IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

SOUTHERN NEVADA WATER AUTHORITY,

Appellant,

vs.

Case No. 84741

District Court Case
No. A816761

COYOTE SPRINGS INVESTMENT, LLC; APEX HOLDING COMPANY, LLC; NEVADA COGENERATION ASSOCIATES NOS. 1 AND 2; GEORGIA-PACIFIC GYPSUM, LLC; DRY LAKE WATER, LLC; REPUBLIC TECHNOLOGIES, INC.; LINCOLN COUNTY WATER DISTRICT; VIDLER WATER COMPANY, INC.; MUDDY VALLEY IRRIGATION COMPANY; THE CENTER FOR BIOLOGICAL DIVERSITY; SIERRA PACIFIC POWER COMPANY d/b/a/ NV ENERGY AND NEVADA POWER COMPANY d/b/a/ NV ENERGY; MOAPA VALLEY WATER DISTRICT; THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; CITY OF NORTH LAS VEGAS; WESTERN ELITE ENVIRONMENTAL, INC.; BEDROCK LIMITED, LLC; AND ADAM SULLIVAN, P.E., NEVADA STATE ENGINEER, DIVISION OF WATER RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,

Respondents.
_____/

LINCOLN COUNTY WATER DISTRICT AND VIDLER WATER COMPANY, INC. OPPOSITION TO SNWA'S EMERGENCY MOTION FOR STAY PENDING APPEAL

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certify that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the Court may evaluate possible disqualification or recusal.

1. Respondent, LINCOLN COUNTY WATER DISTRICT, is a political subdivision of the State of Nevada, created for the purpose of providing adequate and efficient water service within Lincoln County, Nevada.

2. Respondent, VIDLER WATER COMPANY, INC., is a Nevada corporation authorized to conduct business in the state of Nevada.

3. All parent corporations and publicly-held companies owning 10 percent or more of any of Respondent, Vidler Water Company, Inc.'s stock:

Vidler Water Company, Inc.'s parent company is D.R. Horton, Inc., a Delaware corporation and a publicly held company that owns 10% or more of Vidler Water Company, Inc.'s stock.

4. Names of all law firms whose attorneys have appeared for Respondents in this case:

Lincoln County District Attorney, Snell & Wilmer, L.L.P., Great Basin Law and Allison MacKenzie, Ltd. Snell & Wilmer, L.L.P. has been substituted out of this case and no longer represents any of the Respondents.

5. If any litigant is using a pseudonym, the litigant's true name:

Not applicable.

DATED this 8th day of June, 2022.

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Respondents, LINCOLN COUNTY WATER DISTRICT ("Lincoln") and VIDLER WATER COMPANY, INC. ("Vidler" and together "Respondents"), oppose the Emergency Motion for Stay Pending Appeal filed by Southern Nevada Water Authority ("SNWA") as well as the Joinders filed by the Center for Biological Diversity ("CBD") and Nevada State Engineer. This Opposition is based upon the following Memorandum of Points and Authorities, the Affidavit of Dorothy Timian-Palmer and exhibits filed herewith, and all the pleadings and papers on file in the matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction.

Lincoln and Vidler own water rights in the Kane Springs Hydrographic Basin which is located 22 miles away (as the crow flies) from the Muddy River and Moapa dace habitat. The State Engineer included Kane Springs in the combined seven basin Lower White River Flow System ("LWRFS") by Order 1309. Order 1309 was vacated by the district court. The district court denied SNWA's request for a stay pending appeal, determining SNWA had not shown any of the NRAP 8(c) factors supported its motion. SNWA APP MFS Vol. 2 at 235-236. The harm SNWA alleges, based solely on possible, future pumping in the LWRFS if no stay is granted, is purely speculative. The record in this case shows SNWA's Muddy River decreed rights are impacted, if at all, by *existing*

groundwater pumping from wells in close proximity to the Muddy River Springs Area hydrographic basin, the basin in which the Muddy River and Springs are located, not the Kane Springs basin located 22 miles away.

SNWA's argument of harm is twisted—if a stay is granted as requested by SNWA, current pumping by junior water rights holders can continue, pumping that SNWA acknowledges impairs its Muddy River decreed rights, under the guise of a Court-ordered stay. At the same time, other water right holders in the LWRFS with senior priorities in the basins where their rights were granted will not be allowed to use their water rights without **any** evidence pumping of their rights impacts the Muddy River or the Moapa dace. SNWA's speculative 30,000 afa potential pumping argument ignores the Memorandum of Agreement ("MOA") to which SNWA is a party, providing for voluntary curtailed pumping by certain water right holders in the LWRFS and ignores that SNWA owns approximately 11,205 afa (over one-third) of the 30,000 afa of water rights it seeks to stop pumping. RES CSI 000001-000035; State Engineer Exhibit 224 attached hereto as Exhibit 1. Finally, Respondents' water rights will continue to be unlawfully reprioritized in violation of Nevada law and their due process rights violated if the requested stay is granted pending SNWA's appeal. SNWA's Emergency Motion and CBD's and the State Engineer's Joinders should be denied; but if the Court were to consider granting the Emergency Motion, it should require security from

CBD pursuant to NRAP 8(a)(2)(E) in the minimum amount of $5,178,905.00. *See* NRS 20.037(1); Affidavit of Dorothy Timian-Palmer at ¶ 9 attached as Exhibit 2.

II. Argument.

None of the factors under NRAP 8(c) favor staying the district court's Order Vacating Order 1309.

A. The Object of the Appeal Will Not Be Defeated If the Stay Is Denied—Adequate Protection Currently Exists under Nevada's Comprehensive Statutory Scheme.

The object of SNWA's appeal is admittedly to protect senior water rights on the Muddy River and to protect the Moapa dace. Motion at 8. But SNWA fails to present any cogent argument or evidence that the senior water rights and Moapa dace could not be protected by other means that already exist in Nevada law. As the district court recognized, the "Nevada Legislature has adopted a comprehensive scheme that provides the framework for the State Engineer to administer surface water and groundwater." SNWA APP MFS Vol. 2 at 213:21-22. The comprehensive statutory scheme governing water rights in Nevada is still in force even with Order 1309 vacated, regardless of whether SNWA elects not to avail itself of the law. That statutory scheme already grants the State Engineer authority to, for example, designate a basin as an area of active management so that he can conduct "particularly close monitoring and regulation of the water supply because of heavy use of that supply." NRS 534.011. In fact, six of the

basins erroneously combined to create the LWRFS had already been designated under NRS 534.030, giving the State Engineer the tools to manage the water supply in those basins, including the ability to deal with over-appropriated basins. *See* SNWA APP MFS Vol. 2 at 195. Thus, without Order 1309, the State Engineer is empowered to curtail pumping of junior rights per basin to protect senior rights.

In the event any groundwater pumping, existing now or occurring in the future, actually affects SNWA's Muddy River rights, it has legal remedies available to it to stop junior water users from interfering with its rights both under statutes and the Muddy River Decree. But those remedies do not allow for a blanket cessation of pumping over an approximate 1,550 hundred square mile area where no specific evidence identifies the particular groundwater pumping that will interfere with senior rights as is the case here. There is no evidence, for example, that pumping existing groundwater permits in Kane Springs will have any effect on the Muddy River. SE ROA at 53087, 53223, 53277, 53359, 53581, 53627, 53674, and 53732 attached hereto as Exhibit 3. Likewise, SNWA acknowledged there was a lack of pumping responses from the Order 1169 pumping north of the Kane Springs Fault where the Lincoln/Vidler wells are located. SE ROA at 10162, 11686 attached hereto as Exhibit 3. Thus, SNWA's request for a stay of any further pumping in the LWRFS is not supported by SNWA's own technical analysis presented in this case and other evidence of record. Nevada's

comprehensive statutes and the Muddy River Decree already provide protection for senior water users. To the extent SNWA suffers any harm during an appeal, that harm will be the result of inaction by SNWA, not the district court's Order Vacating Order 1309.

Westside Charter cited by SNWA does not support its argument. In *Westside Charter Serv., Inc. v. Gray Line Tours of S. Nevada*, 99 Nev. 456, 459, 664 P.2d 351, 353 (1983), the Court noted it was "generally accepted that where an order of an administrative agency is appealed to a court, that agency may not act further on that matter until all questions raised by the appeal are finally resolved." However, the Court went on to state: "Operation of the rule is limited to situations where the exercise of administrative jurisdiction would conflict with the proper exercise of the court's jurisdiction. If there would be no conflict, then there would be no obstacle to the administrative agency exercising a continuing jurisdiction that may be conferred upon it by law." *Id*. Here, there would be no conflict with this appeal if the State Engineer took statutorily authorized action in a basin to protect senior rights. Nor is there any interference with this Court's jurisdiction over this appeal if SNWA sought to protect its Decree rights in the Decree court. *See e.g., U.S. v. Orr Water Ditch Co.*, 600 F.3d 1152, 1160 (9th Cir. 2010) (Decree protects decreed surface water rights from diminution resulting from State Engineer's allocation of groundwater rights). Thus, the object of

SNWA's appeal is not defeated if the requested stay is not granted.

B. SNWA Will Not Suffer Irreparable Harm If the Stay Is Denied.

With respect to irreparable harm, SNWA must demonstrate a "reasonable probability that real injury will occur if the" stay is not issued. *Hansen v. Eighth Jud. Dist. Ct. ex rel. Cty. of Clark*, 116 Nev. 650, 658, 6 P.3d 982, 987 (2000) (internal citation omitted). SNWA has not alleged or shown it is currently suffering any harm or that it suffered any real harm leading up to the issuance of Order 1309. SNWA has not alleged that its surface water rights have been reduced or will be reduced by future, unknown pumping—nor does SNWA provide any evidence in support of its Motion proving any such allegation.

Order 1309 recognized that all Muddy River decreed water right holders are getting their water under the Decree. RES CSI at 127. In fact, in a recent LWRFS meeting the State Engineer recognized that all parties under the Decree are currently getting their water and there is time to figure out how to manage the LWRFS so it does not reach a crisis level. *See* Exhibit 4, Ryan Hoerth Affidavit at ¶ 7 filed in the district court. There is no immediate and irreparable harm. The only harm alleged is speculative, future pumping that may or may not actually create any harm to SNWA or the dace, much less immediate and irreparable harm.

If any harm to senior rights or the Moapa dace is occurring, the source of that harm should be identified by SNWA specifically and addressed on a case-by-

case basis. SNWA seeks to have Order 1309 prohibit any additional groundwater development and pumping other than what is already occurring regardless of whether that development and pumping would cause any harm. As the district court noted, "A party's due process rights attach at the point at which a proceeding holds the *possibility* of curtailing water rights, and due process necessitates notice of that possibility to the party affected." SNWA APP MSF Vol. 2 at 218:18-19. A blanket pumping prohibition without any showing of harm does not satisfy due process requirements. SNWA is required to comply with due process requirements if alleging harm to the Moapa dace and to enforce its senior rights.

Finally, SNWA's own evidence of record shows any harm to senior water rights is the result of groundwater pumping proximate to the Muddy River Springs and not pumping in distal hydrographic basins such as Kane Springs. The district court recognized the State Engineer in Order 1309 did not analyze the "nuanced" impact of pumping based on proximity to the river. SNWA APP MSF Vol. 2 at 217, n. 68. SNWA acknowledges that current groundwater pumping proximate to the Muddy River depletes streamflow, but streamflow depletion was not readily detectable from measurements in other LWRFS groundwater basins. SE ROA at 42013 attached as Exhibit 3. *See also* Exhibit 4, Hoerth Affidavit at ¶¶ 4, 6 confirming SNWA's 1:1 correlation of impacts on Muddy River flows from recent groundwater pumping in the Muddy River Springs Area proximate to the Muddy

River.

Thus, SNWA knows the particular groundwater pumping that is impacting Muddy River flows but instead of addressing the problem, it continues to seek to shut off everyone else's pumping or senior rights in each basin through Order 1309 even though impacts cannot be shown or quantified.[1] A stay of the district court's Order Vacating Order 1309 is not warranted.

C. Lincoln and Vidler Will Continue to Suffer Irreparable Harm If the Stay Is Granted.

SNWA argues that water right holders such as Lincoln and Vidler will not suffer any harm because "any Respondents not currently pumping groundwater cannot claim any cognizable harm from the 8,000 afa pumping limit because the pumping limit was established to protect senior water rights and no water user is entitled to harm senior water rights under Nevada law." Motion at 12. In the same breath, SNWA argues that its water rights are "real property and that '[a]ny act which destroys or results in substantial change in property, either physically or in the character in which it has been held, does irreparable injury." Motion at 9 *citing* *Application of Filippini*, 66 Nev. 17, 22, 202 P.2d 535, 537 (1949). SNWA's

[1] As set forth in Exhibit 5 attached hereto, SNWA pays Moapa Valley Water District ("MVWD") $200,000 per year not to divert or use its Jones Spring water rights. Because Lincoln and Vidler have not yet received a full copy of the agreement and amendments, it is unclear how this agreement relates to MVWD's pumping of its Arrow Canyon wells, if at all. However, Exhibit 5 clearly demonstrates SNWA can address pumping that impacts the springs when it so desires and MVWD has numerous water sources for the provision of its municipal water.

argument ignores that Lincoln and Vidler's real property rights have been substantially and significantly altered by Order 1309. Although Lincoln, Vidler and Coyote Springs Investment, LLC ("CSI") hold the only permit in Kane Springs, they have never been able to pump or develop those rights because of Order 1309 and despite there being no evidence that pumping in Kane Springs would impact SNWA in any way. As the district court correctly noted, the erasure of boundaries of formerly separate hydrographic basins and blanket prohibition on pumping and development substantially altered the character of the water rights in Kane Springs. SNWA APP MSF Vol. 2 at 221-222. As the district court recognized, the harm to Lincoln and Vidler is substantial and ongoing both in the form of the inability to use or develop their property rights and in the form of violations of their due process rights. SNWA APP MSF Vol. 2 at 222-223. Any stay of the Order Vacating Order 1309 would only serve to exacerbate the harm it has already caused Respondents.

D. SNWA Has Not Shown It Is Likely to Succeed on the Merits—It Is Not Entitled to a Stay of the Order Vacating Order 1309.

SNWA spends over ten pages of its Motion arguing the merits of its legal arguments on appeal. Motion at 12-23. This is most likely because SNWA failed to argue before the district court it was likely to succeed on the merits of any appeal. SNWA has not shown how the district court's order was in error other than repeating its arguments rejected by the district court. SNWA has not pointed to any express

or implicit statutory authority allowing the State Engineer to manage multiple individual basins collectively as one administrative unit and to reprioritize the seniority of vested rights. The comprehensive statutory scheme enacted by the Nevada Legislature allows the State Engineer to manage and take action in ***a*** groundwater basin or any portion thereof, as deemed essential for the welfare of the area involved. *Wilson v. Pahrump Fair Water, LLC*, 481 P.3d 853, 856, 137 Nev. Adv. Op. 2 (2021) (The State Engineer's powers thereunder are limited to "only those ... which the legislature expressly or implicitly delegates."). The State Engineer "shall perform such duties as are or may be prescribed by law". *See* NRS 532.110. The Nevada Legislature has enacted a comprehensive statutory scheme outlined in NRS Chapters 532, 533 and 534 that regulates the procedures by which water rights may be acquired, changed, or lost. *See Wilson*, 481 P.3d at 859, 137 Nev. Adv. Op. at *3 (citing *Mineral Cty. v. Lyon Cty.*, 473 P.3d 418, 426, 136 Nev. Adv. Op. 58 (2020)). None of the arguments made by SNWA in its Motion authorize administration and management of a multi-basin unit or super-basin to reprioritize vested property rights.

Order 1309 will continue to harm Lincoln and Vidler. SNWA has the existing statutory scheme to protect it against any speculative future harm (not existing harm). The balance of equities favors Lincoln, Vidler, and the other Respondents. SNWA's Emergency Motion for Stay should be denied.

DATED this 8th day of June, 2022.

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CERTIFICATE OF SERVICE

Pursuant to NRAP 25(1)(c), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused the foregoing document to be served on all parties to this action by:

✓ Court's electronic notification system

as follows:

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DATED this 8th day of June, 2022.

/s/Casey Popovich
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TABLE OF EXHIBITS

Exhibit No.	Description	Pages
Exhibit 1	State Engineer Exhibit 224 State Engineer Record on Appeal ("SE ROA") 8215-8227 and chart Printed in landscape format	16
Exhibit 2	Affidavit of Dorothy Timian-Palmer	5
Exhibit 3	Excerpts of SE ROA and Respondents' Reply Brief in Case No. A816761	14
Exhibit 4	Affidavit of Ryan Hoerth filed in District Court on or about May 10, 2022	32
Exhibit 5	Public Document Response Vidler Received From Southern Nevada Water Authority on or about April 22, 2022	5

EXHIBIT 1

LWRFS GI

Basin	Permit	Priority Date	Cumulative Duty
Coyote Spring Valley	*85249	10/22/1919	109.80
Coyote Spring Valley	*85250	10/22/1919	343.00
Muddy River Springs Area	*50733	8/13/1947	413.00
Muddy River Springs Area	*50723	8/13/1947	501.00
Muddy River Springs Area	*50729	8/13/1947	621.00
Muddy River Springs Area	*50728	8/13/1947	779.00
Muddy River Springs Area	*50731	8/13/1947	1365.00
Muddy River Springs Area	*50732	8/13/1947	2295.00
Muddy River Springs Area	*29296	2/4/1948	2595.00
Muddy River Springs Area	38871	2/4/1948	2670.00
Muddy River Springs Area	*86209	4/20/1948	2684.01
Muddy River Springs Area	*82096	4/20/1948	2685.91
Muddy River Springs Area	*82097	4/20/1948	2688.80
Muddy River Springs Area	*77381	4/20/1948	2694.87
Muddy River Springs Area	*77382	4/20/1948	2704.09
Muddy River Springs Area	*71026	5/20/1948	2708.09
Muddy River Springs Area	*71344	5/20/1948	2714.15
Muddy River Springs Area	59257	5/20/1948	2729.15
Muddy River Springs Area	63504	5/20/1948	2744.15
Muddy River Springs Area	59256	5/20/1948	2773.03
Muddy River Springs Area	59253	5/20/1948	2816.90
Muddy River Springs Area	*24186	8/14/1948	3126.90
Muddy River Springs Area	*64840	10/7/1948	3146.70
Muddy River Springs Area	*50851	10/7/1948	3176.70
Muddy River Springs Area	*50275	10/7/1948	3209.58
Muddy River Springs Area	*22633	12/20/1948	3507.08
Muddy River Springs Area	*50724	10/4/1949	3669.63
Muddy River Springs Area	*22636	6/19/1952	3929.63
Muddy River Springs Area	*22632	6/19/1952	4244.63
Muddy River Springs Area	*22635	12/18/1958	4269.63
Garnet Valley	83553	7/24/1959	4272.63
Muddy River Springs Area	*50934	11/20/1959	4328.03
Muddy River Springs Area	18437	11/20/1959	4348.18
Muddy River Springs Area	21466	8/15/1963	4531.38
Muddy River Springs Area	*50730	4/28/1965	4556.38
Muddy River Springs Area	*50725	4/28/1965	4621.38
Muddy River Springs Area	*50727	4/28/1965	4681.38
Muddy River Springs Area	*50726	4/28/1965	4746.38
Muddy River Springs Area	27216	8/25/1965	4747.77
Muddy River Springs Area	22738	8/25/1965	4766.58
Muddy River Springs Area	*22949	2/2/1966	5199.58
Muddy River Springs Area	**22950	2/2/1966	5199.58
Muddy River Springs Area	**22951	2/2/1966	5199.58
Muddy River Springs Area	**22952	2/2/1966	5199.58

