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STATEMENT FROM ATTORNEY GENERAL CATHERINE CORTEZ MASTO REGARDING U.S. DISTRICT COURT'S DECISION IN YUCCA MOUNTAIN WATER RIGHTS CASE

Carson City, NV – In a strongly-worded 24 page order, U.S. District Court Judge Roger Hunt denied the Department of Energy's motion for a preliminary injunction on all counts seeking to enjoin State Engineer Tracy Taylor's order that DOE immediately cease and desist its use of water for a bore hole drilling program at the Yucca Mountain site.

"Judge Hunt's order vindicates Nevada's long-standing position that DOE's sleight of hand in using Nevada's water for an unauthorized bore hole drilling program is neither mandated by federal law nor consistent with the public's interest," stated Attorney General Catherine Cortez Masto. "DOE violated a court-sanctioned agreement among the parties and there is no justification for DOE's unlawful actions in clear violation of the State Engineer's order," Cortez Masto added.

"In what Judge Hunt characterizes as "arrogant," DOE has not, in the Court's opinion, complied with Nevada water law or "been forthcoming about its intentions for water use in the future." In addition, despite DOE's arguments that such bore hole drilling is required for it to file a license application with the Nuclear Regulatory Commission, the Court found "no congressional mandate, no legal mandate for bore hole drilling" regardless of the extent of the program which has arbitrarily changed from the "drilling of 44 or 84 bore holes and the use of 4 million or 8 million gallons of water." In fact, Judge Hunt states that he "entertains the suspicion that either DOE wants to look busy, or it wants to keep its contractor occupied during its lengthy delays in filing for a license."

The Court found that the issues presented by DOE do not involve preemption of state water law and in fact only involve whether an agreement between the two Nevada parties and the DOE for the interim use of water has been violated. In the balance of hardship analysis, the Court emphasized that:

"The Court does not know if DOE's efforts are motivated by a desire to answer Congressional and media criticisms of its scientific conclusions and reports of falsified scientific reports, or a desire to look busy by this sudden flurry of activity, or some other motivation. Whatever the motivation, the potential hardship upon the state and its rights is far greater than [sic] any potential hardship upon the DOE for short term delays or the curtailing of the DOE's activities back to its original projections and promises."

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