

LAS VEGAS WATER GRAB

Readers Note: This article was published in The RAINSHADOW: The Rainshadow is the newsletter of the Owens Valley Committee. OVC is a 501 (c)(3) nonprofit citizens' action group dedicated to the protection, restoration and sustainable management of water and land resources affecting the Owens Valley WWW.OVCWEB.ORG

Southern Nevada Water Authority's (SNWA) gamble on a water importation scheme to steal water from eastern Nevada's rural counties and pipeline it to the unquenchable Las Vegas Valley continues to run into legal and political obstacles.

The pump and pipeline project, sounding painfully like a remake of the LADWP's Owens Valley fiasco, first surfaced in 1990. After buying up ranches and groundwater rights in Eastern Nevada, SNWA received permission from the Nevada State Engineer (NSE) to pump 84,000 acre-feet of groundwater in four valleys: Spring, Cave Dry Lake, and Delamar. That number is roughly what LADWP pumps annually in the Owens Valley.

The Groundwater Development Project would, by the authority's own admission, dry up or "adversely affect" more than 5,500 acres of meadows, more than 200 springs, 33 miles of trout streams, and 130,600 acres of sagebrush habitat for sage grouse, mule deer, elk, and pronghorn as water tables plunge by 200 feet.

The State Engineer's decision spurred the Great Basin Water Network (GBWN)—a coalition of environmental, tribal, and ranching groups spearheading an ongoing campaign to prevent this water grab—to file a judicial review of these rulings.

In examining the project, Nevada's Seventh Judicial District Court overturned the NSE's ruling granting the above mentioned water rights. Judge Robert Estes ruled that the state engineer hadn't sufficiently supported his decision to allow wells to be sunk in rural Lincoln and White Pine counties.

Appeals of Judge Estes decision were filed by SNWA and the State Engineer. This year, GBWN received legal victories when the Nevada Supreme Court denied these appeals. The court stated, "SNWA and the State Engineer must comply with the requirement that SNWA's proposed groundwater mining and export operation will be sustainable and will not cause impermissible impacts on the environment and existing water rights holders, such as ranchers, farmers and local businesses." In other words, the SNWA will have to prove that an unsustainable project can be made sustainable.

The greater challenge may be in determining a safe level of water recharge in the aquifers to be tapped in the first place. These basins are currently used by ranchers and farmers and studies suggest that this current use seriously compromises their ability to recharge in an era of long term drought.

On the federal level, the Bureau of Land Management initially gave its blessing to the project by granting SNWA right of way privileges for a pipeline on its land. GBWN has appealed BLM's Record of Decision and its Final EIS and is waiting for a ruling.

SNWA also faces an embarrassing lawsuit by former longtime employees who allege that the agency squandered millions in buying up ranches in

White Pine County's Spring Valley in an attempt to lock up groundwater rights in the area. Sounds like the ghosts of Mullholland and Eaton have taken up residence the minds of Las Vegas's water agency.

John Entsminger, Southern Nevada Water Authority boss, has downplayed the need to plow forward on the project and seems to be in no hurry, hoping that the agency will outlast its opponents in court. Meanwhile, SNWA agreed to sell 300,000 acre-feet of water to the drought starved Metropolitan Water District. Will the environment and economy of Eastern Nevada be sacrificed for the water marketing motives of SNWA?

In the past, the GBWN and other opponents, have evoked the moniker "Remember the Owens Valley" to generate awareness for their cause. They have received legal advice from Greg James, attorney for the Inyo County Water Department. On a recent visit to Baker, Nevada two large pipes were prominently displayed with the message, "The water grab is a disaster for Las Vegas rate payers on the hook for a 15 billion dollar project and for Eastern Nevadans." The second pipe had Owens Valley in a circle with a slash through it.

Yet, many Las Vegas residents seem to remain oblivious to the fact they live in the driest city in the nation, where the famous fountains at the Bellagio casino still go off like clockwork. Some conservation and waste recycling measures have been implemented, but GBWN asks why SNWA is not asking residents to conserve more and making water wasters to pay more.

"Enough is enough," said Rob Mrowka, a Nevada-based senior scientist with the Center for Biological Diversity. "Despite hundreds of pages

detailing the unthinkable harm that would be caused by this project, tens of thousands of people signing petitions against it, and setbacks in state district and supreme courts, the Southern Nevada Water Authority and BLM have closed their ears to reason, logic and plain common sense. They need to drop this disastrous water grab.” For more information on the Great Basin Water Network’s legal and public outreach effort, contact: Great Basin Water Network at: P.O. Box 75, Baker, NV 89311 or www.greatbasinwaternetnetwork.org