Muddy River Springs Area	**24185	2/2/1966	5199.58
Garnet Valley	*64880	7/24/1967	5333.39
Muddy River Springs Area	*25310	10/9/1969	5493.39
California Wash	26371	11/18/1969	5583.39
Muddy River Springs Area	*50272	7/7/1970	5682.90
Muddy River Springs Area	*50273	7/7/1970	5972.81
Muddy River Springs Area	*85156	7/7/1970	6294.98
Muddy River Springs Area	*29298	7/7/1970	6622.48
Muddy River Springs Area	*79068	7/7/1970	7055.18
Garnet Valley	*74399	7/20/1981	7129.75
Garnet Valley	*63261	10/20/1981	7229.75
Garnet Valley	*83715	10/20/1981	7266.75
Garnet Valley	*83714	10/20/1981	7423.75
Garnet Valley	63348	10/20/1981	7427.75
Garnet Valley	77745	10/20/1981	7437.77
Coyote Spring Valley	*74095	3/31/1983	7937.77
Coyote Spring Valley	*74094	3/31/1983	8937.77
Coyote Spring Valley	*70430	3/31/1983	10077.77
Coyote Spring Valley	*70429	3/31/1983	11577.77
Coyote Spring Valley	*70430R01	3/31/1983	12037.77
Coyote Spring Valley	*77292	3/31/1983	12437.77
Muddy River Springs Area	*46932	5/19/1983	13437.92
Coyote Spring Valley	**77293	9/27/1985	17437.92
Garnet Valley	**86961T	9/27/1985	17437.92
Garnet Valley	**86962T	9/27/1985	17437.92
Garnet Valley	**86959T	9/27/1985	17437.92
Garnet Valley	**86960T	9/27/1985	17437.92
Coyote Spring Valley	77164	12/30/1985	19937.92
Coyote Spring Valley	*77294	1/27/1986	20037.92
Coyote Spring Valley	**77295	1/27/1986	20037.92
Coyote Spring Valley	**77296	1/27/1986	20037.92
Muddy River Springs Area	**52520	4/14/1986	20037.92
Coyote Spring Valley	*77297	7/15/1986	24537.92
Coyote Spring Valley	**77298	7/15/1986	24537.92
Coyote Spring Valley	**77299	7/15/1986	24537.92
Coyote Spring Valley	**77300	7/15/1986	24537.92
Coyote Spring Valley	**77301	7/15/1986	24537.92
Coyote Spring Valley	**77302	7/15/1986	24537.92
Coyote Spring Valley	**77303	7/15/1986	24537.92
Coyote Spring Valley	**77304	7/15/1986	24537.92
Coyote Spring Valley	**77305	7/15/1986	24537.92
Coyote Spring Valley	**77306	7/15/1986	24537.92
Garnet Valley	56855	10/28/1986	24682.07
California Wash	**50559	2/2/1987	24682.07
California Wash	50558	2/2/1987	24711.04
California Wash	50560	2/2/1987	24740.01
Garnet Valley	*66784	3/6/1987	24896.85

Black Mountains Area	*68351	6/21/1988	25439.83
Garnet Valley	*83707	10/3/1988	25439.94
Garnet Valley	*83709	10/3/1988	25440.05
Garnet Valley	*83710	10/3/1988	25440.16
Garnet Valley	*83712	10/3/1988	25443.86
Garnet Valley	*83713	10/3/1988	25467.66
Garnet Valley	*83711	10/3/1988	25508.44
Garnet Valley	*83717	10/3/1988	25576.83
Garnet Valley	*83708	10/3/1988	25645.33
Garnet Valley	*83716	10/3/1988	25713.83
Black Mountains Area	*68350	10/18/1988	25833.27
Black Mountains Area	*68352	10/18/1988	25970.82
California Wash	75198	4/4/1989	25995.82
California Wash	*70257	10/17/1989	28495.82
California Wash	**70258	10/17/1989	28495.82
California Wash	**70259	10/17/1989	28495.82
Garnet Valley	**79002	10/17/1989	28495.82
Garnet Valley	**79003	10/17/1989	28495.82
Garnet Valley	**79004	10/17/1989	28495.82
Garnet Valley	**79005	10/17/1989	28495.82
Garnet Valley	**54073	10/17/1989	28495.82
Garnet Valley	**86967T	10/17/1989	28495.82
Garnet Valley	**86968T	10/17/1989	28495.82
Garnet Valley	**86969T	10/17/1989	28495.82
Garnet Valley	**83490	10/17/1989	28495.82
Garnet Valley	**86970T	10/17/1989	28495.82
Garnet Valley	**79001	10/17/1989	28495.82
Garnet Valley	**68822	10/17/1989	28495.82
Hidden Valley	*54074	10/17/1989	30695.82
Garnet Valley	*87169T	10/17/1989	30700.82
Black Mountains Area	*55269	10/30/1989	30796.82
Black Mountains Area	*58031	10/30/1989	31620.82
Black Mountains Area	*58032	9/13/1990	32365.82
Muddy River Springs Area	*55450	11/9/1990	34537.72
Black Mountains Area	*68353	12/10/1990	35129.78
California Wash	57441E	4/16/1992	35162.37
Muddy River Springs Area	*58269	10/27/1992	36248.31
Muddy River Springs Area	*66043	10/27/1992	38782.21
Muddy River Springs Area	61427	7/26/1995	38783.57
Garnet Valley	*81344	8/25/2000	38791.57
Garnet Valley	*72098	8/25/2000	38804.73
Garnet Valley	**79948	8/25/2000	38804.73
Garnet Valley	**66785	8/25/2000	38804.73
Garnet Valley	**77389	8/25/2000	38804.73
Muddy River Springs Area	*75161E	12/6/2006	39710.54
California Wash	**76643	1/18/2008	39710.54
Coyote Spring Valley	**77291	8/13/2008	39710.54

Garnet Valley	**79009	11/2/2009	39710.54
Garnet Valley	**79008	11/2/2009	39710.54
Garnet Valley	**79010	11/2/2009	39710.54
Garnet Valley	**79007	11/2/2009	39710.54
Garnet Valley	**79006	11/2/2009	39710.54
Garnet Valley	**86965T	11/2/2009	39710.54
Garnet Valley	**86964T	11/2/2009	39710.54
Garnet Valley	**86963T	11/2/2009	39710.54
Garnet Valley	**86966T	11/2/2009	39710.54
Muddy River Springs Area	**80843	5/9/2011	39710.54
Muddy River Springs Area	**80844	5/9/2011	39710.54
Muddy River Springs Area	**80845	5/9/2011	39710.54
Muddy River Springs Area	**80846	5/9/2011	39710.54
Muddy River Springs Area	*71766	7/21/2011	39731.83
Garnet Valley	**84041	7/1/2014	39731.83

ROUNDWATER RIGHTS BY PRIORITY

Owner of Record	Site ID	Point_X
BEDROC LIMITED LLC	210 S11 E62 24DB 1	679415.9657
BEDROC LIMITED LLC	210 S11 E62 24BA 2	678994.4984
LDS	219 S14 E65 16AACD1	704095.5619
LDS	219 S14 E65 15BBCA1	704511.1582
LDS	219 S14 E65 09CCBC1	702750.1662
LDS	219 S14 E65 09CCBC1	702750.1662
LDS	219 S14 E65 15BBCA1	704511.1582
LDS	219 S14 E65 16AACD1	704095.5619
NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054
EGTEDAR, ASCAR	219 S14 E65 23BBBB1	706035.1054
3335HILLSIDE LLC	219 S14 E65 22AADB1	705825.5606
CLOUD, MARY K	219 S14 E65 26ABDB1	707142.4168
CLOUD, MARY K	219 S14 E65 26ABDB1	707142.4168
WILLIAM O`DONNELL	219 S14 E65 09CACC1	703186.2268
WILLIAM O`DONNELL	219 S14 E65 09CACC1	703186.2268
PARSON, BILLY & LINDA	219 S14 E65 09DDCB1	703965.5489
PARSON, BILLY & LINDA	219 S14 E65 09DDCB1	703965.5489
BRUNDY, LARRY	219 S14 E65 23BC 1	706848.9150
KOLHOSS, KELLY	219 S14 E65 23BC 1	706848.9150
WHITMORE, DAN	219 S14 E65 23BC 1	706848.9150
LEAVITT, UTE	219 S14 E65 23BC 1	706848.9150
NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717
CLARK COUNTY	219 S14 E65 23BBCC1	706030.7904
CLARK COUNTY	219 S14 E65 23BBCC1	706030.7904
NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410
NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282
LDS	219 S14 E65 09CCBC1	702750.1662
NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240
NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035
NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808
TECHNICHROME	216 S19 E63 03ADDD1	686699.0151
NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410
COYOTE SPRINGS INVESTMENT LLC	219 S14 E65 09DDBC1	703956.0895
CASA DE WARM SPRINGS LLC	219 S14 E65 08DDBB1	702364.2688
LDS	219 S14 E65 09CCBC1	702750.1662
LDS	219 S14 E65 09CCBC1	702750.1662
LDS	219 S14 E65 09CCBC1	702750.1662
LDS	219 S14 E65 09CCBC1	702750.1662
UNITED STATES OF AMERICA	219 S14 E65 16DBCA1	703709.5266
DAVIS, DON J. & MARSHA L.	219 S14 E65 22AAAA1	706011.4762
NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808
NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282
NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240
NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035

NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717
CHEMICAL LIME COMPANY	216 S18 E63 23DCAA1	687749.4039
NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808
MOAPA VALLEY WATER COMPANY	218 S14 E65 25CACC1	708114.0324
NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410
NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410
NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035
NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054
NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410
NEVADA POWER COMPANY	216 S17 E64 21CBBD1	692929.6284
CHEMICAL LIME COMPANY OF ARIZONA	216 S18 E63 14AABD1	687940.1014
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19CDDD1	690548.1807
WESTERN MINING & MINERALS, INC.	216 S18 E63 13CAAA1	688913.2169
NORTH LAS VEGAS-CITY	216 S18 E63 16BBDA1	683730.5385
COYOTE SPRINGS INVESTMENT, LLC	210 S13 E63 05ABCC1	682369.2570
CLARK COUNTY COYOTE SPRINGS WATER RESOU	210 S13 E63 10DCCA1	685740.8682
COYOTE SPRINGS INVESTMENT, LLC	210 S13 E63 22DCAC1	686013.6601
CLARK COUNTY COYOTE SPRINGS WATER RESOU	210 S13 E63 23BAAB1	687044.5320
COYOTE SPRINGS INVESTMENT LLC		698483.4225
SNWA	210 S13 E63 26AAAA1	688052.7833
MOAPA VALLEY WATER DISTRICT	219 S13 E64 35DCAD1	697611.9410
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	216 S17 E64 21CBBD1	692929.6284
SNWA	216 S18 E63 15AACD1	686286.8792
SNWA	216 S18 E63 15AACC1	686199.6845
SNWA	216 S18 E63 05DACC1	683006.1888
NEVADA POWER COMPANY	210 S13 E63 26AABD1	687822.3216
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
SNWA	210 S13 E63 26AAAA1	688052.7833
GEORGIA PACIFIC CORPORATION	216 S18 E63 34ADAB1	686553.4551
NEVADA POWER COMPANY	218 S15 E66 05CDBD1	711550.4822
NEVADA POWER COMPANY	218 S15 E66 05CAAC1	711664.0427
NEVADA POWER COMPANY	218 S15 E66 05CAAC2	711722.0855
DRY LAKE WATER, LLC	216 S18 E63 27ACAD1	686222.2237

DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 07DDCB1	691041.8320
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 20BABA1	691936.0521
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 07DDCC1	691049.5420
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253
REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253
DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391
DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391
COYOTE SPRINGS INVESTMENT LLC	218 S14 E65 25CACC1	708114.0324
MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15ADAA1	696739.7747
MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15AAAA1	696714.7967
MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15AADA1	696725.6937
SNWA	216 S18 E63 05DACC1	683006.1888
SNWA	216 S17 E64 21CBBD1	692929.6284
SNWA	216 S18 E63 15AACD1	686286.8792
SNWA	216 S18 E63 15AACC1	686199.6845
SNWA	216 S17 E63 32CCCB1	681775.6464
SNWA	216 S18 E63 15AACC1	686199.6845
SNWA	216 S18 E63 15AACD1	686286.8792
SNWA	216 S17 E64 21CBBD1	692929.6284
SNWA	216 S18 E63 16BBDA1	683730.5385
SNWA	216 S18 E63 05DACC1	683006.1888
SNWA	216 S18 E63 05AADB1	683113.9361
SNWA	216 S18 E63 05AADB1	683113.9361
SNWA	217 S16 E62 25CCCA1	679695.7593
SNWA	216 S18 E63 02ABDC1	687567.3739
NEVADA COGENERATION ASSOCIATES #1	215 S19 E63 13DDBB1	689638.3166
NEVADA COGENERATION ASSOCIATES #1	215 S19 E63 13DAAB1	689868.6478
NEVADA COGENERATION ASSOCIATES	215 S19 E63 13DACA1	689795.9912
MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273
DRY LAKE WATER, LLC	215 S19 E63 13ABCB1	689282.7713
NDOT	218 S15 E66 02ACBB1	716776.0126
MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273
MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA2	701006.5335
S & R, INC.	219 S14 E65 09CDCB1	703172.6426
DRY LAKE WATER. LLC	216 S18 E63 13CDBC1	688657.6070
DRY LAKE WATER, LLC	216 S18 E63 13CDBC1	688657.6070
DRY LAKE WATER LLC	216 S18 E63 13CDBC1	688657.6070
DRY LAKE WATER, LLC	216 S17 E63 32AABA1	682983.9731
DRY LAKE WATER, LLC	216 S18 E63 33DBBA1	684409.0599
NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054
MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 23BCAA1	697235.0499
SNWA	210 S13 E63 23BAAB1	687044.5320

SNWA	216 S18 E63 15AACD1	686286.8792
SNWA	216 S17 E64 21CBBD1	692929.6284
SNWA	216 S18 E63 15AACC1	686199.6845
SNWA	216 S18 E63 05DACC1	683006.1888
SNWA	216 S18 E63 05AADB1	683113.9361
SNWA	216 S17 E64 21CBBD1	692929.6284
SNWA	216 S18 E63 15AACD1	686286.8792
SNWA	216 S18 E63 15AACC1	686199.6845
SNWA	216 S18 E63 05DACC1	683006.1888
NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808
NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282
NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717
NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240
3335HILLSIDE, LLC	219 S14 E65 22AADB1	705825.5606
DRY LAKE WATER LLC	216 S18 E63 13CDBC1	688657.6070

Point_Y	Cumulative Pumpage
4094155.3445	109.8
4094392.7286	559.57
4066521.4015	559.57
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4067033.8615	702.72
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4065282.4873	887.42
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4065020.3597	912.53
4063384.2923	912.53
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4067288.9011	914.82
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4067590.8058	1050.63
4067454.9929	1184.71
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4022256.9150	1184.71
4065219.3765	1200.82
4067072.3977	1201.82
4067147.2938	1201.82
4067033.8615	1201.82
4067033.8615	1201.82
4067033.8615	1201.82
4067033.8615	1201.82
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4065250.8849	1220.81
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4067932.7250	9004.1
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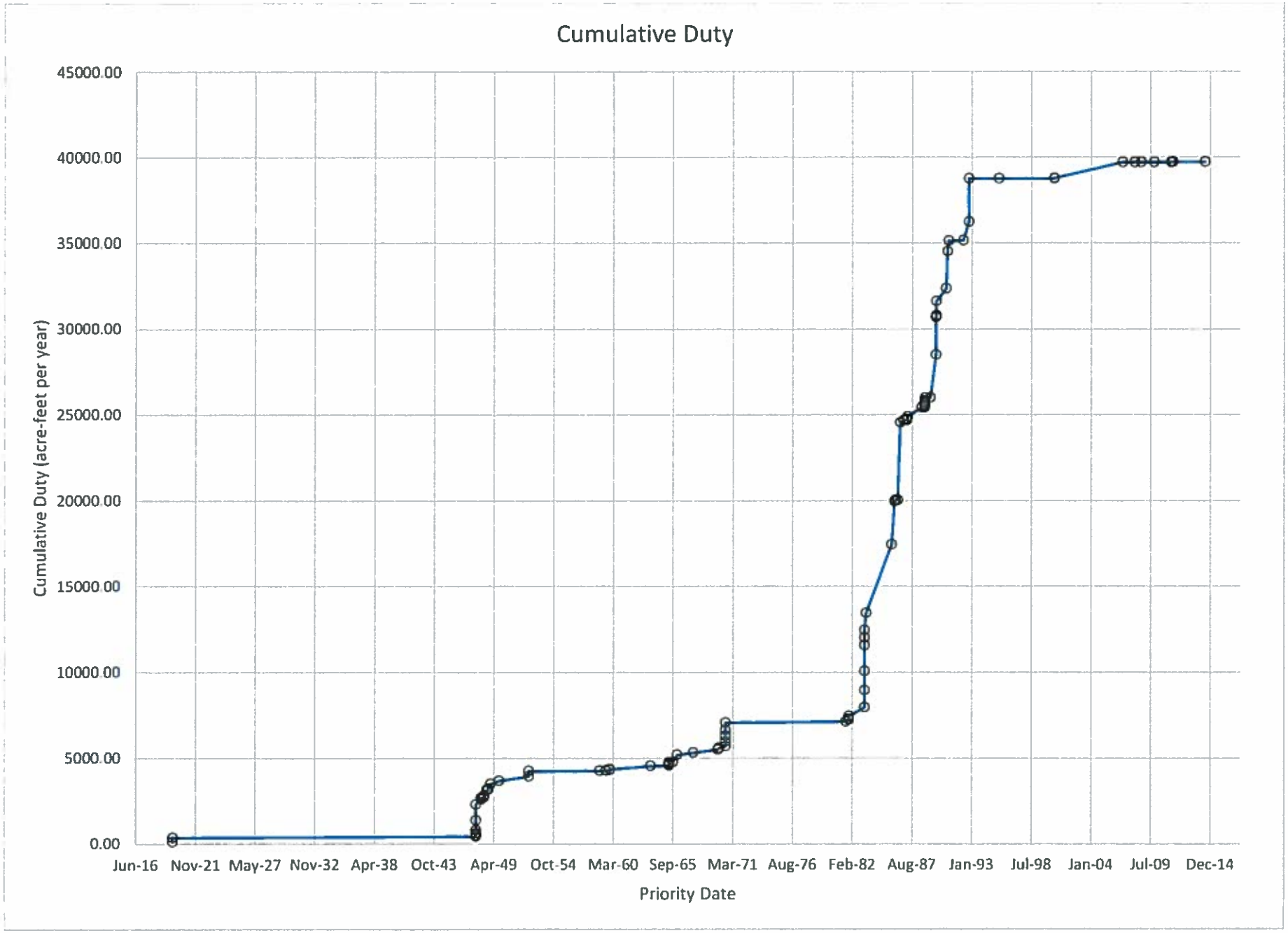
Cumulative Duty
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40000.00
35000.00
30000.00
25000.00
20000.00
15000.00
10000.00
5000.00
0.00
Cumulative Duty (acre-feet per year)
Jun-16
Nov-21
May-27
Nov-32
Apr-38
Oct-43
Apr-49
Oct-54
Mar-60
Sep-65
Mar-71
Aug-76
Feb-82
Aug-87
Jan-93
Jul-98
Jan-04
Jul-09
Dec-14
Priority Date

