

HOW TO FILE A PROTEST

The protest form is simple to fill out and can be obtained from either:

- the State Engineer's web site at: <http://water.nv.gov/Forms/forms09/protest09.pdf>;
- following the links on GBWN's web site: www.greatbasinwater.net; or
- emailing us at info@greatbasinwaternetwork.org or calling us at (775) 786-9955.

To figure out which applications would affect you the most and make the most sense for you to protest, go to the list of applications provided on GBWN's website at: www.greatbasinwater.net. Applications are listed by hydrographic basin.

The protest form only requires basic information identifying: you; which application you are protesting; and the reasons and grounds for your protest.

The protest form only has a small space for "reasons and grounds," so we recommend you write "See Attachment" in that space, and attach a statement of the reasons and grounds for your protest.

GBWN has prepared a sample protest attachment listing and explaining what we think are the primary reasons and grounds for protesting these applications for SNWA's massive Pipeline Project and Water Grab. You can request a copy of that sample protest attachment by emailing GBWN at info@greatbasinwaternetwork.org.

You can use this example as a guide when you write your own protest attachment. Or, if you prefer, you can simply attach a copy of the protest attachment prepared by GBWN.

You must file a separate protest for each application you intend to protest. You need to submit \$25.00 for each protest, payable to Nevada Division of Water Resources.

You need to submit two copies of each protest to the State Engineer, and each copy must bear an original signature that is notarized. (It's a good idea to keep a third copy for your own records.)

Mail or deliver your protests to either of these addresses:

State of Nevada	State of Nevada
Dept. of Conservation and Natural Resources	Dept. of Conservation and Natural Resources
Division of Water Resources	Division of Water Resources
901 South Stewart St., Suite 2002	400 Shadow Lane, Suite 201
Carson City, NV 89701	Las Vegas, NV 89106

Protest Deadline: 30 days after the last date of the application's publication. You can get information about protest deadlines for particular applications from GBWN's web site or the State Engineer (775-684-2800). The deadlines range from April 14 – April 23.

Please Note: Protests must be received physically by the State Engineer by the protest deadline. It's not enough to mail them by that date; you must ensure they actually get there by that date.

Need additional information? Go to www.greatbasinwater.net.

Have additional questions? Email GBWN at info@greatbasinwaternetwork.org.

PROTESTING THE SOUTHERN NEVADA WATER GRAB

Water Grab Background:

More than 20 years ago the Las Vegas Valley Water District (LVVWD) filed hundreds of applications seeking to appropriate hundreds of thousands of acre-feet of groundwater from many rural Nevada valleys. The plan was to build a vast network of giant wells and pipelines to suck all the water possible from these rural basins and pipe it down to southern Nevada to fuel growth in the greater Las Vegas area.

This massive Pipeline Project threatened the entire groundwater system that supports people's water rights, springs, plants, and animals throughout the Great Basin region. Because this Water Grab is premised on groundwater mining, it would permanently deplete eastern Nevada's and western Utah's extremely limited water resources, drying up springs and wells, killing off wildlife and livestock, and wiping out communities across the region. Meanwhile it would spur further unsustainable growth, negatively affect the quality of life in greater Las Vegas, and leave southern Nevada without a reliable long-term water supply.

In response, there was immediate widespread protest. But rather than allow a full vetting of the Project's merits and dangers at that time, the LVVWD transferred its water rights applications to the Southern Nevada Water Authority (SNWA), which sat on them for the better part of two decades. Then, a few years ago, SNWA began pressing aggressively to have the applications hastily approved while minimizing participation by protestants or other concerned citizens.

SNWA forced rushed hearings and the exclusion of many who had a right to participate. A group of those who were excluded, led by the Great Basin Water Network (GBWN), responded by filing a legal challenge to that flawed process. This January we won! The Nevada Supreme Court ordered the protest and hearing process on SNWA's applications to be re-opened or SNWA's applications to be entirely re-filed. SNWA immediately re-filed all of its applications for the Pipeline Project.

A New Opportunity To Protest and Participate:

This victory means people who did not have an opportunity to participate as protestants in the original hearings on SNWA's applications now have a chance to protest and participate fully in the State Engineer's new hearings on those applications. Nevada's water belongs to the public. So, you have the right to participate in the State Engineer's decisionmaking process.

