, but that may also not be practicable if there are numerous motions filed.

Respectfully,



Susan Joseph-Taylor
Deputy Administrator
Hearing Officer

SJT/jm
Attachment



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August 8, 2017

FIRST
INFORMATIONAL STATEMENT

PUBLIC COMMENT
SOUTHERN NEVADA WATER AUTHORITY WATER RIGHT
APPLICATIONS HEARING ON REMAND

In the Matter of Protested Applications 53987, 53988 (Cave Valley - Basin 180), 53989, 53990 (Dry Lake Valley - Basin 181), 53991, 53992 (Delamar Valley - Basin 182), and 54003 through 54021 (Spring Valley - Basin 184)

Purpose of this Statement. The purpose of this statement is to provide the public with information on the submission of public comment regarding the remand to the State Engineer of Southern Nevada Water Authority (SNWA) water right applications in Spring, Cave, Dry Lake and Delamar valleys.

Background. By decision dated December 10, 2013, filed December 13, 2013, Judge Robert Estes, sitting for the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine, remanded the matter of Applications 53987 through 53992, inclusive, and Applications 54003 through 54021, inclusive, held in the name of the SNWA, to the State Engineer for further consideration.

The decision by Judge Estes remanded State Engineer's Ruling Nos. 6164, 6165, 6166 and 6167 concerning the granting of water rights to the SNWA in Spring, Cave, Dry Lake and Delamar valleys to the State Engineer for:

1. The addition of Millard and Juab counties, Utah in the mitigation plan so far as water basins in Utah are affected by pumping of water from Spring Valley Basin, Nevada.
2. A recalculation of water available from Spring Valley assuring that the basin will reach equilibrium between discharge and recharge in a reasonable time.
3. Defining standards, threshold or triggers so that mitigation of unreasonable effects from pumping of water are neither arbitrary nor capricious in Spring Valley, Cave Valley, Dry Lake Valley and Delamar Valley.
4. Recalculation of the appropriations from Cave Valley, Dry Lake Valley and Delamar Valley to avoid over appropriation or conflicts with down-gradient, existing water rights.

Please be informed. A time for oral public comment will be provided for on Friday, September 29, 2017, beginning at 1:00 p.m. and will be limited to three (3) minutes per person. Written public comment will be accepted in the Office of the State Engineer, 901 S. Stewart Street, Suite 2002, Carson City, Nevada, 89701 until 5:00 p.m., Friday, October 20, 2017, and must be limited to five (5) pages. Any written public comment should be directed to the attention of Susan Joseph-Taylor, Deputy Administrator. E-mails will not be accepted as written public comment. Anyone providing public comment is encouraged to limit their comments to the subjects on remand.

The hearing can be viewed over the internet at <http://www.leg.state.nv.us> under Live Meetings.

News media. Please contact JoAnn Kittrell, Department of Conservation and Natural Resources Communications Officer, (775) 684-2712 or jkittrell@dcnr.nv.gov for information.