LWRFS GROUNDWATER RIGHTS BY PRIORITY

Basin	Permit	Priority Date	Cumulative Duty	Owner of Record	Site ID	Point_X	Point_Y	Cumulative Pumpage
Coyote Spring Valley	*85249	10/22/1919	109.80	BEDROC LIMITED LLC	210 S11 E62 24DB 1	679415.9657	4094155.3445	109.8
Coyote Spring Valley	*85250	10/22/1919	343.00	BEDROC LIMITED LLC	210 S11 E62 24BA 2	678994.4984	4094392.7286	559.57
Muddy River Springs Area	*50733	8/13/1947	413.00	LDS	219 S14 E65 16AACD1	704095.5619	4066521.4015	559.57
Muddy River Springs Area	*50723	8/13/1947	501.00	LDS	219 S14 E65 15BBCA1	704511.1582	4066640.5300	647.57
Muddy River Springs Area	*50729	8/13/1947	621.00	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	702.72
Muddy River Springs Area	*50728	8/13/1947	779.00	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	702.72
Muddy River Springs Area	*50731	8/13/1947	1365.00	LDS	219 S14 E65 15BBCA1	704511.1582	4066640.5300	799.16
Muddy River Springs Area	*50732	8/13/1947	2295.00	LDS	219 S14 E65 16AACD1	704095.5619	4066521.4015	799.16
Muddy River Springs Area	*29296	2/4/1948	2595.00	NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054	4065282.4873	887.42
Muddy River Springs Area	38871	2/4/1948	2670.00	EGTEDAR, ASCAR	219 S14 E65 23BBBB1	706035.1054	4065282.4873	898.52
Muddy River Springs Area	*86209	4/20/1948	2684.01	3335HILLSIDE LLC	219 S14 E65 22AADB1	705825.5606	4065020.3597	912.53
Muddy River Springs Area	*82096	4/20/1948	2685.91	CLOUD, MARY K	219 S14 E65 26ABDB1	707142.4168	4063384.2923	912.53
Muddy River Springs Area	*82097	4/20/1948	2688.80	CLOUD, MARY K	219 S14 E65 26ABDB1	707142.4168	4063384.2923	914.82
Muddy River Springs Area	*77381	4/20/1948	2694.87	WILLIAM O'DONNELL	219 S14 E65 09CACC1	703186.2268	4067288.9011	914.82
Muddy River Springs Area	*77382	4/20/1948	2704.09	WILLIAM O'DONNELL	219 S14 E65 09CACC1	703186.2268	4067288.9011	914.82
Muddy River Springs Area	*71026	5/20/1948	2708.09	PARSON, BILLY & LINDA	219 S14 E65 09DDCB1	703965.5489	4067009.9677	928.09
Muddy River Springs Area	*71344	5/20/1948	2714.15	PARSON, BILLY & LINDA	219 S14 E65 09DDCB1	703965.5489	4067009.9677	928.09
Muddy River Springs Area	59257	5/20/1948	2729.15	BRUNDY, LARRY	219 S14 E65 23BC 1	706848.9150	4064680.1319	937.63
Muddy River Springs Area	63504	5/20/1948	2744.15	KOLHOSS, KELLY	219 S14 E65 23BC 1	706848.9150	4064680.1319	947.17
Muddy River Springs Area	59256	5/20/1948	2773.03	WHITMORE, DAN	219 S14 E65 23BC 1	706848.9150	4064680.1319	965.54
Muddy River Springs Area	59253	5/20/1948	2816.90	LEAVITT, UTE	219 S14 E65 23BC 1	706848.9150	4064680.1319	993.5
Muddy River Springs Area	*24186	8/14/1948	3126.90	NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717	4068024.8452	993.5
Muddy River Springs Area	*64840	10/7/1948	3146.70	CLARK COUNTY	219 S14 E65 23BBCC1	706030.7904	4064970.0930	993.54
Muddy River Springs Area	*50851	10/7/1948	3176.70	CLARK COUNTY	219 S14 E65 23BBCC1	706030.7904	4064970.0930	993.54
Muddy River Springs Area	*50275	10/7/1948	3209.58	NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410	4065219.3765	1048.54
Muddy River Springs Area	*22633	12/20/1948	3507.08	NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282	4067932.7250	1048.54
Muddy River Springs Area	*50724	10/4/1949	3669.63	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	1048.54
Muddy River Springs Area	*22636	6/19/1952	3929.63	NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240	4067590.8058	1050.63
Muddy River Springs Area	*22632	6/19/1952	4244.63	NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035	4067454.9929	1184.71
Muddy River Springs Area	*22635	12/18/1958	4269.63	NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808	4067948.5427	1184.71
Garnet Valley	83553	7/24/1959	4272.63	TECHNICHROME	216 S19 E63 03ADDD1	686699.0151	4022256.9150	1184.71
Muddy River Springs Area	*50934	11/20/1959	4328.03	NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410	4065219.3765	1200.82
Muddy River Springs Area	18437	11/20/1959	4348.18	COYOTE SPRINGS INVESTMENT LLC	219 S14 E65 09DDBC1	703956.0895	4067072.3977	1201.82
Muddy River Springs Area	21466	8/15/1963	4531.38	CASA DE WARM SPRINGS LLC	219 S14 E65 08DDBB1	702364.2688	4067147.2938	1201.82
Muddy River Springs Area	*50730	4/28/1965	4556.38	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	1201.82
Muddy River Springs Area	*50725	4/28/1965	4621.38	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	1201.82
Muddy River Springs Area	*50727	4/28/1965	4681.38	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	1201.82
Muddy River Springs Area	*50726	4/28/1965	4746.38	LDS	219 S14 E65 09CCBC1	702750.1662	4067033.8615	1201.82
Muddy River Springs Area	27216	8/25/1965	4747.77	UNITED STATES OF AMERICA	219 S14 E65 16DBCA1	703709.5266	4065736.8549	1202
Muddy River Springs Area	22738	8/25/1965	4766.58	DAVIS, DON J. & MARSHA L.	219 S14 E65 22AAAA1	706011.4762	4065250.8849	1220.81
Muddy River Springs Area	*22949	2/2/1966	5199.58	NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808	4067948.5427	1220.81
Muddy River Springs Area	**22950	2/2/1966	5199.58	NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282	4067932.7250	1220.81
Muddy River Springs Area	**22951	2/2/1966	5199.58	NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240	4067590.8058	1220.81
Muddy River Springs Area	**22952	2/2/1966	5199.58	NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035	4067454.9929	1220.81
Muddy River Springs Area	**24185	2/2/1966	5199.58	NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717	4068024.8452	1220.81
Garnet Valley	*64880	7/24/1967	5333.39	CHEMICAL LIME COMPANY	216 S18 E63 23DCAA1	687749.4039	4026563.1051	1337.98
Muddy River Springs Area	*25310	10/9/1969	5493.39	NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808	4067948.5427	1337.98
California Wash	26371	11/18/1969	5583.39	MOAPA VALLEY WATER COMPANY	218 S14 E65 25CACC1	708114.0324	4062500.2439	1337.98
Muddy River Springs Area	*50272	7/7/1970	5682.90	NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410	4065219.3765	1337.98

Muddy River Springs Area	*50273	7/7/1970	5972.81	NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410	4065219.3765	1337.98
Muddy River Springs Area	*85156	7/7/1970	6294.98	NEVADA POWER COMPANY	219 S14 E65 08DBAC1	702155.9035	4067454.9929	1337.98
Muddy River Springs Area	*29298	7/7/1970	6622.48	NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054	4065282.4873	1337.98
Muddy River Springs Area	*79068	7/7/1970	7055.18	NEVADA POWER COMPANY	219 S14 E65 22AABB2	705691.1410	4065219.3765	1337.98
Garnet Valley	*74399	7/20/1981	7129.75	NEVADA POWER COMPANY	216 S17 E64 21CBBD1	692929.6284	4036640.5845	1412.55
Garnet Valley	*63261	10/20/1981	7229.75	CHEMICAL LIME COMPANY OF ARIZONA	216 S18 E63 14AABD1	687940.1014	4029331.4899	1468.16
Garnet Valley	*83715	10/20/1981	7266.75	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344	4027891.3828	1468.16
Garnet Valley	*83714	10/20/1981	7423.75	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19CDDD1	690548.1807	4026323.6426	1677.46
Garnet Valley	63348	10/20/1981	7427.75	WESTERN MINING & MINERALS, INC.	216 S18 E63 13CAAA1	688913.2169	4028689.4695	1680.17
Garnet Valley	77745	10/20/1981	7437.77	NORTH LAS VEGAS-CITY	216 S18 E63 16BBDA1	683730.5385	4029131.0666	1690.19
Coyote Spring Valley	*74095	3/31/1983	7937.77	COYOTE SPRINGS INVESTMENT, LLC	210 S13 E63 05ABCC1	682369.2570	4080197.2087	1862.97
Coyote Spring Valley	*74094	3/31/1983	8937.77	CLARK COUNTY COYOTE SPRINGS WATER RESOU	210 S13 E63 10DCCA1	685740.8682	4077522.4954	1862.97
Coyote Spring Valley	*70430	3/31/1983	10077.77	COYOTE SPRINGS INVESTMENT, LLC	210 S13 E63 22DCAC1	686013.6601	4074489.4012	1862.97
Coyote Spring Valley	*70429	3/31/1983	11577.77	CLARK COUNTY COYOTE SPRINGS WATER RESOU	210 S13 E63 23BAAB1	687044.5320	4075918.1384	3089.61
Coyote Spring Valley	*70430R01	3/31/1983	12037.77	COYOTE SPRINGS INVESTMENT LLC		698483.4225	4047043.1351	3089.61
Coyote Spring Valley	*77292	3/31/1983	12437.77	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	3089.61
Muddy River Springs Area	*46932	5/19/1983	13437.92	MOAPA VALLEY WATER DISTRICT	219 S13 E64 35DCAD1	697611.9410	4072626.9464	3089.61
Coyote Spring Valley	**77293	9/27/1985	17437.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	3089.61
Garnet Valley	**86961T	9/27/1985	17437.92	SNWA	216 S17 E64 21CBBD1	692929.6284	4036640.5845	3306.99
Garnet Valley	**86962T	9/27/1985	17437.92	SNWA	216 S18 E63 15AACD1	686286.8792	4029102.7666	3306.99
Garnet Valley	**86959T	9/27/1985	17437.92	SNWA	216 S18 E63 15AACC1	686199.6845	4029096.3670	3306.99
Garnet Valley	**86960T	9/27/1985	17437.92	SNWA	216 S18 E63 05DACC1	683006.1888	4031432.9291	3306.99
Coyote Spring Valley	77164	12/30/1985	19937.92	NEVADA POWER COMPANY	210 S13 E63 26AABD1	687822.3216	4074113.8759	3306.99
Coyote Spring Valley	*77294	1/27/1986	20037.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	3306.99
Coyote Spring Valley	**77295	1/27/1986	20037.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	3306.99
Coyote Spring Valley	**77296	1/27/1986	20037.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	3306.99
Muddy River Springs Area	**52520	4/14/1986	20037.92	MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273	4067723.5524	4754.92
Coyote Spring Valley	*77297	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77298	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77299	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77300	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77301	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77302	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77303	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77304	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77305	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Coyote Spring Valley	**77306	7/15/1986	24537.92	SNWA	210 S13 E63 26AAAA1	688052.7833	4074215.0598	4754.92
Garnet Valley	56855	10/28/1986	24682.07	GEORGIA PACIFIC CORPORATION	216 S18 E63 34ADAB1	686553.4551	4024116.3877	4849.19
California Wash	**50559	2/2/1987	24682.07	NEVADA POWER COMPANY	218 S15 E66 05CDBD1	711550.4822	4059197.7252	4878.16
California Wash	50558	2/2/1987	24711.04	NEVADA POWER COMPANY	218 S15 E66 05CAAC1	711664.0427	4059599.3015	4878.16
California Wash	50560	2/2/1987	24740.01	NEVADA POWER COMPANY	218 S15 E66 05CAAC2	711722.0855	4059554.0618	4878.16
Garnet Valley	*66784	3/6/1987	24896.85	DRY LAKE WATER, LLC	216 S18 E63 27ACAD1	686222.2237	4025684.1661	4878.16
Black Mountains Area	*68351	6/21/1988	25439.83	DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391	4019495.5289	4878.16
Garnet Valley	*83707	10/3/1988	25439.94	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253	4028853.4838	4878.16
Garnet Valley	*83709	10/3/1988	25440.05	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 07DDCB1	691041.8320	4029705.9044	4878.16
Garnet Valley	*83710	10/3/1988	25440.16	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 20BABA1	691936.0521	4027937.3892	4878.16
Garnet Valley	*83712	10/3/1988	25443.86	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344	4027891.3828	4878.16
Garnet Valley	*83713	10/3/1988	25467.66	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344	4027891.3828	4878.16
Garnet Valley	*83711	10/3/1988	25508.44	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 19ABBB1	690679.3344	4027891.3828	4878.16
Garnet Valley	*83717	10/3/1988	25576.83	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 07DDCC1	691049.5420	4029631.0735	5149.23
Garnet Valley	*83708	10/3/1988	25645.33	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253	4028853.4838	5217.22
Garnet Valley	*83716	10/3/1988	25713.83	REPUBLIC ENVIRONMENTAL TECHNOLOGIES INC	216 S18 E64 18ACDB1	690780.0253	4028853.4838	5217.22

Black Mountains Area	*68350	10/18/1988	25833.27	DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391	4019495.5289	5217.22
Black Mountains Area	*68352	10/18/1988	25970.82	DRY LAKE WATER, LLC	215 S19 E63 13AADD1	689940.2391	4019495.5289	5217.22
California Wash	75198	4/4/1989	25995.82	COYOTE SPRINGS INVESTMENT LLC	218 S14 E65 25CACC1	708114.0324	4062500.2439	5217.22
California Wash	*70257	10/17/1989	28495.82	MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15ADAA1	696739.7747	4046589.7362	5230.04
California Wash	**70258	10/17/1989	28495.82	MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15AAAA1	696714.7967	4046982.5488	5230.04
California Wash	**70259	10/17/1989	28495.82	MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 15AADA1	696725.6937	4046740.6346	5230.04
Garnet Valley	**79002	10/17/1989	28495.82	SNWA	216 S18 E63 05DACC1	683006.1888	4031432.9291	5230.04
Garnet Valley	**79003	10/17/1989	28495.82	SNWA	216 S17 E64 21CBBD1	692929.6284	4036640.5845	5230.04
Garnet Valley	**79004	10/17/1989	28495.82	SNWA	216 S18 E63 15AACD1	686286.8792	4029102.7666	5463.37
Garnet Valley	**79005	10/17/1989	28495.82	SNWA	216 S18 E63 15AACC1	686199.6845	4029096.3670	5693.71
Garnet Valley	**54073	10/17/1989	28495.82	SNWA	216 S17 E63 32CCCB1	681775.6464	4032732.5766	5693.71
Garnet Valley	**86967T	10/17/1989	28495.82	SNWA	216 S18 E63 15AACC1	686199.6845	4029096.3670	5693.71
Garnet Valley	**86968T	10/17/1989	28495.82	SNWA	216 S18 E63 15AACD1	686286.8792	4029102.7666	5693.71
Garnet Valley	**86969T	10/17/1989	28495.82	SNWA	216 S17 E64 21CBBD1	692929.6284	4036640.5845	5693.71
Garnet Valley	**83490	10/17/1989	28495.82	SNWA	216 S18 E63 16BBDA1	683730.5385	4029131.0666	5711.21
Garnet Valley	**86970T	10/17/1989	28495.82	SNWA	216 S18 E63 05DACC1	683006.1888	4031432.9291	5711.21
Garnet Valley	**79001	10/17/1989	28495.82	SNWA	216 S18 E63 05AADB1	683113.9361	4032318.8655	5711.21
Garnet Valley	**68822	10/17/1989	28495.82	SNWA	216 S18 E63 05AADB1	683113.9361	4032318.8655	6061.21
Hidden Valley	*54074	10/17/1989	30695.82	SNWA	217 S16 E62 25CCCA1	679695.7593	4042080.5675	6061.21
Garnet Valley	*87169T	10/17/1989	30700.82	SNWA	216 S18 E63 02ABDC1	687567.3739	4032304.2840	6061.21
Black Mountains Area	*55269	10/30/1989	30796.82	NEVADA COGENERATION ASSOCIATES #1	215 S19 E63 13DDBB1	689638.3166	4018606.637	6094.26
Black Mountains Area	*58031	10/30/1989	31620.82	NEVADA COGENERATION ASSOCIATES #1	215 S19 E63 13DAAB1	689868.6478	4019007.699	6928.98
Black Mountains Area	*58032	9/13/1990	32365.82	NEVADA COGENERATION ASSOCIATES	215 S19 E63 13DACA1	689795.9912	4018835.089	7568.52
Muddy River Springs Area	*55450	11/9/1990	34537.72	MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273	4067723.5524	8582.28
Black Mountains Area	*68353	12/10/1990	35129.78	DRY LAKE WATER, LLC	215 S19 E63 13ABCB1	689282.7713	4019608.6656	8944.07
California Wash	57441E	4/16/1992	35162.37	NDOT	218 S15 E66 02ACBB1	716776.0126	4060136.8039	8582.28
Muddy River Springs Area	*58269	10/27/1992	36248.31	MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA1	701053.8273	4067723.5524	8582.28
Muddy River Springs Area	*66043	10/27/1992	38782.21	MOAPA VALLEY WATER DISTRICT	219 S14 E65 07ADDA2	701006.5335	4067733.9277	8944.07
Muddy River Springs Area	61427	7/26/1995	38783.57	S & R, INC.	219 S14 E65 09CDCB1	703172.6426	4066936.1863	8944.07
Garnet Valley	*81344	8/25/2000	38791.57	DRY LAKE WATER. LLC	216 S18 E63 13CDBC1	688657.6070	4028092.7416	8952.07
Garnet Valley	*72098	8/25/2000	38804.73	DRY LAKE WATER, LLC	216 S18 E63 13CDBC1	688657.6070	4028092.7416	8965.07
Garnet Valley	**79948	8/25/2000	38804.73	DRY LAKE WATER LLC	216 S18 E63 13CDBC1	688657.6070	4028092.7416	8974.04
Garnet Valley	**66785	8/25/2000	38804.73	DRY LAKE WATER, LLC	216 S17 E63 32AABA1	682983.9731	4034139.7370	8974.04
Garnet Valley	**77389	8/25/2000	38804.73	DRY LAKE WATER, LLC	216 S18 E63 33DBBA1	684409.0599	4023668.2210	8974.04
Muddy River Springs Area	*75161E	12/6/2006	39710.54	NEVADA POWER COMPANY	219 S14 E65 23BBBB1	706035.1054	4065282.4873	8974.04
California Wash	**76643	1/18/2008	39710.54	MOAPA BAND OF PAIUTE INDIANS	218 S16 E64 23BCAA1	697235.0499	4044981.8868	9004.1
Coyote Spring Valley	**77291	8/13/2008	39710.54	SNWA	210 S13 E63 23BAAB1	687044.5320	4075918.1384	9004.1
Garnet Valley	**79009	11/2/2009	39710.54	SNWA	216 S18 E63 15AACD1	686286.8792	4029102.7666	9004.1
Garnet Valley	**79008	11/2/2009	39710.54	SNWA	216 S17 E64 21CBBD1	692929.6284	4036640.5845	9004.1
Garnet Valley	**79010	11/2/2009	39710.54	SNWA	216 S18 E63 15AACC1	686199.6845	4029096.3670	9004.1
Garnet Valley	**79007	11/2/2009	39710.54	SNWA	216 S18 E63 05DACC1	683006.1888	4031432.9291	9004.1
Garnet Valley	**79006	11/2/2009	39710.54	SNWA	216 S18 E63 05AADB1	683113.9361	4032318.8655	9004.1
Garnet Valley	**86965T	11/2/2009	39710.54	SNWA	216 S17 E64 21CBBD1	692929.6284	4036640.5845	9004.1
Garnet Valley	**86964T	11/2/2009	39710.54	SNWA	216 S18 E63 15AACD1	686286.8792	4029102.7666	9004.1
Garnet Valley	**86963T	11/2/2009	39710.54	SNWA	216 S18 E63 15AACC1	686199.6845	4029096.3670	9004.1
Garnet Valley	**86966T	11/2/2009	39710.54	SNWA	216 S18 E63 05DACC1	683006.1888	4031432.9291	9004.1
Muddy River Springs Area	**80843	5/9/2011	39710.54	NEVADA POWER COMPANY	219 S14 E65 08ADBB1	702327.3808	4067948.5427	9004.1
Muddy River Springs Area	**80844	5/9/2011	39710.54	NEVADA POWER COMPANY	219 S14 E65 08AC 2	701911.5282	4067932.7250	9004.1
Muddy River Springs Area	**80845	5/9/2011	39710.54	NEVADA POWER COMPANY	219 S14 E65 08AB 1	702141.1717	4068024.8452	9004.1
Muddy River Springs Area	**80846	5/9/2011	39710.54	NEVADA POWER COMPANY	219 S14 E65 08DB 2	701994.2240	4067590.8058	9004.1
Muddy River Springs Area	*71766	7/21/2011	39731.83	3335HILLSIDE, LLC	219 S14 E65 22AADB1	705825.5606	4065020.3597	9028.3
Garnet Valley	**84041	7/1/2014	39731.83	DRY LAKE WATER LLC	216 S18 E63 13CDBC1	688657.6070	4028092.7416	9028.3

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA WATER AUTHORITY,

Appellant,

vs.

