

Water Gab



NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND

Volume 5, Issue 1 Spring, 2015

At Risk: Sacred Shoshone Cedars Massacre Site in Spring Valley

Nevada's Great Basin consists of pinion and juniper covered mountain ranges that run North/South like woolly worms with long, wide, mostly arid valleys in between. However, Spring Valley is an exception. Traveling East/West on Hwy 50, one will notice that the floor of Spring Valley is tree covered. These trees, Rocky Mountain Junipers, were pushed there by Ice Age conditions. Their root system is very shallow. Consequently the trees are in extreme danger from groundwater drawdown from the Southern Nevada Water Authority groundwater pipeline and exportation project.



Delaine Spilsbury's grandmother survived the final massacre.

Newe, Nevada's Native peoples were hunters and gatherers and roamed in small familial groups in their search for sustenance. This forest of junipers was centrally located, providing shade during hot summers and became the favorite gathering place for the Newe. Ample water-enabled plant and wildlife proliferated. Many game birds and animals, rare medicinal plants, pinion forests with their ample bounty of nuts were near and fish thrived in the nearby streams and ponds. The "Cedars" became a Sacred Ceremonial site, friendships were renewed, young people found mates, sacred ceremonies were performed and food and medicinal stores replenished prior to snowfall.



Near the Shoshone Pond Natural Area of the BLM

Unfortunately, when the settlers arrived, the ceremonial gatherings were misinterpreted as war parties and massacres occurred. The first two massacres are of official U.S. Cavalry record. A military unit had traveled from Fort Ruby and was not aware of the marshy conditions in Spring Valley. Soon

(Sacred Cedars continued on page 2)

Legal Update: Slow Continued Progress For Water Fight in Courts

The past few months have been a period of relatively subdued activity on the multiple legal fronts in GBWN's ongoing campaign to prevent SNWA's massive Groundwater Development and Pipeline Project from being approved and implemented. But that is not to say things have not been moving forward or that we have not been vigilant.

Nevada State Supreme Court Developments

All parties' briefing on the merits of SNWA's and the Nevada State Engineer's appeals was completed during the fall, ending in December of 2014. Then, this past February, the Court issued an order dismissing SNWA's and the State Engineer's original appeals on the ground that Senior District Judge Estes's 2013 ruling, which overturned the State Engineer's approval of SNWA's water rights for the Project, was a remand order and not a properly appealable final order.

It is important to recognize that the Supreme Court's order dismissing the original appeals does not truly dispose of the issues on appeal because both SNWA and the State Engineer re-submitted all the same issues through Petitions for Writs of Mandamus that still are pending before the Court. In fact, all the briefing that has been submitted to the Court was done so under those petitions. So, we still are waiting to see how the Court handles those issues and whether the

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THE
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after the attack order, many of the cavalry ponies were mired in Spring Valley mud and most of the intended victims escaped. The Newe, now called Shoshone, were not so fortunate at the second Military massacre. Many were killed in this second “skirmish”. Written reports state that men’s penises were cut off and shoved into their mouths and tree branches were shoved into women’s vaginas. Newe believe that because of their violent deaths, the spirits of the victims remain in the Sacred Trees. A third Cavalry massacre was in process but abandoned when attackers became aware that the gathering was not a war party, but Newe gathering pine-nuts.

The final massacre of the Newe (Great Basin Shoshone) was by vigilantes so there is no military record. Two little girls, approximately age eight, hid in a ditch and were not discovered. They were able to

walk south to the Swallow Ranch.

One of the girls, Annie Jack, eventually joined the folks at Ibapah, UT. The other survivor was named Mamie by the Swallows. She lived with the Swallow family until she married a hired hand, Joe Joseph, a Paiute from Shivits, UT. The Josephs made Baker, Nevada their home.

— *Compiled by Delaine Spilsbury, Granddaughter of Mamie & Joe Joseph.*

REF: Davis 1913, Steward 1938, Malouf 1974, Crum et al. 1976, Martineau 1992, Robison 2006, BLM Document no: 8111 BLM NV040-09-1740B 2009 page 6-3



(Legal continued from page 1)

Court schedules a hearing to help it make that decision.

“THIS
REPRESENTS...
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While there is no way to know when the Court will take the next step, we expect it to be soon. In the meantime, it seems positive that the Court went to the trouble of dismissing the original appeals and issuing an order that suggests SNWA and the State Engineer ultimately will have no alternative but to comply with Judge Estes’ order below, putting them in the difficult position of having to prove that a demonstrably unsustainable project can be made sustainable.

Slow Progress in Federal Environmental Lawsuit

As those developments have taken shape in our state water law case, there have been some preliminary procedural steps forward in our federal case as well. One of the most significant developments

was the federal district court’s denial of most of the federal government’s motion to dismiss three of the Indian Tribes’ claims. While that motion never challenged or threatened GBWN’s claims in the federal case, the fact that Judge Gordon preserved all but one aspect of one of the Tribes’ claims keeps our allies’ options open, along with ours.

Briefing on the merits has been delayed as SNWA seeks to pad the administrative record by seeking to include referenced studies in their entirety. In our view this is inconsequential and represents nothing more than a continuation of SNWA’s attempt to mask the patently deficient quality of their scientific work with a surfeit of quantity.

