

# Nevada court returns Vegas pipeline issue to state official

By KEN RITTER - Associated Press - Tuesday, February 10, 2015

LAS VEGAS (AP) - The Nevada Supreme Court has kicked a question about Las Vegas drawing water from arid high-desert valleys back to the state administrator who decides water issues.

Six justices decided they don't have jurisdiction over state Water Engineer Jason King's appeal of a previous ruling by a Nevada judge rejecting King's decision to let the pipeline plan proceed in an area straddling the Nevada-Utah border.

The ruling was hailed by project opponents as a victory and by proponents as no big deal.

The court, in the order issued Friday and posted Tuesday, sent the case back to King for further administrative review.

Justice Kristina Pickering, in dissent, said she believed the high court has jurisdiction and should decide the issue.

A spokeswoman for King and an official with the Southern Nevada Water Authority in Las Vegas each noted another case is pending before the state high court about the proposed multibillion-dollar pipeline proposal.

"We're not particularly surprised by the outcome in this case," water authority spokesman Scott Huntley said. "We do not see the question as settled. We see the other case as the larger issue."

Nevada Department of Conservation and Natural Resources spokeswoman JoAnn Kittrell said King doesn't believe the dismissal changes anything.

She said King was in state Legislative conferences and couldn't immediately comment himself.

Abby Johnson, president of the Great Basin Water Network, a coalition of groups fighting the pipeline plan, said King won't be able to declare that drawing water from the arid high desert won't hurt the surroundings.

King decided in March 2012 that the water authority serving Las Vegas, its 2 million residents and 40 million visitors could pump and pipe millions of gallons of groundwater a year from the Spring Valley, Cave, Dry Lake and Delamar valleys in Nevada.

Environmental groups in Nevada and Utah challenged King's decision to grant the water authority permission to pump up to 84,000 acre-feet of water a year. They said pumping would ruin fragile ecosystems and turn the valleys to dust bowls.

Water officials in Las Vegas say one acre-foot, or 326,000 gallons, can serve two households a year.

In December 2013, Seventh District Court Senior Judge Robert Estes in Ely called for a do-over.

In a blunt ruling, the judge said King needed to recalculate the amount of water available and establish standards for limiting possible environmental damage in White Pine and Lincoln counties.

A comparable watershed area would cover large portions of four New England states and parts of New York, Estes wrote....

"The matter must be remanded to the engineer so that objective standards may be established," he said. "Without standards, any decision is ... arbitrary and capricious."

King appealed instead to the state high court.

Other opponents of the pumping plan include Native American tribes in Nevada and Utah, a Mormon church official and the counties of White Pine in Nevada and Millard and Juab in Utah.

A push to find more water for Las Vegas has increased in recent years amid ongoing drought in the Southwest and the depletion of the Lake Mead reservoir on the Colorado River to less than half full.

Las Vegas draws about 90 percent of its drinking water from a reservoir behind Hoover Dam.