COYOTE SPRINGS INVESTMENT, LLC; APEX HOLDING COMPANY, LLC; NEVADA COGENERATION ASSOCIATES NOS. 1 AND 2; GEORGIA-PACIFIC GYPSUM, LLC; DRY LAKE WATER, LLC; REPUBLIC TECHNOLOGIES, INC.; LINCOLN COUNTY WATER DISTRICT; VIDLER WATER COMPANY, INC.; MUDDY VALLEY IRRIGATION COMPANY; THE CENTER FOR BIOLOGICAL DIVERSITY; SIERRA PACIFIC POWER COMPANY d/b/a/ NV ENERGY AND NEVADA POWER COMPANY d/b/a/ NV ENERGY; MOAPA VALLEY WATER DISTRICT; THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS; CITY OF NORTH LAS VEGAS; WESTERN ELITE ENVIRONMENTAL, INC.; BEDROCK LIMITED, LLC; AND ADAM SULLIVAN, P.E., NEVADA STATE ENGINEER, DIVISION OF WATER RESOURCES, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,

Respondents.

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Case No. 84741

District Court Case No. A816761

AFFIDAVIT OF DOROTHY TIMIAN-PALMER IN SUPPORT OF OPPOSITION TO SNWA EMERGENCY MOTION FOR STAY

STATE OF NEVADA)
: ss.
CARSON CITY)

DOROTHY TIMIAN-PALMER states under penalty of perjury that the following assertions are true and correct:

1. I am the President and Chief Executive Officer of VIDLER WATER COMPANY, INC., a Nevada corporation ("VIDLER"), a Respondent in the above-entitled action, and I make this Affidavit in support of the Opposition filed by VIDLER and LINCOLN COUNTY WATER DISTRICT ("LINCOLN") to the Emergency Motion For Stay Pending Appeal filed by SOUTHERN NEVADA WATER AUTHORITY ("SNWA") and joined in by the CENTER FOR BIOLOGICAL DIVERSITY ("CBD"). I have been employed by VIDLER in various executive positions since December of 1997.

2. I am over the age of eighteen (18) years, I am competent to testify, and I have personal knowledge of the facts and matters stated herein.

3. LINCOLN and VIDLER were joint Petitioners in the district court action below and hereinafter are referred to as "Respondents".

4. In Ruling 5712, the STATE ENGINEER granted LINCOLN/VIDLER 1,000-acre feet annually ("afa") of water rights in the Kane Springs Hydrographic Basin and subsequently issued Permit Nos. 72218, 72219, 72220 and 72221 (the "Permits") to Respondents.

5. In reliance on the STATE ENGINEER's approval of Applications 72218, 72219, 72220 and 72221, Ruling 5712, the issuance of permits to Respondents and certain settlements with the STATE ENGINEER, LINCOLN/VIDLER have expended significant time and money since 2005 in furtherance of perfecting their water rights in Kane Springs in the approximate sum of $4,237,000 as of June 2020 until State Engineer Order 1309 was issued.

6. In reliance upon certain representations of the STATE ENGINEER and settlement agreements entered into with the STATE ENGINEER, Respondents have expensed significant time and money since 2005 to collect data, test, and study the Kane Springs basin and to prepare the data and information to be presented to the STATE ENGINEER to support pending Applications 74147, 74148, 74149, and 74150 in the approximate sum of $543,000.00 as of June 2020.

7. From 2005 through June 2020 when Order 1309 was issued, Respondents spent a total of $4,780,267.18 in furtherance of perfecting their water rights in Kane Springs and to support their pending applications in Kane Springs.

8. Respondents continue to incur costs and expenses, including attorney's fees and costs, first to challenge Order 1309 and now to defend the appeals filed from the District Court's Order Vacating Order 1309.

9. Respondents had an agreement with COYOTE SPRINGS INVESTMENT, LLC ("CSI") for the purchase of 500-acre feet annually of

VIDLER's portion of the Kane Springs water rights and 253.04-acre feet annually of LINCOLN's portion of the Kane Springs water rights that was to be exercised within 30 days after the date the Nevada State Engineer issued a final order designating Kane Springs was not a part of the Lower White River Flow System. The purchase price for VIDLER's portion of the Kane Springs water rights when the State Engineer issued Order 1309 was $4,428,905.00. LINCOLN's portion of the Kane Springs water rights sale to CSI when the State Engineer issued Order 1309 was $750,000.00.

10. The District Court's Order issued April 19, 2022 vacated Order 1309 and the State Engineer's designation of Kane Springs as part of the Lower White River Flow System.

11. The stay requested by Appellants, including SNWA and CBD, further delays any ability of LINCOLN and VIDLER to sell these water rights to CSI or others.

12. Attached as Exhibit 5 to Respondents' Opposition to SNWA's Emergency Motion for Stay Pending Appeal are true and correct copies of documents VIDLER received from SNWA on or about April 22, 2022 in response to a public document request.

DOROTHY TIMIAN-PALMER
President and Chief Executive Officer

STATE OF NEVADA)
: ss.
CARSON CITY)

On June 8, 2022, personally appeared before me, a notary public, DOROTHY TIMIAN-PALMER, personally known (or proved) to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that she is the President and Chief Executive Officer of VIDLER WATER COMPANY, INC., a Nevada corporation, and who further acknowledged to me that she executed the foregoing Affidavit of Dorothy Timian-Palmer on behalf of said corporation.

LEANN BRANDT
Notary Public - State of Nevada
Appointment No. 18-1872-16
My Appointment Expires 03-19-2026

NOTARY PUBLIC

EXHIBIT 3

Analyses of flows at the Moapa gage and ET in the Muddy River Springs Area indicate that the increase in the Muddy River streamflow is principally due to reduced alluvial pumping by NVE and not by pumping in Coyote Spring Valley. The ET analysis indicates changes in vegetation and land use were minor with reductions in ET consumptive uses accounting for less than 900 afy for the period 2001 to 2012. These analyses indicate that the local alluvial pumping is the primary stressor affecting Muddy River streamflows and, thus, the primary threat to senior surface water-right holders on the Muddy River.

Declining groundwater levels observed in monitor wells GV-1 (Garnet Valley) and EH-4b (Muddy River Springs Area) are also observed in the MBPI wells M1, M2, TH2 and ECP1 in California Wash, and well BM-DL-2 in the Black Mountain area. These declines of approximately 2-ft are of the same magnitude as the drawdown in Coyote Spring Valley, suggesting connectivity between Coyote Spring Valley, California Wash, Black Mountain and Garnet Valley, and overlapping cones of depression.

In conclusion, the test results indicate:

- Trends in groundwater levels are driven by both groundwater pumping from the three pumping centers depicted in Figure 14 and changes in hydrologic conditions preceding and during the Test.

- Pumping existing groundwater rights in Coyote Spring Valley did not result in unreasonable lowering of the groundwater table, and when pumping was reduced groundwater levels recovered.

- There is a lack of pumping responses north of the Kane Springs Fault and west of the MX-5 and CSI wells near the eastern front of the Las Vegas Range.

- Declines in spring flow discharge at the highest elevation springs in the Muddy River Spring Area at the Pederson and Pederson East springs were anticipated and the magnitude of decline was minimal relative to the flows at the USGS Warm Springs West near Moapa, NV gage.

- Groundwater development in Coyote Spring Valley did not result in any discernible effects on the flows of the Muddy River at the USGS Muddy River near Moapa, NV gage.

- Local alluvial pumping in the Muddy River Springs Area is the primary stressor affecting Muddy River streamflows and, thus, the primary threat to senior surface-water right holders on the Muddy River.

- Future groundwater production by SNWA will continue to be carefully monitored in accordance with permit conditions and stipulated agreements.

It remains unclear if additional resource development beyond existing permitted rights could take place in Coyote Spring Valley at locations north of the Kane Spring fault in the area near CSMV-3. However, the presence of boundaries and variations in hydraulic conductivity suggest that, at a

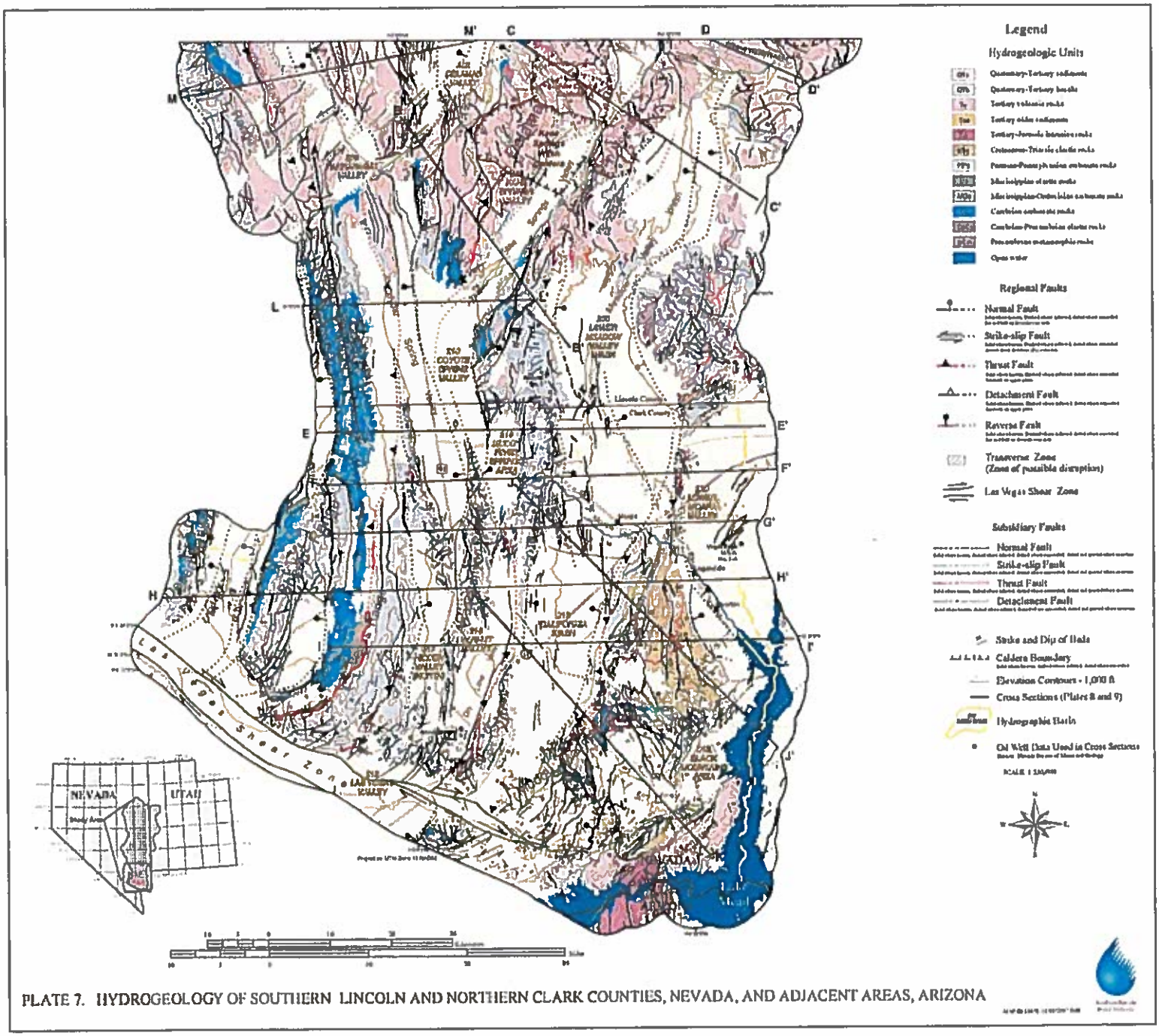

PLATE 7. HYDROGEOLOGY OF SOUTHERN LINCOLN AND NORTHERN CLARK COUNTIES, NEVADA, AND ADJACENT AREAS, ARIZONA

MR Flow Deficit. An average annual natural-flow record was constructed by adding annual surface-water diversions to the flood-adjusted flow record of the MR Moapa gage. The annual MR Flow Deficit was estimated by computing the difference between the average annual pre-development flow of the Muddy River and the natural-flow record. An analysis was performed to determine whether MRSA groundwater production could account for the MR Flow Deficit. The results of the analysis yielded the following observations and conclusions:

- Muddy River streamflow declined from a pre-development condition of 33,900 afy to a minimum of about 22,000 af in 2003.
- Since 2003, streamflow has steadily increased to its current rate of over 30,000 afy as a result of reduced surface-water diversions and MRSA groundwater production.
- The MR Flow Deficit peaked at about 7,500 af in 2003 and was about 2,300 af in 2018.
- MRSA groundwater production above the MR Moapa gage peaked in 2000 at 7,850 af, and was 1,990 af in 2018.
- Groundwater production from the MRSA alluvial reservoir depletes Muddy River streamflow on a 1:1 basis.
- Groundwater production from MRSA carbonate wells deplete Muddy River streamflow approaching a 1:1 basis. Groundwater production from other carbonate wells in the LWRFS deplete streamflow; however, their effect cannot be readily detected from the measurements.
- A significant increase in carbonate groundwater production, such as that which occurred during the NSE Order 1169 aquifer test, will cause sharp declines in carbonate-aquifer water levels and spring discharges.

An analysis was conducted to estimate the contribution of various springs to the total MRSA discharge over a period of several years and under different stress conditions. Ratios of spring discharge to total MRSA discharge were computed for the Pederson Spring Complex (as measured by the Warm Springs West gage), Baldwin Spring, and Jones Spring. Ratios were computed for the period 2001 to 2012 and were found to be relatively constant at 0.076, 0.061, and 0.034 (or 7.6, 6.1, and 3.4 percent of the total MRSA discharge), respectively. The fact that the ratios do not change under variable stress conditions indicates that the springs respond commensurately with the hydraulic head in the carbonate aquifer.

The ratio derived for the Warm Springs West gage was used to calculate reductions in the MRSA discharge that correspond to potential flow conditions at the Warm Springs West gage. Knowing that a reduction in the MRSA discharge could only be caused by a lowering of the hydraulic head in the carbonate aquifer, limits on production from the carbonate aquifer were quantified by calculating reductions in MRSA discharge (from predevelopment conditions) that correspond to selected discharge levels at the Warm Springs West gage, including trigger ranges set in the 2006 MOA. For example, a reduction of 0.62 cfs in the Warm Springs West discharge, from 3.82 to 3.20 cfs, corresponds to a decrease of approximately 8.16 cfs, or 5,908 afy in MRSA discharge. This value

PRB

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DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS VALLEY WATER DISTRICT, and SOUTHERN NEVADA WATER AUTHORITY, et al.,	Case No. A-20-816761-C Dept. No. 1
Petitioners, vs. ADAM SULLIVAN, P.E., Acting Nevada State Engineer, et al.,	Consolidated with Cases: A-20-817765-P A-20-818015-P A-20-817977-P A-20-818069-P A-20-817840-P A-20-817876-P A-21-833572-J
Respondent. /	

LINCOLN COUNTY WATER DISTRICT AND VIDLER WATER COMPANY, INC.'S REPLY BRIEF

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from Garnet Valley during the Order 1169 pump test was by LVVWD. There is no evidence pumping of the smaller quantities of water by the other parties pumping water from that basin impacted the springs or the Muddy River.

2. No evidence from other parties' experts indicates that pumping in Kane Springs will impact the Springs or the Muddy River.

There is no evidence of record that any pumping from Kane Springs will impact the springs or the Muddy River. Lincoln/Vidler asked each expert at the hearing, including those that advocated for the inclusion of Kane Springs in the LWRFS, if the expert had performed any analysis that pumping from Kane Springs would impact the springs or the Muddy River. No expert had performed any such analysis:

a. Center for Biological Diversity did not analyze impact of pumping in Kane Springs on the Muddy River Springs Area. ROA at 53627.

b. City of North Las Vegas did not advocate Kane Springs be included in the LWRFS. ROA at 53581.

c. Moapa Band of Paiute Indians did not calculate the propagation of drawdown from assumed pumping in Kane Springs Valley. ROA at 53277.

d. National Park Service did not investigate if the Kane pumping would impact the Muddy River Springs Area. ROA at 53223.

e. Nevada Cogeneration Associates No. 1 and 2 had three experts and did not calculate drawdowns of the Muddy River Springs Area from Kane Springs pumping nor did they calculate drawdown to the wells owned or controlled by Nevada Cogeneration Associates from pumping the Kane Springs Valley wells. ROA at 53674.

f. NV Energy did not calculate drawdown to the Muddy River Springs Area from pumping Kane Springs Valley wells. ROA at 53732.

g. US Fish and Wildlife Service's two experts, Dr. Halford or Ms. Braumiller, did not do any analysis of Kane Springs pumping impacts on the Muddy River. ROA at 53087.

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h. SNWA was asked by MVWD if SNWA conducted or contracted for any geohydrological studies specific to boundary flows between Kane Springs Valley and Coyote Springs Valley and SNWA answered "no". MVWD clarified the no answer by asking "SNWA didn't conduct or contract to have on its behalf any geohydrological studies in Northern Coyote Springs Valley?" SNWA replied "no." ROA at 53359. Lincoln/Vidler's water rights located in Kane Springs are now being included in the LWRFS with no evidence pumping of their water rights will impact the springs or the Muddy River. The State Engineer acknowledged as much in Order 1309 by his finding that it is not known if pumping in Kane Springs will impact water resources in the LWRFS. ROA at 55 (Additional hydrologic study is necessary in Kane Springs to determine the degree to which water use in Kane Springs would impact the LWRFS.). This is contrary to the standard used by the State Engineer to determine impacts to the springs and/or the Muddy River for other water right holders in the LWRFS. It is also contrary to law which requires pumping restrictions if pumping causes a conflict with existing rights—not restrictions based upon potential, hypothetical, and speculative impacts as admitted by the State Engineer. ROA at 55.

D. The State Engineer Found No Evidence that Senior Rights Failed to Receive Their Water Allotment and no "Take" Ever Occurred as a Result of Groundwater Pumping.

Finally, the State Engineer has taken severe and unprecedented action in issuing Order 1309 without citing any adverse consequences precipitating the Order. The stated purpose of Order 1309 was to protect senior rights and to protect the Moapa dace, but none of the preliminary orders or rulings cite to even one instance where senior rights did not receive their allotment or where a take of the Moapa dace occurred.