The protest process is not difficult. There is a \$25.00 fee for each protest that is filed. You do not need a lawyer to file a protest. The protest deadline may be obtained either from the State Engineer's Office by calling (775) 786-9955, or from www.greatbasinwater.net.

GBWN knows that opposition to -SNWA's Water Grab is widespread, and we are here to help concerned citizens file protests and participate in the process.

For more information and assistance contact us at info@greatbasinwaternet.org.

Information You Should Include In a Protest:

When protesting an application, you should raise issues that would be grounds for denial of the application under Nevada water law. There are seven potential grounds for protest. First, Nevada water law provides that the State Engineer must reject an application if:

- 1) there is no unappropriated water at the proposed source of supply;
- 2) the application conflicts with existing water rights or interests in domestic wells; or
- 3) the proposed appropriation threatens to prove detrimental to the public interest (which includes causing unreasonable environmental harm).

So, those are the three most fundamental grounds for protesting an application. In addition, where water is being transferred out of basin, as with SNWA's applications, you can protest on any or all of the four following grounds:

- 4) the applicant has not justified the need to import water from another basin;
- 5) the applicant does not have an adequate, or reasonable, plan for conservation;
- 6) the proposed action would not be environmentally sound for the basin of origin;
- 7) the proposed action would unduly limit future growth and development in the basin from which the water is exported.

You do not need to include every one of these grounds, but you should strive to cover as many grounds as you think apply. You also do not need to include a lot of detailed information to support each ground, but you should include at least some explanation of the protest grounds you do assert.

GBWN has prepared an attachment that addresses several grounds for protest. Because the State Engineer's form is too short to fit any real explanation of your grounds for protest, you should attach an explanation like the one we have prepared. You may use the GBWN example as a guide for writing your own attachment, or you may attach the GBWN attachment to your protest.

You can obtain the GBWN example of a protest attachment by emailing us at: info@greatbasinwaternetnetwork.org.

**ATTACHMENT TO PROTEST OF _____ AGAINST
APPLICATION NO. _____, FILED _____,
BY THE SOUTHERN NEVADA WATER AUTHORITY**

This attachment lists and briefly describes the reasons and grounds for this protest of _____ (“Protestant”) against Application Number _____. The Southern Nevada Water Authority (“SNWA” or “Applicant”) has filed this Application to appropriate groundwater from _____ as part of its massive proposed network of wells and pipelines stretching across eastern Nevada from Clark County through Lincoln County and into White Pine County (the “Pipeline Project”).

- 1. There is insufficient water available in the proposed source of supply.
- 2. The application and proposed use would conflict with existing water rights and protectable interests in domestic and/or ranch production and/or municipal wells.
- 3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds and would be environmentally unsound as it relates to the proposed export basin:
 - Harm to wildlife and wildlife habitat:
 - Degradation of air quality:
 - Destruction of recreational and aesthetic values:
 - Degradation of water quality:
 - Degradation of cultural resources:
 - Harm to state parks and state and federal wildlife refuges
 - Harm to the Great Basin National Park including water, air, ecosystem, view shed, resources
- 4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit future growth and development in the basin from which the export is proposed:
 - Undue limitation of future economic activity and growth in the basin of origin:
 - Undue economic harm will extend to the economies and communities of downgradient hydrologically connected and downwind basins.
 - Loss of public lands grazing and forage
- 5. The proposed action is not an appropriate long-term use of Nevada’s water:
- 6. The Applicant has not justified the need to import water from another basin:
- 7. The Applicant has not implemented a sufficient conservation plan.
- 8. The Applicant has not demonstrated the good faith intent or financial ability and reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence.
 - Changed circumstances, uncertain intent, doubtful financing:
 - Failure to demonstrate ability to access land containing point of diversion.
- 9. Protestant reserves the right to amend this protest to include issues as they develop.
- 10. Protestant incorporates other protests to SNWA’s applications by reference.
- ADDITIONAL REASONS AND GROUNDS ON NEXT PAGE ⇨⇨⇨⇨⇨⇨⇨