And even if he had made such findings, he then failed to follow the law to curtail pumping in the designated basins. The State Engineer previously designated all the basins in the LWRFS pursuant to NRS 534.030—with the exception of Kane Springs. Nothing in Order 1309 or any other ruling restricts groundwater withdrawals be restricted "to conform to priority of rights" as required by NRS 534.110(6). Instead of

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degree, I have been doing hydrogeology for 24 years.
Q. Would you agree, though, if your assumptions about structural geology were wrong or if you had no assumptions about geology in your flow analysis, that your opinions could be wrong?
A. No, I don't, and here's the reason. Everywhere where I cited the likely existence of geologic discontinuities, I said subject to hydraulic confirmation. And there is not everywhere, hydraulic confirmation for those no-flow boundaries, if that's what you're specifically referring to. But at many locations, there are.
And so my approach is to first look at geology, look for geologic discontinuities that are very significant, and then look for hydraulic confirmation. I don't believe you can infer hydraulic connections or a lack thereof just based on geology.
Q. Directing your attention to pages 15 and 16 of your report, which is the Fish and Wildlife Exhibit 5?
A. Okay.
Q. You make some conclusions about 12 wells on those pages, that they're in the carbonate; do you recall that?
A. Let's see. Wait a minute. Oh, there were several -- there were 14, yeah, several of the carbonate wells that were the water level records for some of the carbonate

wells that were analyzed using SeriesSEE in 2013 are not part of the regional aquifer. So maybe you have to clarify your question a little bit.
Q. Well, directing your attention to the 12 wells that you have on pages 15 and 16; do you see those?
A. I see there are -- there's 1, 2 -- yeah. Okay, yeah, I see them.
Q. All right. You used a geologic map to determine which geologic units the wells represent; is that correct?
A. Not only geologic maps, but also the well logs.
Q. You did look at the well logs?
A. Absolutely.
Q. Did you note that in your report?
A. I don't know. If you want me to read the text, I'll do it right now. But I can tell you I looked at the well logs and the geologic mapping, of course.
Q. For all the wells listed on pages 15 and 16?
A. Correct, um-hum. Right, um-hum.
Q. And then directing your attention to page 14 of your report?
A. Um-hum.
Q. Exhibit 5?
A. Uh-huh, right.
Q. You talk about the parameters of the Theis

transforms. Do you see that? It's in the third paragraph down.
A. Um-hum.
Q. You're familiar with that sentence?
A. Which sentence are you talking about?
Q. It starts with "the parameters of the Theis transforms as applied in SeriesSEE analysis"?
A. Yeah, okay.
Q. Do you see that?
A. Right, right.
Q. That they're not intended or -- to represent or serve as estimates of aquifer parameters?
A. Correct, um-hum.
Q. Are you saying that the SeriesSEE analysis allows you to ignore structural geology and well construction?
A. It doesn't take those things into account because it's a Curve-fitting tool, Curve-fitting tool. You're fitting analytical approximations of various stresses that account for changes in water level in the well to document water level records for wells. That's the nature of it.
Q. And would you agree -- and this might have been asked already, so I apologize if it's a repeat. Would you agree that the SeriesSEE analysis does not incorporate recharge due to weather events, such as high precipitation in

2005 or 2010?
A. It could be made to do that, but that is not the way it was applied to interpret the Order 1169 pumping test, because our purpose was to characterize the aerial extent of the drawdown created by the test pumping.
And then secondarily, we were surprised to see how uniform it was over such a large area. It was not the purpose. This was pure application of SeriesSEE.
Q. Did the SeriesSEE analysis drawdown impacts extend from the Order 1169 pumping to Kane Springs Valley, which is about over 15 miles away?
A. You know, I don't believe KMW-1 was officially one of the water monitoring wells for the Order 1169 study, although there was monitoring. I found the hydrographs, of course, in the State Engineer's data basis. And it was not officially -- oh, I'm sorry, I'm getting to my point here.
It was not -- in fact, there was an explicit decision in 2007 not to include it in the Order 1169 pumping test. I know it was -- there was a decision not to include it in the pumping test. I think it was based on the 2007 ruling 5217. But there is groundwater level data for KMW-1 through the pumping tests and I think the monitoring started in about 2007 perhaps, something like that. So it's there, um-hum.
Q. Right. But I think I was asking you about -- and

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A. I believe there is, yes.
Q. And what is that?
A. I think it's the observed water level response in those two wells to pumping of MX-5 during the 1169 testing.
Q. Okay. And we'll get to that.
I did want to ask you a question about your model. The model, did you simulate Kane Spring's pumping in your model?
A. We did.
Q. And was it a thousand acre-feet?
A. I think so. But I would have to check. On the order of that, yes.
Q. And there was drawdown at Muddy -- the Muddy River Springs area from the Kane pumping?
A. I did not investigate that.
Q. So, your model simulated the Kane pumping, but you did not investigate whether there was any impact or drawdown at the Muddy River Springs area from the Kane Spring's pumping?
A. We did not simulate that. Now, we could have done that by running simulation with that pumping, and then a second simulation absent that pumping, and then comparing the two results, but we did not do that.

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Q. Did you do any simulations of Kane pumping for drawdown at Rogers and Blue Point?
A. No.
Q. And then direct your attention to slide 23. You just had some questions about what you -- what you have showing here in your hydrograph.
The MX-5 test started November 2010, and ended in March 2013; is that correct?
A. I don't recall the exact dates, but that sounds correct.
Q. All right. And your yellow dots that you show in your hydrograph here, they start approximately nine months after the MX pumping starts?
A. Correct.
Q. And what is the explanation for that delay?
A. There was testimony yesterday by Ms. Braumiller and then testimony by me today that we both believe that there's a decrease in transmissivity as you move further north in Coyote Spring Valley, and that lower transmissivity delays the transmission of affects to the location of these wells.
Q. And then you show water levels don't start recovery until the beginning of 2015; is that correct?
A. I don't believe that's correct, no. It looks

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like it occurs -- starts to occur before that.
Q. And when do you have it occurring?
A. For KW-1, early in 2014. And for the other well there's a gap in the data at that location. It looks like based on a limited number of data points, recovery was occurring later in 2014, but then changed into a declining trend.
Q. Is there any reason why drawdown and recovery responses would be different?
A. Yes.
Q. And what is that?
A. When pumping occurs for a period of time, you get a response curve that shows faster drawdown and slower recovery. It's because of the depletion in amount of water stored in the aquifer, and the lower gradient that exists during the recovery phase.
There was a paper prepared by Stan Leake of the USGS in Arizona that evaluated this through a modeling exercise and showed very significant affects. We saw those same affects in our model of the aquifer in that Black Mesa area in Arizona. Because it's a function at how long the well is pumped in terms of the different apparent behavior in the draw -- initial drawdown and the late recovery responses.

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Q. Did you do any analysis of the affects of pumping the Arrow Canyon wells?
A. No.
Q. And in Appendix B of your report you -- well, on page 15 of your report you indicate there was pumping and you included for Kane, Tule, and Virgin River Valley. Do you recall that in your report?
A. I do.
Q. And in Appendix B, we don't see any rate of pumping for Kane, Tule, and Virgin River Valley?
A. You're referring to the table that we provided?
Q. Yes.
A. That's correct. I believe it's correct. I haven't -- reviewed that. But this table was intended to provide with the changes in pumping for the three scenarios. And the pumping in those other valleys was maintained I believe at the rates that we used for scenario one in our, approximately -- I think 2012 report on affects of pumping that had seven different scenarios. But, it was not modified in this report, and would not have impacted results from this report.
Q. The Kane -- the Kane, the Tule, and the Virgin River Valley pumping would not have impacted the results of your report?

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15 centimeters a year of recharge into the carbonate rocks. So that's the conceptual model.
That's a conceptual model and it's easily recorded or documented in our submittal. So that's what a submittal does. It's not a calculation tool, it's an illustration of how we think about the problem.
Q. So would you agree it's not a -- it's not a calibrated model, you said if it's an illustration?
A. Well, it's calibrated because we have a calibration point. We have a temperature and a head at Tule Springs that we're trying to match. And so we matched it as closely as we could with the uniform transmissivity.
See, our -- part of the -- part of the reason we did it this way is what does this system look like in the absence of features? It's unform -- uniformly anisotropic -- how should I say? There's no faults, there's no faults. There's no heterogeneity, it's all the same transmissivity, just the orientations are different.
So you take out all that stuff that the others build into -- or typically we build into a framework and we don't have that. So our model is really simple. It's not a -- it's not a calculation tool.
It's an illustration of how we think about the system with the potential for being calibrated, depending on

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what your purpose might be, because this is a -- it's a powerful software that can do lots of different things that we haven't tried to do.
We just tried to set out the geometry and answer the question, why is this recommended flow domain so big, because that's where the physical boundaries are. And what are the -- what are the properties of this great big thing? Well, transmissivity pretty much has to be what it takes to get the water and the heat at the right place at the right temperature.
And so it's a beginning. It's a beginning and it's not calibrated in the sense that management tool would be calibrated, not even close. But there was a period of time devoted to calibration just as there was a period of time prior to that developing the mesh, dealing with the anisotropy angles, you know, a number of things before we could even think about calibrating in the last couple of days before sending the thing.
So it illustrates how we're thinking about it, and if we ever get back into it or someone else does, they can start making it work better.
Q. Do you -- is it a tool or calibrated in any fashion that impacts could be -- impacts could be shown that would be reliable?

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A. Well, I -- at this point, and depending where, I think you could use it for first approximation of impacts. You know, something you might -- might help you design an aquifer test maybe, maybe in terms of how much area might I need for this aquifer test, because if it's tight rock, you need to be enclosed if it's like we have, you know, you'll get responses possibly miles away.
So it could be useful for test design, for identifying areas where we're less confident about the relationships, but not in a quantitative sense to -- it's not a management tool, but perhaps could be grown to be one.
Q. And so directing your attention to page 59 of Appendix 3 in your Exhibit 2?
A. Um-hum.
Q. You make a statement there at the bottom of the page with regard to pumping in Kane Springs Valley?
A. I'm sorry. I'm looking for the page.
Q. Yes.
A. Okay. Okay. 59?
Q. Yes, 59 on the bottom?
A. Okay.
Q. The very last paragraph?
A. Um-hum. Right. Those are the time of travel capture zones that the program computes.

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Q. Correct. But do you agree that that should -- that's, I guess -- well, sorry.
Did you calculate the propagation of drawdown from assumed pumping in Kane Springs Valley?
A. Well, the model is a steady state model, so no.
Q. All right. And how about in Delamar Valley?
A. Well, it's a steady state model, so it's all constant in time.
Q. And then, Dr. Johnson, I'm going to direct you to Lincoln County, Vidler, Exhibit 19, and I have a copy for you here and I have a copy for your counsel.
MS. PETERSON: And may I approach?
HEARING OFFICER FAIRBANK: Yes.
BY MS. PETERSON:
Q. Are you familiar with that, Dr. Johnson?
A. I wrote it, at least part -- no, I'm sorry. I wrote it with Marty Mifflin.
Q. Yes. And if I could direct your attention to Table 1, which is on page -- well, it's page 31 on the bottom?
A. Yes.
Q. And could you read -- do you see the -- on the left-hand side, there's a column that says "far field controls," and under V-12, it says, "Kane Springs Wash Fault fault". Do you see that?

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within a month. But as far as recharge from other areas located farther, I can't tell you.
I did a lot of theories about that. I think that they come in pulses, like every year, you know, the precipitation of the mountains infiltrates down and creates like a recharge pulse and it moves down.
So this is probably a bunch of those coming down. So people think like recharge from thousands of years ago, you know, are coming down. So it's like a continuous and we cannot really -- we can't see that from, identify them from the record.
BY MS. BALDWIN:
Q. So water levels could be responding to all sorts of climate variability going back tens, hundreds, thousands of years?
A. It could be. But like in the analysis that I showed for the period since we've been pumping from the carbonate aquifer, the effect of recharge during that time period is much smaller than the effects of pumping.
It was probably like maximum 1.4 foot due -- changing the water level at EH-4 due to recharge changes versus four feet changed from like the early '90's to 2018 due to groundwater production to the carbonate aquifer.
Q. And that -- so that period, early 90's to 2018,

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that's only about 30 years?
A. Yeah.
Q. So the water levels could be responding to something happening before that 30-year period?
A. Yeah, sure. In that recharge within the residual, it's like the effects of all of it. I can't separate it.
MS. BALDWIN: Okay. That's all. Thank you.
MS. DRICI: You're welcome.
HEARING OFFICER FAIRBANK: Next is the Moapa Valley Water District.
CROSS-EXAMINATION
BY MR. MORRISON:
Q. Morning, everybody. I'm Greg Morrison with Moapa Valley Water District. I just wanted to follow up on a couple questions regarding the efforts SNWA put into preparing its Order 1303 report.
So whoever would like to answer, feel free. I'll direct these at Mr. Burns, but if there's someone better.
So in your role as the water resources division manager, did you oversee and/or coordinate SNWA's efforts in preparing the Order 1303 report?
ANSWERS BY MR. BURNS:
A. Yes, I did.

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Q. All right. And you're aware of SNWA's scientific, be it, geologic or geohydrological efforts that resulted in the reports' conclusions?
A. Yes.
Q. And in between October 2018 and July 2019, did SNWA conduct or contract to have conducted on its behalf any geohydrological studies specific to boundary flows between Kane Springs Valley and Coyote Springs Valley?
A. Not to my recollection, no.
Q. And SNWA didn't conduct or contract to have conducted on its behalf any geohydrological studies in northern Coyote Springs Valley?
A. No.
MR. MORRISON: Okay. That's all I have. Thank you.
HEARING OFFICER FAIRBANK: Lincoln County and Vidler Water Company.
CROSS-EXAMINATION
BY MS. PETERSON:
Q. Good morning, panel. Karen Peterson here, representing Lincoln County Water District and Vidler Water Company.
And, Mr. Burns, I just put in front of you a page from Nevada State Engineer Exhibit 245, which is -- it's

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page 36 of the SNWA June 27, 2013, Order 1169 report.
And do you have that in front of you, the one-page document I gave you?
ANSWERS BY MR. BURNS:
A. Yes, ma'am.
Q. And at the top of the paragraph there, there is a statement having to do with CSVM-4; do you see that?
A. Yes.
Q. And is it true that this report -- your report -- SNWA's report, sorry, lets everybody know that the transducer in CSVM-4 has had a high failure rate due to the high water temperature in the well, so fluctuations of a foot or less should not be used to infer an absolute response.
Do you see that?
A. I see that.
Q. And do you -- I'm going to show you the thick document I gave you was State Engineer's Exhibit 115, which is the water level data from that CSVM-4?
A. (Nodded head.)
Q. Do you have that?
A. Yes, ma'am.
Q. Okay. And if you could look at the second page, it looks like the transducer was removed 10/14/2013; do you see that?

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A. I do.
Q. Okay. And do you agree that the -- well -- well, let me strike that, please.
You had some criticism of the MLR analysis at SNWA; correct?
A. Yes.
Q. Okay. And you also are aware that SNWA did an analysis of how much groundwater can be pumped from the carbonate system while maintaining a 3.2 flow at the Warm Springs West Gage; correct?
A. I recall that testimony.
Q. Okay. Do you recognize that that analysis and the MLR analysis are two distinctly separate analyses?
A. Yes.
Q. Okay. So your critique of the MLR approach does not apply to the approach that SNWA used to determine the control in order to protect 3.2 CFS in the Warm Springs West Gage; is that true?
A. That's true.
Q. Okay. And most -- your -- your testimony indicated that the -- the conclusions and analysis that you conclude -- that you prepared were based upon the idea that additional carbonate pumping in Garnet Valley by the City of North Las Vegas would be temporary until a pipeline is built

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to bring water to North Las Vegas from the Las Vegas Valley; is that correct?
A. I would say initially. I think ultimately, through additional stress testing, whether it's pumping or injection testing, will arrive at the proper amount to perpetuate from the carbonate aquifer from Garnet Valley. I don't think we've established that yet.
Q. Is the City of North Las Vegas prepared to pay for the costs of those types of stress testing that you have described?
A. I can't answer that.
Q. Okay.
MR. TAGGART: Thank you.
HEARING OFFICER FAIRBANK: The Moapa Valley Water District.
CROSS-EXAMINATION
BY MR. MORRISON:
Q. Greg Morrison for Moapa Valley Water District for the record.
Good morning, Mr. Smith. How are you?
ANSWERS BY MR. SMITH:
A. Good morning.
Q. I just got a couple questions about you spoke about the City's long-term strategy, and one of those

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strategies was bringing in senior groundwater rights.
A. Correct.
Q. Does -- has the City identified or targeted any specific senior water rights to date?
A. Yes. The senior -- excuse me. The City has entered into a Memorandum of Understanding with the Church of Jesus Christ of Latter-Day Saints, the LDS Church, to initiate discussions on leasing with possible long-term option to purchase water rights from -- that are utilized along the alluvium in the Muddy River Springs area.
Q. And are those -- are those rights currently being pumped?
A. Since the decommissioning of the Reid Gardner Station power plant in 2017, these water rights were under lease for the past few decades to the power company for -- to Nevada Energy for that -- that facility.
So since the decommissioning in 2017, I do not believe they've been pumped, or if they have been, they have not been pumped to a great amount.
Q. Okay. And you said those were alluvial rights?
A. The -- they are water rights at wells that have historically pumped from the alluvium.
Q. Okay. The City's Kapex and Playa wells, are those alluvial rights or are those carbonate right -- or

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wells, excuse me?
A. The wells are completed in the carbonate aquifer.
Q. Okay. So would it be fair to say that the movement of the senior permit rights that the City currently has targeted for acquisition, beginning to pump those would increase pumping in the carbonate aquifer?
A. That's correct.
MR. MOORE: Okay. Thanks.
HEARING OFFICER FAIRBANK: Lincoln County-Vidler Water Company.
CROSS-EXAMINATION
BY MS. PETERSON:
Q. Hi, Mr. Smith. Karen Peterson --
ANSWERS BY MR. SMITH:
A. Good morning.
Q. -- representing Lincoln County Water District and Vidler Water Company. I just had a couple questions for you.
Is there any recommendation by your client to include Kane Springs Valley into the Lower White River Flow System?
A. No. Again, we have not done any assessment on the other regions of the flow system.
Q. But in this proceeding, there is no recommendation by your client based on the work that they've

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its customers entirely using groundwater from the Arrow Canyon wells?
A. Yeah, I think I know that.
Q. So I guess my question for you is what should those 8500 people do for water?
MR. DONNELLY: Objection. That's not relevant to the facts and data and interpretation that Dr. Myers prepared.
HEARING OFFICER FAIRBANK: Can you relate your question to the four critical issues, the boundary, the flow of --
MR. MORRISON: We're talking --
HEARING OFFICER FAIRBANK: I understand that this is a policy issue as far as I'm understanding your question, so if you can relate it to those four questions or how within that five catch-all it relates back to those four specific questions, then --
MR. MORRISON: I'll try.
Q. (By Mr. Morrison) Dr. Myers, did you see Dr. Schwemm's presentation for the Fish and Wildlife Service?
A. Yeah, yes, I did.
Q. Do you recall seeing his slides detailing the number of Moapa dace month over month and year over year?
A. Yes.

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Q. Do you remember seeing month over month and/or year over year increases in dace numbers during certain months and years?
A. Yes.
Q. Was carbonate pumping occurring during those months of increase?
A. There was -- I mean, those increases -- there were increases that occurred during the last 15 years. And, yes, there was carbonate pumping, so yes.
MR. MORRISON: All right. Thank you.
HEARING OFFICER FAIRBANK: Lincoln County, Vidler Water Company?
CROSS-EXAMINATION
By Ms. Peterson:
Q. Hi, Dr. Myers.
A. Good morning.
Q. Good morning. Karen Peterson representing Lincoln County Water District and Vidler Water Company. Did you calculate drawdown to the Muddy River Spring area from pumping Kane Spring Valley wells?
A. No.
Q. You indicate on page 19 of your original report that Kane Springs Valley pumping will reverse the gradient and draw water from Coyote Springs Valley. Do you recall

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that?
A. Can you refer me to a section? I've got my report right in front of me.
Q. It's on page 19.
A. Okay.
Q. Middle paragraph.
A. Okay. And what was the statement again? I'm sorry.
Q. That Kane Springs Valley pumping will reverse the gradient and draw water from Coyote Spring Valley.
A. I say pumping in Kane Springs Valley that decreases that gradient would decrease flow in the CSV. Do I then say --
Q. About middle of the way, middle of the way down.
A. Well, I would say -- I would say that pumping in Kane Springs Valley, considering it's only five feet higher than in Coyote Spring Valley, if it pumped enough could reverse the gradient, yes.
Q. And did you -- how much pumping?
A. I don't know.
Q. So you didn't run any kind of model or do any kind of analysis to support that conclusion; is that correct?
A. There is not sufficient transmissivity data with which to run a model of that.

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Q. Did you look at the information that Lincoln County and Vidler have supplied with regard to their pump test?
A. I don't recall looking at that, no.
Q. Do you have the URS report from 2006?
A. I didn't review the URS report.
Q. And then going to slide 23. The conclusion that Kane Spring Valley should be managed as part of the Lower White River Flow System. And you conclude with there the high likelihood that water pumped from Kane Springs Valley would quickly contribute to the depletion of the carbonate aquifer in Coyote Spring Valley in the Muddy River Springs area. Do you see that?
A. Yes.
Q. And, again, did you run any kind of model or do any kind of analysis to support that conclusion?
A. The analysis I did was qualitative because we are talking -- I mean, the overall results of the Order 1169 pump test were that we were removing water from a carbonate well that showed a drawdown of over about a five-basin area and thus my analysis of what -- of Kane Springs Valley affecting that is that -- is just another way of removing or preventing water from being in that five -- in that really high transmissive zone in the Lower White River Flow System.

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CROSS-EXAMINATION
By Ms. Peterson:
ANSWERS BY MR. RICCI:
Q. Gentlemen, Karen Peterson here representing Lincoln County and Vidler Water Company.
So, Mr. Ricci, just following up on that last statement that you made. Mr. Coache indicated that I guess it was his recommendation that Kane not be included right now in terms of the boundary at this stage. So you disagree with that?
A. Hugh Ricci. No. What I said had I – if I were to issue Order 1169 again and had the information that I had available then as there is enough information today I would have included it.
Q. Right. But is it your testimony today that the boundary should not be changed? As we are now in this proceeding, the last bullet point on slide 40, says that the recommendation is, I assumed of Nevada Cogen, that the boundaries not be changed.
A. You know, when we -- Hugh Ricci again. When we did this, this was a collaboration among the three of us, and there were certain things that we thought of and two to one or whatever, however it was ruled, we put it in it. But the answer to my question originally that you asked is what I

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would do then if I knew what I do know today.
Q. So do you support that bullet point or not?
A. Since my name is on the report I would say yes.
Q. Did any of the three of you calculate drawdown to the Muddy River Springs area from pumping Kane Spring Valley wells?
MR. COACHE: I first want to clarify the bullet point, the previous bullet point. My position hasn't changed in that I believe Kane Springs Valley should be included. I don't believe this is the venue for which to discuss that. And that's why that bullet point says what it does in relation to the next phase.
The answer to your question is that I did not calculate drawdowns of the Muddy River Springs area from Kane Springs pumpage.
MS. PETERSON: Mr. Dixon?
MR. DIXON: So.
MS. PETERSON: Did you calculate drawdown to the Muddy River Spring area from pumping Kane Spring Valley wells?
MR. DIXON: No. And that wasn't the purpose of that regression analysis.
MS. PETERSON: Mr. Ricci?
MR. RICCI: No.

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MS. PETERSON: All right. Did any of the three of you calculate drawdown to the wells owned or controlled by NCA from pumping Kane Spring Valley wells?
MR. DIXON: No.
MR. RICCI: You're asking each us of us again, Ms. Peterson?
MS. PETERSON: Yes.
MR. RICCI: No. The answer to that question is no.
MR. COACHE: I'm sorry. I didn't follow that question.
ANSWERS BY MR. COACHE:
Q. Mr. Coache, did you calculate drawdown to the wells owned or controlled by NCA from pumping Kane Spring Valley wells?
A. No, I did not.
Q. Mr. Coache, did you review the hydrograph of the KSVM during the Kane Springs pump test? KSVM-4, sorry, well.
A. I'm sorry. What did you ask?
Q. Sorry. It was bad. Did you review the hydrograph of the KSVM-4 well during the Kane Springs pump test, the aquifer test?
A. I did.
Q. And do you agree that the pump test was for 1800

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gallons per minute?
A. I can't -- I believe that's the number but I can't say for sure.
Q. And do you agree that from that well where the pump test was conducted that Lincoln-Vidler was awarded 500 acre-feet which when pumped would be much less than the 1800 gallons per minute?
A. Well, it depends on over what time you pump the water.
Q. Well, do you understand that 1800 gallons per minute that was a continuous pump test?
A. Yeah, absolutely. But if you want to take your water out over a one-month period it might be 1800 gallons a minute.
Q. Right. But you would have no idea what the plan is for the development of the water out of that well, the 500 acre-feet, do you?
A. But you didn't ask me that.
Q. Do you have any idea?
(The court reporter interrupts)
THE WITNESS: No.
Q. (By Ms. Peterson) And you indicate on pages -- page 18, I think, Mr. Coache, you wrote this section of the report, NCA number one. The last sentence there right before

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your view on whether the State Engineer needs a groundwater model constructed now in order to make the determinations that are required or that are asked under Order 1303? Can the 1303 increase be answered without a groundwater model and just based upon the stress data from the Order 1169 pumping test and the recovery data from that pumping test?
A. So there is a groundwater flow model that was constructed by federal agencies. And, try as they might, they really weren't able to replicate the system very well. They underestimated a lot of the effects. And it wasn't because they didn't try. I just think it's a very difficult system to model. I think at this stage our observations are enough to make future decisions. And so, no, I don't agree that a model is necessary.
Q. Okay. Could you turn to slide number 32, please. And just quickly, you made a comment during your testimony that the -- And I don't remember exactly what it was. But I wanted -- it had to do with the difference between these two charts and the values depicted on the charts. Do you recognize that in the lower pane, which is Figure 6-3, there's a symbology there that indicates MRSA discharge capture. And so this is showing discharge, which is more than just stream flow. And then do you notice that up in the top panel that that is just showing stream flow? Does that

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make sense?
A. I see that.
Q. One last question at least for now is on the slide before that. Do I get to ask it?
HEARING OFFICER FAIRBANK: Ask your question.
MR. TAGGART: Okay.
You testified about slide number 15 and I want to ask you, you indicated that a trend line should be based upon a -- using the same value from each month if you want to develop a trend line. And so I have two questions, I guess. Well, I can't have two questions. Did you do that and did -- and would it be appropriate in your view if the high point in the hydrograph in a given year were used as the recovery point, if you will, in that year and then the trend line based upon that high point in the data set in a given year?
THE WITNESS: So, I'll answer the first question first, did I do it. I drew the line in general through the middle of the data. Perhaps I should have angled it up more I think to match that data.
And your second question, could you draw a line across the high point is no more valid than drawing a line across the low point, in which case you would have opposing trend lines. So you can draw the line anywhere you want. When you have a short period of record and a high period of

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estimates like this, I think the actual data are somewhat ambiguous and then you need a longer period of record.
MR. TAGGART: Thank you.
HEARING OFFICER FAIRBANK: Moapa Valley Water District? Seeing no questions.
Lincoln County, Vidler?
CROSS-EXAMINATION
By Ms. Peterson:
Q. Thank you. Mr. Felling, Karen Peterson representing Lincoln County Water District and Vidler Water Company. Did you calculate drawdown to the Muddy River Spring area from pumping Kane Spring Valley wells?
A. No, I did not.
MS. PETERSON: Thank you. That's all the questions I have.
HEARING OFFICER FAIRBANK: Center for Biological Diversity?
MR. DONNELLY: Thank you.
CROSS-EXAMINATION
By Mr. Donnelly:
Q. Patrick Donnelly, Center for Biological Diversity. Mr. Felling, is there a commonly-accepted definition of steady state?
A. I have never really thought about it in those

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terms of whether there's a commonly-accepted definition or not.
Q. Is there any definition that you use to define steady state?
A. Well, I would use the definition of that things are steady, that they are neither increasing nor decreasing.
Q. What things would be neither increasing or decreasing?
A. Whatever is -- Whatever you're trying to assign that term to.
Q. So, in this case in your usage of it, in your presentation, what did you mean?
A. That in this particular case of the Warm Springs West area that we were no longer seeing the change in water levels, we were no longer seeing a change in Warm Springs West discharge, and we were no longer seeing a appreciable change in flows of the Muddy River over the last two or three years.
Q. How long of a steady measurement would be necessary to qualify as steady state?
A. I don't know.
Q. But it is less than three years worth of data? Let me rephrase the question. You were using less than three years worth of data to say this system is in a steady state?

EXHIBIT 4

AFFD

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Attorneys for Petitioners, LINCOLN COUNTY WATER DISTRICT and VIDLER WATER COMPANY, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

LAS VEGAS VALLEY WATER DISTRICT, and SOUTHERN NEVADA WATER AUTHORITY, et al.,	Case No. A-20-816761-C
	Dept. No. 1
Petitioners,	Consolidated with Cases: A-20-817765-P, A-20-818015-P, A-20-817977-P, A-20-818069-P, A-20-817840-P, A-20-817876-P, A-21-833572-J
vs.	
ADAM SULLIVAN, P.E., Acting Nevada State Engineer, et al.,	
Respondent.	

AFFIDAVIT OF RYAN HOERTH IN SUPPORT OF LINCOLN COUNTY WATER DISTRICT AND VIDLER WATER COMPANY, INC.'S OPPOSITION TO MOTION FOR STAY PENDING APPEAL

///

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AFFIDAVIT OF RYAN HOERTH IN SUPPORT OF LINCOLN COUNTY WATER DISTRICT AND VIDLER WATER COMPANY, INC'S OPPOSITION TO MOTION FOR STAY PENDING APPEAL

STATE OF NEVADA)
: ss.
CARSON CITY)

RYAN HOERTH states under penalty of perjury that the following assertions are true and correct:

1. I am a licensed Professional Engineer employed by VIDLER WATER COMPANY, INC., a Nevada corporation ("VIDLER"), a Petitioner in the above-entitled action, and I make this Affidavit in support of the Opposition filed by VIDLER and the LINCOLN COUNTY WATER DISTRICT ("LCWD") to the Motion for Stay Pending Appeal filed by LAS VEGAS VALLEY WATER DISTRICT ("LVVWD") and SOUTHERN NEVADA WATER AUTHORITY ("SNWA"). I have been employed by VIDLER as a Professional Engineer since December 17, 2012 and I am the VIDLER Project Manager for the Kane Springs Project.

2. I am over the age of eighteen (18) years, I am competent to testify, and I have personal knowledge of the facts and matters stated herein.

3. Attached as Exhibit 1 is a true and correct copy of the agenda and notice of public workshop for management of the Lower White River Flow System ("LWRFS") sent by the State Engineer's Office on March 15, 2022. The public workshop was set for March 30, 2022 in Moapa Valley, Nevada.

4. I attended the State Engineer's LWRFS public workshop on March 30, 2022 in Moapa Valley, Nevada. At the public workshop I provided a letter to the State Engineer and all attendees with VIDLER's confirmation and analysis of SNWA's 1:1 correlation of impacts on Muddy River flows from recent groundwater pumping in the Muddy River Springs Area hydrographic basin. The letter and attachments show when Moapa Valley Water District ("MVWD") turned off the Arrow Canyon wells located in close proximity to the Muddy River during the period December 2019 through March 2020, the Muddy River spring discharge immediately and directly increased. When MVWD resumed pumping from the Arrow Canyon wells, the spring discharge instantly decreased. Based upon this data, pumping from these wells cannot occur without depleting spring and stream flows. A

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true and correct copy of VIDLER's letter and attachments dated March 30, 2022 to the State Engineer is attached hereto as Exhibit 2.

5. The VIDLER letter was sent to everyone on the State Engineer's Order 1309 mailing list. See Exhibit 3 attached hereto, a true and correct copy of the email sent by Dorothy Timian-Palmer, P.E., VIDLER President, and Chief Executive Officer.

6. Attached as Exhibit 4 is a true and correct copy of the LCWD letter provided to everyone at the March 30, 2022 public workshop regarding management of the LWRFS.

7. At the March 30, 2022 public workshop, the State Engineer made some statements to the attendees comparing the LWRFS to the situation in the Humboldt River area where senior water rights holders were not getting their water, noting that everyone is getting their water in the LWRFS and because everyone is getting their water, the State Engineer and water users have time to figure out how to mange the LWRFS so the situation does not reach the crisis level as in the Humboldt River area.

DATED this 9th day of May, 2022.

RYAN HOERTH, P.E.

STATE OF NEVADA)
: ss.
CARSON CITY)

On May 9, 2022, personally appeared before me, a Notary Public, RYAN HOERTH, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the above document.

NOTARY PUBLIC

Barbara A. Singer
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 17-1871-3
My Appt. Expires January 26, 2025

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and that on this date, I caused a true and correct copy of the foregoing document to be served on all parties to this action by electronic service to the participants in this case who are registered with the Eighth Judicial District Court's Odyssey eFileNV File & Service system in this matter.

DATED this 9th day of May, 2022.

/s/ Nancy Fontenot
NANCY FONTENOT

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EXHIBIT "1"

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Steve Sisolak, *Governor*
Bradley Crowell, *Director*
Adam Sullivan, P.E., *State Engineer*

March 15, 2022

Re: Public Workshop Regarding Management of the Lower White River Flow System

Dear Water Right Holder:

Please take notice that the Nevada State Engineer has set a second Public Workshop for March 30, 2022, from 10:00 a.m. to 12:00 p.m. at the Moapa Valley Community Center, 320 N. Moapa Valley Blvd., Overton, Nevada.

The purpose of this Public Workshop is to (1) provide an update on the status of the work of the Nevada Division of Water Resources (NDWR) relating to the management of the *Lower White River Flow System* (*LWRFS*), and (2) to take public comment.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the Public Workshop. If special arrangements are required, please notify the Division at the address or phone number below at least five working days before the Workshop. You may also contact the Division if you have questions concerning the Public Workshop scheduled in this matter.

Sincerely,

Micheline N. Fairbank

Micheline Nadeau Fairbank
Deputy Administrator

MNF/jm
Enclosure
cc: Bradley Crowell, Director, Nevada Department of Conservation and Natural Resources (via e-mail)
Dominique Etchegoyhen, Deputy Director, Nevada Department of Conservation and Natural Resources (via e-mail)
Jim Lawrence, Deputy Director, Nevada Department of Conservation and Natural Resources (via e-mail)
Clark County Commission
Lincoln County Commission

SERVICE LIST
LOWER WHITE RIVER FLOW SYSTEM PUBLIC WORKSHOP
SET FOR March 30, 2022

3335 Hillside, LLC
3420 North Buffalo Drive
Las Vegas, NV 89129

Larry Brundy
P.O. Box 136
Moapa, NV 89025

Casa De Warm Springs, LLC
1000 North Green Valley Parkway, #440-350
Henderson, NV 89074

Clark County
500 S. Grand Central Pkwy.
Las Vegas, NV 89155

Clark County Commissioners
500 S. Grand Central Pkwy., 6th Fl.
Las Vegas, NV 89155-1111

Clark County Coyote Springs Water Resources GID
1001 S. Valley View Blvd.
Las Vegas, NV 89153

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Moapa, NV 89025

Kelly Kolhoss
P.O. Box 232
Moapa, NV 89025

Lake At Las Vegas Joint Venture, Inc.
1600 Lake Las Vegas Parkway
Henderson, NV 89011

Laker Plaza, Inc.
7181 Noon Rd.
Everson, WA 98247-9650

Lincoln County Commissioners
P.O. Box 90
Pioche, NV 89043

Church of Jesus Christ of the Latter Day Saints
Area 4, 61 E. North Temple
Salt Lake City, UT 84150-0001

State of Nevada Department of Transportation
1263 S. Stewart Street
Carson City, NV 89712

Nevada Cogeneration Associates #1
420 N. Nellis Blvd., #A3-148
Las Vegas, NV 89110

Division of State Parks
State of Nevada, Dept. of Conservation and Natural Resources
901 S. Stewart Street, Suite 5005
Carson City, NV 89701

Pacific Coast Building Products, Inc.
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Las Vegas, NV 89036

S & R, Inc.
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Las Vegas, NV 89107

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Western Elite Environmental, Inc.
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Las Vegas, NV 89115

Coyote Springs Investment, LLC c/o Wingfield
Nevada Group
6600 N. Wingfield Pkwy.
Sparks, NV 89436

Dry Lake Water, LLC
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North Las Vegas, NV 89032

Georgia Pacific Corporation
Georgia Pacific Gypsum
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Las Vegas, NV 89033

Moapa Band of Paiute Indians
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Moapa, NV 89025

Moapa Valley Water District
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Las Vegas, NV 89110

DBA NV Energy
Nevada Power Company
6226 West Sahara Avenue
Las Vegas, NV 89146

City of North Las Vegas
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N. Las Vegas, NV 89030

Republic Environmental Technologies, Inc.
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Las Vegas, NV 89104

Southern Nevada Water Authority
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dvossmer@republicservices.com;
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glen_knowles@fws.gov;
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Lisa@ldalv.com;
lle@mvdsl.com;
lon@moapawater.com;
lroy@broadbentinc.com;
LuckyDirt@icloud.com;
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sc.anderson@snwa.com;
sharrison@mcdonaldcarano.com;
slake@biologicaldiversity.org;
stever@stetsonengineers.com;
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mfairbank@water.nv.gov;
mlflatley@water.nv.gov;
jmordhorst@water.nv.gov

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Steve Sisolak, *Governor*
Bradley Crowell, *Director*
Adam Sullivan, P.E., *State Engineer*

Lower White River Flow System Public Workshop

Agenda

Wednesday March 30, 2022
10:00 a.m. – 12:00 p.m.

Moapa Valley Community Center
320 N. Moapa Valley Blvd.
Moapa Valley, NV 89040

1. Welcome
2. Overview of Data Trends
    a. Groundwater Pumpage Data
    b. Spring Flow Data
    c. Muddy River Flow Data
3. Discussion of Potential Next Steps
4. Discussion of Upcoming Meetings
5. Public Comment

EXHIBIT "2"

VIDLER
WATER. QUALITY. LIFE.

March 30, 2022

Adam Sullivan, P.E.
State Engineer
State of Nevada, Division of Water Resources
901 South Stewart St.
Carson City, NV, 89701

Subject: **Junior Groundwater Pumping in the Lower White River Flow System Affecting the Moapa Dace Habitat and Muddy River Flows**

Dear Mr. Sullivan,

Vidler Water Company, Inc. ("Vidler") as a Muddy River decree right holder requests that you take appropriate and immediate action to stop the Moapa Valley Water District's ("MVWD") pumping of its junior groundwater rights out of the Arrow Canyon wells (SE ¼ NE ¼ Section 7, Township 14 South, Range 65 East) because such pumping immediately and directly reduces the spring flow at Pederson Springs, thereby directly affecting the habitat of the endanger Moapa dace ("Moapa coriacea"). Vidler's groundwater rights located in the Kane Springs Valley Hydrographic Basin should not be curtailed based upon the close proximate pumping of other groundwater rights which directly impact the Muddy River springs and the Muddy River.

PUMPING FROM THE ARROW CANYON WELLS REDUCES SPRING FLOW ON A 1:1 BASIS.

Numerous geologic and hydrogeologic studies have demonstrated that groundwater pumping from the Arrow Canyon wells directly affects the springs that are the headwaters to the Muddy River. The attached Figure 1 shows that groundwater pumping of Arrow Canyon wells from January 2019 through June 2021 is depleting the Muddy River. Southern Nevada Water Authority ("SNWA") found in its 2019 report entitled "Assessment of LWRFS Water Resource Condition and Aquifer Response" on page 8-3:

> "Groundwater production from Muddy River Springs Area (MRSA) carbonate wells deplete Muddy River streamflow approaching a 1:1 basis. Groundwater production from other carbonate wells in the LWRFS deplete streamflow; however, their effect cannot be readily detected from the measurements."

As set forth in Figure 1, when MVWD turned off the Arrow Canyon wells during the period December 2019 through March 2021, the spring discharge immediately and directly increased. When MVWD resumed pumping from the Arrow Canyon wells, the spring discharge instantly decreased. Based upon this data, pumping from these wells cannot occur without depleting spring and stream flows.

MVWD PUMPING FROM ARROW CANYON WELLS DIRECTLY IMPAIRS SENIOR RIGHTS ON THE MUDDY RIVER.

Pumping from the MVWD Arrow Canyon wells is conflicting with and directly impacting senior decreed surface water rights. The Muddy River is a fully decreed stream source that was subjected to final adjudication in 1920. Vidler owns Muddy Valley Irrigation Company ("MVIC") shares which are decreed surface water rights.

In Order 1309[1], the State Engineer stated that flow in the Muddy River has averaged approximately 30,600 afa since 2015, which is less than the pre-development base flow of 33,900.[2] While SNWA and MVIC have argued this information shows that any groundwater pumping from the Lower White River Flow System ("LWRFS") impacts Muddy River flows, as set forth above, MVWD's junior groundwater rights are affecting the flow of the Muddy River approaching a 1:1 ratio (as analyzed by SNWA). MVWD has pumped an average of 2,240 afa from 2007 to 2017 from its Arrow Canyon wells (Attachment A). Allowing these MVWD junior rights to continue to pump conflicts with Vidler's decreed surface water rights based upon the Figure 1 data.

It is the obligation of the State Engineer to enforce the permit terms of the Arrow Canyon wells: "This permit is issued subject to existing rights and the state retains the rights to regulate the use of the water herein granted at any and all times." It is the obligation of the State Engineer to enforce the permit terms of these junior groundwater rights to further the purposes of NRS 533.085.

MVWD PUMPING FROM ARROW CANYON WELLS DIRECTLY IMPACTS THE HABITAT OF THE MOAPA DACE.

In Order 1309, the State Engineer expressed concern that junior groundwater pumping is directly impacting the Moapa dace and other special status species in the MRSA. As the State Engineer

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It is clear the pumping by MVWD, and not other pumping in the LWRFS, is directly reducing spring flows that have the potential to reduce the Moapa dace habitat. If the State Engineer is truly concerned he could be subject to a claim by the United States in violation of the Endangered Species Act, the State Engineer must enforce his permit terms and order MVWD to stop pumping its Arrow Canyon wells.

PUMPING FROM THE ARROW CANYON WELLS REDUCES GROUND WATER LEVELS.

Performing a simple Theis analysis on the Arrow Canyon wells can help determine the impacts the pumping is having on spring flow. Table 1 shows that these wells have a direct impact on spring discharge by decreasing the groundwater levels that contribute to the spring flow. Given a transmissivity value of 28,000 ft^2/day, the drawdown at Pederson Spring after 1-year of pumping Arrow Canyon wells is 1.65 feet.

Table 1 – Theis Analysis on the MVWD Arrow Canyon Wells

	Calculated Drawdown (feet)		
Transmissivity	1-year of pumping	2-years of pumping	3-years of pumping
28,000 ft^2/day	1.65	2.29	2.68

Arrow Canyon Wells 2.5 miles from Pederson Spring (Q=1,859 gpm)

(Source: Stetson Engineers Inc., Order 1303 Report, Evaluation of Basin Hydrogeology and Assessment of Sustainable Yield in the Lower White River Flow System, Southern Nevada, July 2019.)

The State Engineer cannot continue to ignore this data and cannot continue to allow MVWD to pump its Arrow Canyon wells.

The pumping of the Arrow Canyon wells is also having a direct effect on groundwater levels in the Muddy River Springs Area ("MRSA"), Hydrographic Basin 219, as shown in Figure 2 – Arrow Canyon Well Pumping vs Monitor Well EH-4 water level elevations. The junior groundwater rights in the Arrow Canyon wells are directly impacting senior groundwater rights in the MRSA.

CONCLUSION.

The scientific evidence is overwhelming, and the State Engineer must act by enforcing the permit terms of MVWD's junior groundwater rights pumped from its Arrow Canyon wells that are directly affecting the headwaters of the Muddy River. By allowing this pumping to continue, MVWD's pumping will reduce spring flow, reduce the flow of the Muddy River, impair senior decreed surface water rights, conflict with senior groundwater water rights, and will continue to reduce the habitat of the endangered species the Moapa dace. The State Engineer has the authority to enforce the MVWD permit terms and must do so now. By not acting, the State Engineer is neglecting his duty to serve the public and to protect the public interest of all Nevadans.

Should you have any questions please contact me.

Sincerely,

Vidler Water Company, Inc.

Dorothy A. Timian-Palmer, P.E.

President and CEO

Figure 1 - USGS 09415910 Pederson Springs Near Moapa and MVWD Arrow Canyon Wells Pumping

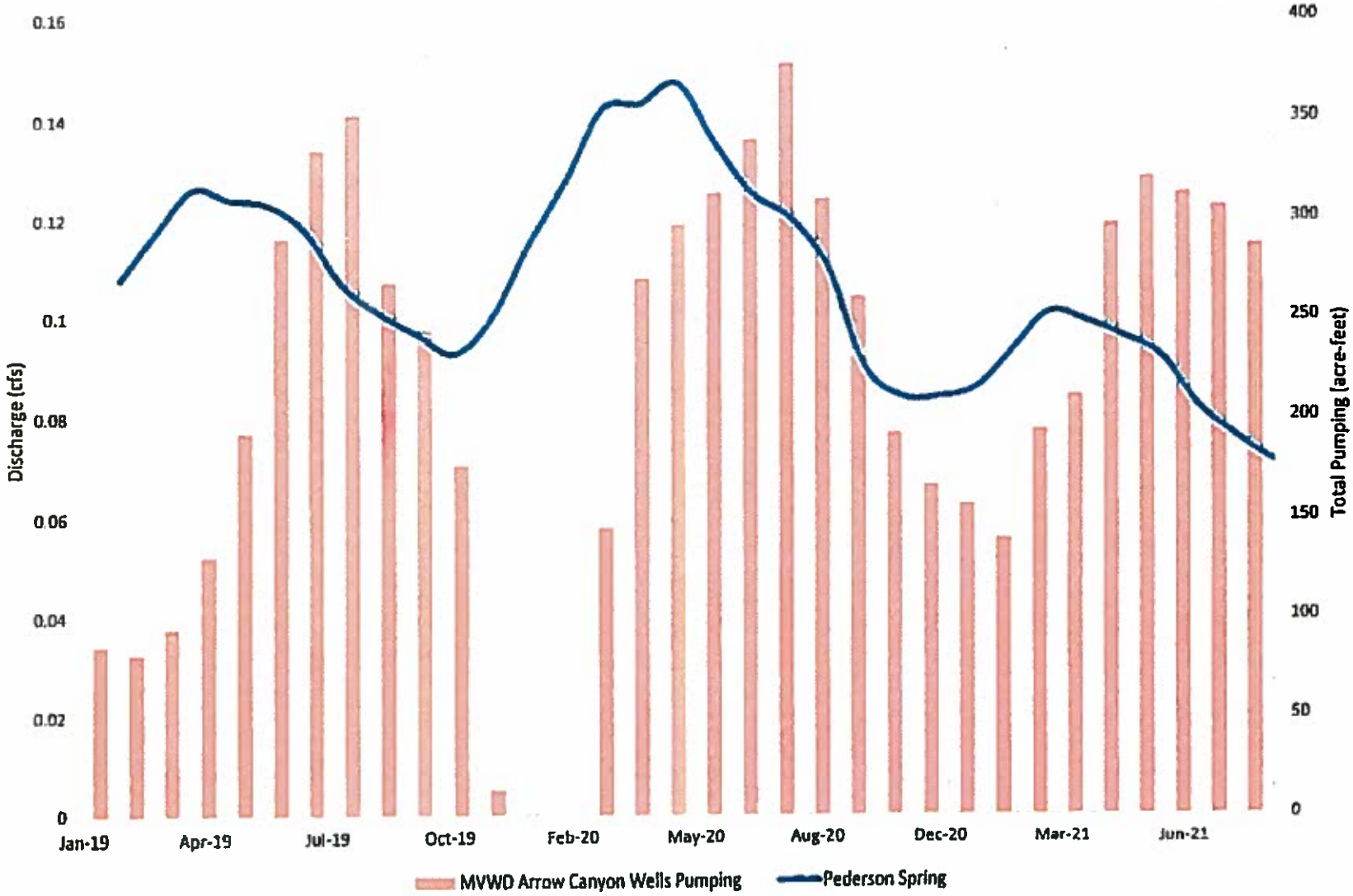
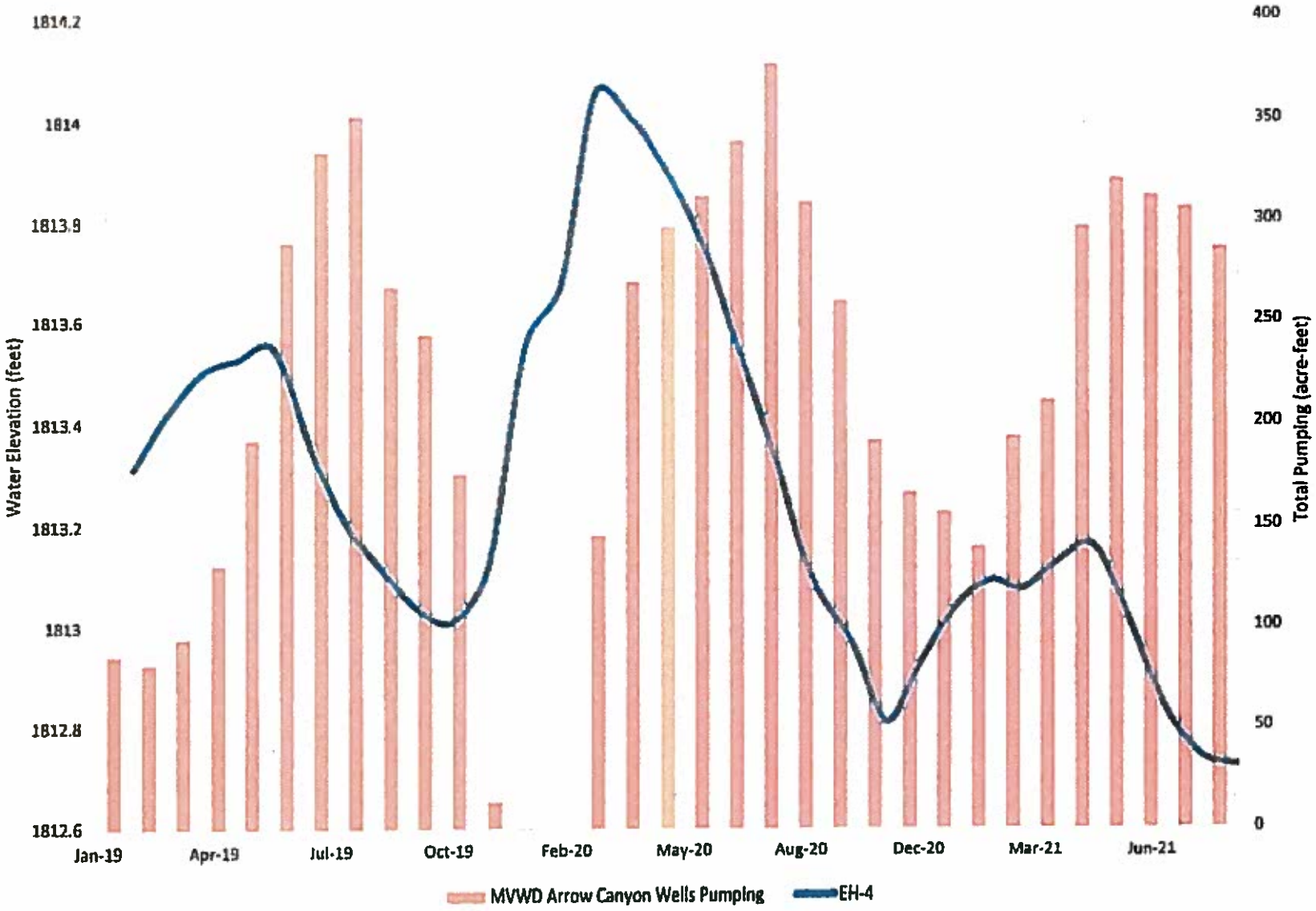


Figure 2 - MVWD Arrow Canyon Wells Pumping and Groundwater Elevations in EH-4



Attachment A

Order 1303, APPENDIX B: Groundwater Pumping in the Lower White River Flow System, 2007–2017

Basin No.	219				215		210	216	218	217	Total pumping in the LWRFS
Basin Name	Muddy River Springs Area				Black Mountains Area		Coyote Spring Valley	Garnet Valley	California Wash	Hidden Valley	
Year	Carbonate pumping (reported by MVWD)	Alluvial pumping (reported by NV Energy)	All other Alluvial Pumping[1]	Total Pumping in Basin 219[1]	Carbonate pumping in the Northwest Portion of Basin 215	Total Pumping in Basin 215					
2007	2,079	4,744	253	7,076	1,585	1,732	3,147	1,412	27[2]	0	**13,247**
2008	2,272	4,286	253	6,811	1,591	1,759	2,000	1,552	27[2]	0	**11,981**
2009	2,034	4,092	253	6,379	1,137	1,159	1,792	1,427	21[3]	0	**10,756**
2010	1,826	4,088	253	6,167	1,561	1,572	2,923	1,373	26[3]	0	**12,050**
2011	1,837	4,212	253	6,302	1,398	1,409	5,606	1,427	33[3]	0	**14,766**
2012	2,638	2,961	253	5,852	1,556	1,564	5,516	1,351	28[3]	0	**14,303**
2013	2,496	3,963	253	6,712	1,585	1,776	3,407	1,484	66[3]	0	**13,254**
2014	1,442	4,825	253	6,520	1,429	1,624	2,258	1,568	241[3]	0	**12,016**
2015	2,396	1,249	253	3,898	1,448	1,708	2,064	1,520	460	0	**9,390**
2016	2,795	941	312	4,048	1,434	1,641	1,722	2,181	252	0	**9,637**
2017	2,824	535	194	3,553	1,507	1,634	1,961	1,981	88	0	**9,090**

The LWRFS includes basins 210, 216, 217, 218, 219 and the northwest portion of 215.

All values in this table are from State Engineer basin pumpage inventory reports except as noted in the footnotes below:

1. Alluvial Pumping not reported by NV Energy for years 2007–2015 estimated as the average of inventoried years 2016–2017.
2. Estimated as the average of groundwater pumping in years 2009–2012.
3. Reported to the State Engineer but not published in a basin inventory report.

EXHIBIT "3"

Nancy Fontenot

From: Dorothy Timian-Palmer <dorothy@vidlerwater.com>
Sent: Wednesday, March 30, 2022 11:12 AM
To: Nancy Fontenot; Juanita Mordhorst; 8milelister@gmail.com; ablack@mcdonaldcarano.com; adaird@cityofnorthlasvegas.com; admin.mbop@moapabandofpaiutes.org; aflangas@kcnvlaw.com; alaskajulie12@gmail.com; andrew.burns@snwa.com; barbnwalt325@gmail.com; bbaldwin@ziontzchestnut.com; bherrema@bhfs.com; bostajohn@gmail.com; Bennie Vann; csavely@wingfieldnevadagroup.com; chair.mbop@moapabandofpaiutes.org; Chris.Benkman@nsgen.com; Colby.pellegrino@snwa.com; Coop@opd5.com; coopergs@ldschurch.org; counsel@water-law.com; admin@snvgrowers.com; craig.wilkinson@pabcogypsum.com; dan.peressini@lasvegaspaving.com; david_stone@fws.gov; Dbrown@ldalv.com; dennis.barrett10@gmail.com; derekm@westernelite.com; devaulr@cityofnorthlasvegas.com; dfrehner@lincolncountynv.gov; dixonjm@gmail.com; Dorothy Timian-Palmer; doug@nvfb.org; dvossmer@republicservices.com; dwight.smith@interflowhydro.com; edna@comcast.net; emilia.cargill@coyotesprings.com; fan4philly@gmail.com; gary_karst@nps.gov; Greg Bushner; glen_knowles; gmorrison@parsonsbehle.com; golden@apexindustrialpark.com; golds@nevcogen.com; greatsam@usfds.com; greg.walch@lvvwd.com; hartthethird@gmail.com; Howard.Forepaugh@nsgen.com; ircady@yahoo.com; jbell@broadbentinc.com; Caviglia, Justina (NV Energy; jeff.phillips@lasvegaspaving.com; jim.watrus@snwa.com; joe@moapawater.com; Karen.glasgow@sol.doi.gov; kbrown@vvh2o.com; Kevin_Desroberts@fws.gov; kimberley.jenkins@clarkcountynv.gov; kingmont@charter.net; Karen Peterson; krobison@rssblaw.com; kurthlawoffice@gmail.com; lazarus@glorietageo.com; lbelenky@biologicaldiversity.org; lbenezet@yahoo.com; liamleavitt@hotmail.com; Lindseyd@mvdsl.com; Lisa@ldalv.com; lle@mvdsl.com; lon@moapawater.com; lroy@broadbentinc.com; LuckyDirt@icloud.com; luke.miller@sol.doi.gov; luke.stewart@pabcogypsum.com; martinmifflin@yahoo.com; MBHoffice@earthlink.net; MDarnell@republicservices.com; michael_schwemm@fws.gov; mjohns@nvenergy.com; mmmiller@cox.net; moapalewis@gmail.com; moorea@cityofnorthlasvegas.com; muddyvalley@mvdsl.com; onesharp1@gmail.com; paul@legaltnt.com; pdonnelly@biologicaldiversity.org; progress@mvdsl.com; rafelling@charter.net; raymond.roessel@bia.gov; Ryan Hoerth; robert.dreyfus@gmail.com; Rott@nvenergy.com; rozaki@opd5.com; Sarahpeterson@blm.gov; SCarlson@kcnvlaw.com; sc.anderson@lvvwd.com; sc.anderson@snwa.com; sharrison@mcdonaldcarano.com; slake@biologicaldiversity.org; stever@stetsonengineers.com; sue_braumiller@fws.gov; technichrome@jps.net; Tim O'Connor; tommyers1872@gmail.com; trobison@mvdsl.com; twtemt@hotmail.com; veronica.rowan@sol.doi.gov; vsandu@republicservices.com; whitfam@mvdsl.com; william.paff@rocklandcapital.com; wpoulsen@lincolnnv.com; Brad Crowell; Dominique Etchegoyhen; Jim Lawrence
Subject: Letter provided at March 30th LWRFS Meeting
Attachments: LWRFS_HT_Mar_30_2022.pdf

All;
Please find attached a letter handed out today at the LWRFS meeting, March 30, 2022. Apologies if you have already received a copy.
Thanks,
Dorothy

Dorothy Timian-Palmer, P.E.
President / CEO
(775) 885-5001

VIDLER
WATER QUALITY LIFE

3480 GS Richards Blvd., Ste 101
Carson City, Nevada 89703

VIDLER
WATER. QUALITY. LIFE.

March 30, 2022

Adam Sullivan, P.E.
State Engineer
State of Nevada, Division of Water Resources
901 South Stewart St.
Carson City, NV, 89701

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Arrow Canyon Wells 2.5 miles from Pederson Spring (Q=1,859 gpm)

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Should you have any questions please contact me.

Sincerely,

Vidler Water Company, Inc.

Dorothy A. Timian-Palmer, P.E.

President and CEO

Figure 1 - USGS 09415910 Pederson Springs Near Moapa and MVWD Arrow Canyon Wells Pumping

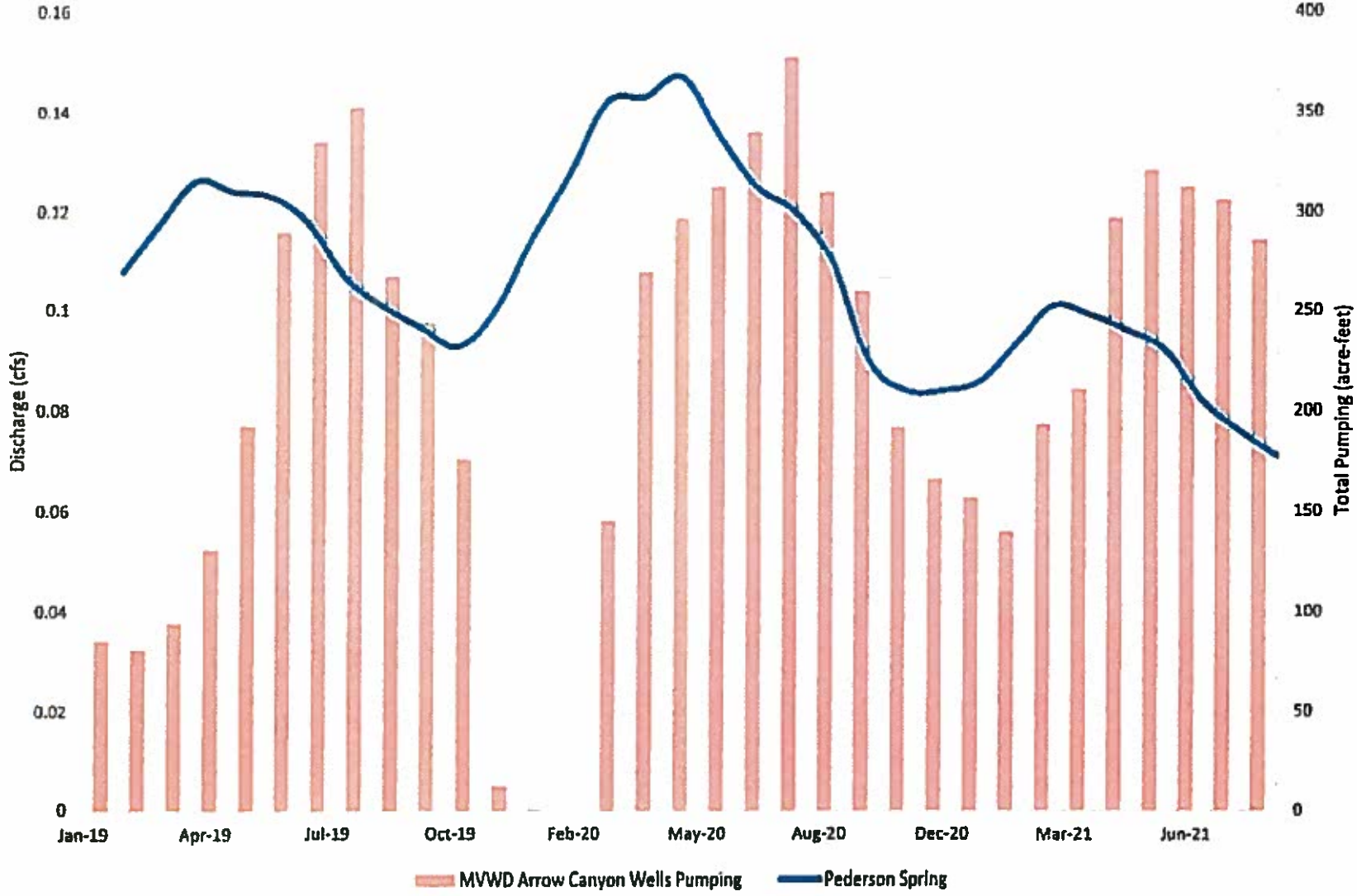
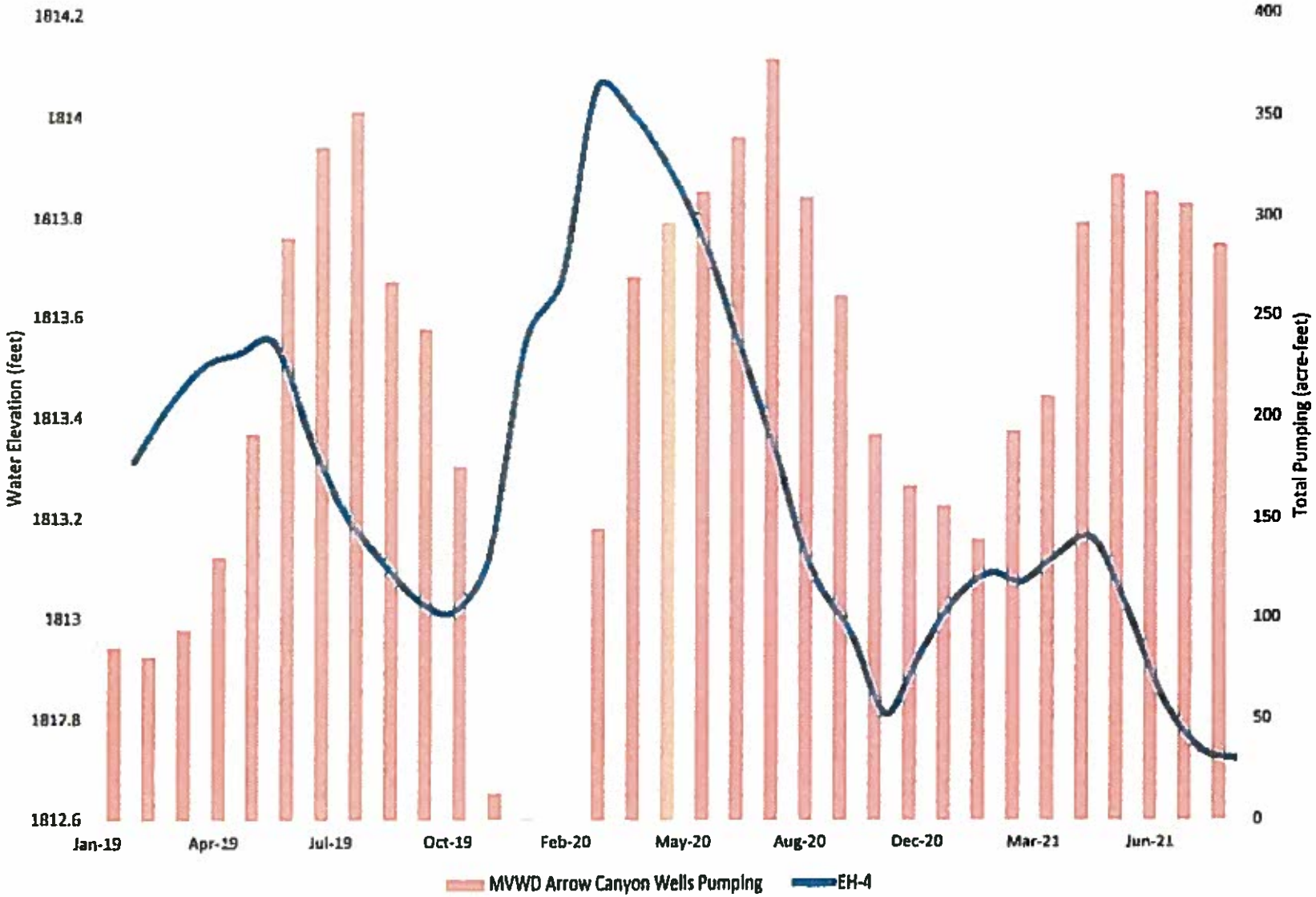


Figure 2 - MVWD Arrow Canyon Wells Pumping and Groundwater Elevations in EH-4



Attachment A

Order 1303, APPENDIX B: Groundwater Pumping in the Lower White River Flow System, 2007–2017

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2008	2,272	4,286	253	6,811	1,591	1,759	2,000	1,552	27[2]	0	**11,981**
2009	2,034	4,092	253	6,379	1,137	1,159	1,792	1,427	21[3]	0	**10,756**
2010	1,826	4,088	253	6,167	1,561	1,572	2,923	1,373	26[3]	0	**12,050**
2011	1,837	4,212	253	6,302	1,398	1,409	5,606	1,427	33[3]	0	**14,766**
2012	2,638	2,961	253	5,852	1,556	1,564	5,516	1,351	28[3]	0	**14,303**
2013	2,496	3,963	253	6,712	1,585	1,776	3,407	1,484	66[3]	0	**13,254**
2014	1,442	4,825	253	6,520	1,429	1,624	2,258	1,568	241[3]	0	**12,016**
2015	2,396	1,249	253	3,898	1,448	1,708	2,064	1,520	460	0	**9,390**
2016	2,795	941	312	4,048	1,434	1,641	1,722	2,181	252	0	**9,637**
2017	2,824	535	194	3,553	1,507	1,634	1,961	1,981	88	0	**9,090**

The LWRFS includes basins 210, 216, 217, 218, 219 and the northwest portion of 215.

All values in this table are from State Engineer basin pumpage inventory reports except as noted in the footnotes below:

1. Alluvial Pumping not reported by NV Energy for years 2007–2015 estimated as the average of inventoried years 2016–2017.
2. Estimated as the average of groundwater pumping in years 2009–2012.
3. Reported to the State Engineer but not published in a basin inventory report.

EXHIBIT “4”

LINCOLN COUNTY WATER DISTRICT

1005 Main Street, Suite 103,
P. O. Box 936
Panaca, NV 89042
(775) 962-8068

Adam Sullivan
State Engineer
Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, Nevada 89701

Re: Groundwater Pumping in the Lower White River Flow System Affecting Surface Flows

Dear Mr. Sullivan:

As you know, Lincoln County Water District ("LCWD") and multiple other parties have challenged that creation of the Lower White River Flow System ("LWRFS") in Order 1309 exceeded the authority of the State Engineer. However, although subject to several petitions for judicial review, Order 1309 incorporating Kane Springs Valley Hydrographic Basin into the LWRFS is presently a final order. Given that the State Engineer is proceeding with workshops within the LWRFS, LCWD finds it necessary point out the conflicting approach taken by the State Engineer with respect to the creation and management of the LWRFS.

In creating the LWRFS and issuing Order 1309, the State Engineer limited groundwater pumping to 8,000 afa because that amount could be pumped "without causing further declines in Warm Springs area spring flow and flow in the Muddy River . . . ." Order 1309 at 65. The State Engineer further found spring flows are affected by pumping proximate to the spring flows (*see* Order 1309 at 64), and substantial evidence exists which demonstrates that fact. For example, several studies demonstrate that groundwater pumping in Arrow Canyon wells depletes the Muddy River flow on a 1:1 basis. *See* SNWA 2019 Report: *Assessment of LWRFS Water Resource Condition and Aquifer Response.*

The depletion of Muddy River stream flows by the pumping of Moapa Valley Water District ("MVWD") wells in Arrow Canyon is demonstrated by the data collected when MVWD shut off its wells for a period of time and then resumed pumping. When the wells were shut off, the stream flows immediately increased proportional to the decline in pumping. And when MVWD restarted its Arrow Canyon wells, the decline in spring flows was similarly proportional to the amount of groundwater being pumped.

This direct and proportionate impact on the surface flows is demonstrated in the Theis analysis and figures included in a letter from Vidler Water Company to the State Engineer dated March 30, 2022. LCWD is not aware of any data that demonstrates pumping from any other source within the LWRFS, including Kane Springs Valley, that has a 1:1 impact on spring flows.

In contrast, the only pump test that occurred in Kane Springs Valley led to the issuance of Ruling 5712 which granted Lincoln a joint interest in 1,000 afa—the only permitted groundwater rights in Kane Springs Valley. In other words, Kane Springs Valley was included in the LWRFS

LINCOLN COUNTY WATER DISTRICT

1005 Main Street, Suite 103,
P. O. Box 936
Panaca, NV 89042
(775) 962-8068

and in the 8,000 afa pumping limit despite zero evidence of impact on the Warm Springs area spring flows from pumping groundwater in the Kane Springs hydrographic basin.

Based upon this evidence, LCWD respectfully requests that the State Engineer do the following:

1. Return to the statutorily recognized and authorized basin by basin management of water rights, and curtail the proximal pumping of MVWD within the Muddy River Springs Area that directly impacts the Muddy River at a ratio of 1:1; and
2. Reconsider the decision to include Kane Springs within the LWRFS when no evidence suggests that pumping in the Kane Springs has any impact on the Muddy River.

As the State Engineer has been willing to sit down with Southern Nevada Water Authority, the Muddy Valley Irrigation Company and the Center for Biological Diversity to resolve their appeal issues, LCWD would likewise request a meeting with the State Engineer to discuss the removal of Kane Springs from the LWRFS.

Signature: Wade Poulsen

Title: General Manager

EXHIBIT 5

TO: Accounts Payable

June 1, 2020

SUBJECT: **Check Request**

Please issue a check for $200,000.00 to the payee at the address shown below and charge the levels and accounts (and jobs or contracts, if applicable) indicated. The reason for the payment is stated and supporting documents, if any, are attached.

Reason: On July 16, 2015, the SNWA Board approved the First Amendment to the *Moapa Transmission System Design, Construction, Operation and Maintenance Agreement*. The amendment addresses temporary suspension of operations and intermittent use of the Moapa Transmission System and outlines SNWA will pay MVWD $200,000 per fiscal year to reimburse MVWD for the maintenance necessary to keep the Moapa Transmission System in working order and ready for operation. This payment is for FY2019. Payment is due before the fiscal year begins, no later than June 30th of the prior year.

Board Approved: 07/16/2015

Payee: Moapa Valley Water District
Address: P.O. Box 257
Logandale, NV 89021
(702) 397-6893
(702) 397-6894 Fax

Requested by: Lisa M. Von Heeder, Secretary

Approved by: Colby N. Pellegrino
Colby N. Pellegrino, Director, Water Resources

Level No.	Account No.	Job or Contract No.	Amount
3802	19100-045-0400	00000	$200,000.00
Check Amount			$200,000.00

Special Instructions: Please send check directly to the vendor along with the attached letter. Thank you.

TO: Accounts Payable

June 3, 2021

COUPA CONTRACT #266

SUBJECT: Check Request

Please issue a check for $200,000.00 to the payee at the address shown below and charge the levels and accounts (and jobs or contracts, if applicable) indicated. The reason for the payment is stated and supporting documents, if any, are attached.

Reason: On July 16, 2015, the SNWA Board approved the First Amendment to the *Moapa Transmission System Design, Construction, Operation and Maintenance Agreement.* The amendment addresses temporary suspension of operations and intermittent use of the Moapa Transmission System and outlines SNWA will pay MVWD $200,000 per fiscal year to reimburse MVWD for the maintenance necessary to keep the Moapa Transmission System in working order and ready for operation. This payment is for FY2022. Payment is due before the fiscal year begins, no later than June 30th of the prior year.

Board Approved: 07/16/2015

Payee: Moapa Valley Water District
Address: P.O. Box 257
Logandale, NV 89021
(702) 397-6893
(702) 397-6894 Fax

Requested by: Lisa M. Von Heeder, Administrative Assistant

Level No.	Account No.	Job or Contract No.	Amount
7160	19100-045-0400	00000	$200,000.00
Check Amount			$200,000.00

Special Instructions: Please send check directly to the vendor along with the attached letter. Thank you.

11. A new Section 28 is added to the Agreement as follows:

28. Jones Spring. Upon request by SNWA or for so long as the 2006 MOA or the federal environmental permit conditions for the MTS rights of way require it, MVWD agrees not to divert or use its Jones Spring water right (Certificate No. 10060) upstream of the Moapa gage. In any year when MVWD does not request the delivery of Substitute Water, and in exchange for MVWD's agreement not to use Jones Spring, SNWA agrees to pay MVWD $200,000 per year to cover MVWD's incremental costs of using other water sources instead of Jones Spring water or Substitute Water. The $200,000 per year payment also includes reimbursement to MVWD for performing the minimal maintenance necessary to keep the MTS facilities ready for future start up, as described on and attached hereto and incorporated herein as Exhibit B to this Amendment. MVWD agrees not to request delivery of Substitute Water before February 1, 2025, unless there is an unforeseen short term emergency need due to temporary constraints in the MVWD Distribution System. Each time MVWD requests delivery of Substitute Water a $50,000 start-up charge will be deducted from the $200,000 payment. Additionally, the $200,000 payment will be decreased by a pro-rated amount during any temporary emergency provision of Substitute Water based on the percentage of Substitute Water provided. For example, if 362 acre-feet of Substitute Water (50% of the 724 acre-feet) is delivered to MVWD, SNWA would pay MVWD $100,000 (50% of the $200,000 fee), less the $50,000 start-up charge. After February 1, 2025, MVWD may choose to request delivery of Substitute Water instead of receiving the $200,000 per year payment from SNWA. The first $200,000 payment will be made no later than 30 days after the Execution Date

of this Amendment. Future payments will be made before the new fiscal year begins, no later than June 30th of each year.

12. A new Section 29 is added to the Agreement as follows:

29. SNWA Reserved Capacity in MVWD Distribution System. While MVWD still agrees to accept 6,200 gpm (8.9 mgd) of SNWA Coyote Spring Groundwater into the MVWD Distribution System, based on the current capacity of the pump in the MX-5 well, SNWA currently may convey only 3,750 gpm (5.4 mgd) to the MVWD Distribution System. SNWA agrees that it will not use more than 3,750 gpm (5.4 mgd) of capacity in the MVWD Distribution System unless SNWA gives MVWD a minimum of two years prior notice. MVWD may issue new water commitments without regard to SNWA's reservation of 6,200 gpm (8.9 mgd) but will not issue new water commitments that would interfere with SNWA's ability to convey 3,750 gpm (5.4 mgd). Upon notice that SNWA intends to convey more than 3,750 gpm (5.4 mgd), the Parties will negotiate a separate agreement regarding provision of capacity to SNWA and how costs will be shared, if any new costs are necessary. In the event MVWD finds that the MVWD Distribution System capacity will need to be increased to accommodate both the actual demands of MVWD customers and SNWA's 3,750 gpm (5.4 mgd), MVWD will give SNWA two years prior written notice of the need for the capacity increase. At that time, the Parties will decide how best to increase the capacity in the MVWD Distribution System. However, rather than share in the cost to increase MVWD Distribution System Capacity, SNWA may choose, in its sole and absolute discretion, to reduce the amount of SNWA Coyote Spring Groundwater conveyed through the MVWD Distribution System.

SOUTHERN NEVADA WATER AUTHORITY™
1001 South Valley View Boulevard • Las Vegas, NV 89153
702-258-3939 • snwa.com

June 3, 2021

Joe Davis, General Manager
Moapa Valley Water District
P.O. Box 257
Logandale, Nevada 89021

Dear Mr. Davis:

Enclosed is a check in the amount of $200,000 for the annual payment pursuant to Paragraph 11 (new Section 28) of the First Amendment to Moapa Transmission System Design, Construction, Operation and Maintenance Agreement (O&M Amendment) dated July 16, 2015.

The Authority appreciates the continued cooperation between our agencies and the successful relationship it holds with the Moapa Valley Water District. Feel free to contact me with any questions at (702) 290-4622 or andrew.burns@snwa.com.

Sincerely,

Thomas Maher
for
Andrew Burns
Manager, Water Resources Division

AB:lmv

Enclosure