Holding The Line On Other Fronts

Beyond our two court cases, GBWN has been vigilant at the legislature (see article page 7) regarding changes in Nevada water law. Finally, GBWN joined with local Snake Valley water rights owners in opposing an attempt by Granite Peak Ranches to resuscitate unproved and moribund water rights by transferring them, with the unspoken aim of making those rights marketable to SNWA for its Project. Just last month, the Nevada State Engineer issued a ruling that adopted key components of our arguments and denied Granite Peak’s most problematic applications.

— *Simeon Herskovits, Advocates for Community and Environment*

Water Gab

Las Vegas Getting Real About Water Issues

It's easy to think that despite all the bad news, Las Vegas residents are oblivious to the fact that they live in the driest city in the nation. The famous fountains at the Bellagio casino still go off like clockwork. While Californians are being forced to reduce water use by a quarter and even Reno area residents are being asked to cut back by 10 percent, anytime our city is brought up, experts trip over themselves to talk about how great and ahead of the curve Las Vegas

“WHY IS SNWA NOT ASKING RESIDENTS TO CONSERVE MORE OR NOT ASKING WATER WASTERS TO PAY MORE?”

is, recycling wastewater and paying people to rip out turf. Sure, Lake Mead is reaching a critical cutback level, but we've already reduced use enough so we won't even feel the first level of pain. But a closer look shows that residents are more concerned than their spokespeople are. Questions and comparisons show Las

Vegas are thirsty for action to see the West safely through the drought. Recently we discovered that Real Water, an alkaline water company owned by Nevada Assemblyman Brent Jones, processes, bottles, and sells water pumped from Lake Mead-- often to other cities. The questionable morals of exporting water from arid areas to those with more rainfall, regardless of the amount, garnered substantial media attention, with GBWN being featured in KNPR's Desert Companion Magazine and State of Nevada radio show. While Pat Mulroy has been on her most prolific PR tour ever, Las Vegas is starting to pose tougher questions to their public utility. Why will today's ratepayers be on the hook for a pipeline to supply tomorrow's growth? Why is Southern Nevada Water Authority not asking residents to conserve more, or not asking water wasters to pay more? What does it say about the future of our community when our top priority is a pipe and pump that can suck the Colorado River at a point where Hoover Dam stops releasing water? What can we learn from communities around the world to become the leaders in water efficiency? Why are we full of studies and forums but short on action? Hopefully the community's voice becomes loud enough that we start getting the answers we deserve. — Howard Watts III, GBWN Communications Specialist



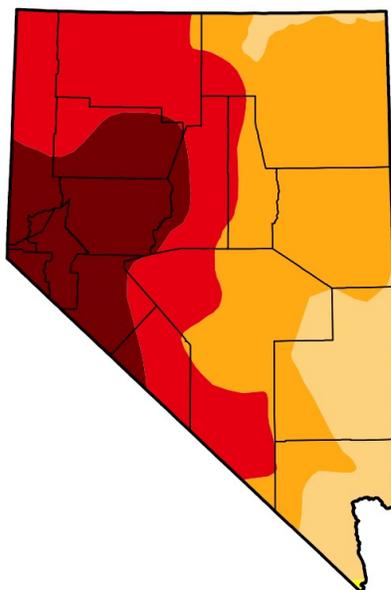
Giant water bucket in Baker, Nev., on the road to Great Basin National Park, sports a new sign. The message? The Water Grab is a disaster for Las Vegas ratepayers and Eastern Nevadans.

Is Megadrought the New Normal?

A new study published in the *Journal of Science Advances* by NASA scientists says that a “megadrought” will hit the US southwest and central plains later this century and remain for decades. The Washington Post, reporting on the NASA study, quoted Jason Smerdon that after 2050, there is “overwhelming evidence of a dry shift, way drier than the mega-droughts of the 1100s and 1200s. [The cause] is two-fold, reductions in rainfall and snowfall. Not just rainfall but soil moisture ... and changes in evaporation that dry out the soil much more than normal.” The article quotes Marcia Kemper McNutt, a geophysicist and editor in chief of the journal *Science*, “We are facing a water situation that hasn't been seen in California for 1,200 years.” Drought conditions during the past 4 years have considerably worsened with all of Nevada in drought; more than 80% is in “severe”, “extreme”, or “exceptional” drought. Is our current drought an anomaly or a prelude to a stretch of dry times unprecedented in the west?

— Dennis Ghiglieri, GBWN

U.S. Drought Monitor Nevada



April 7, 2015
(Released Thursday, Apr. 9, 2015)
Valid 7 a.m. EST

	Drought Conditions (Percent Area)					
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.00	100.00	99.93	85.72	47.96	18.38
Last Week 3/31/2015	0.00	100.00	99.93	79.50	47.96	18.38
3 Months Ago 1/6/2015	0.00	100.00	96.98	68.25	48.38	11.89
Start of Calendar Year 1/20/2014	0.00	100.00	96.98	68.25	48.38	11.89
Start of Water Year 9/30/2014	0.00	100.00	97.04	69.89	48.38	11.89
One Year Ago 4/8/2014	0.00	100.00	100.00	82.21	33.54	8.24

Intensity:
 D0 Abnormally Dry
 D1 Moderate Drought
 D2 Severe Drought
 D3 Extreme Drought
 D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:
Michael Brewer
NCDC/NOAA



<http://droughtmonitor.unl.edu/>

Water Gab

Will Utah Go “All In” for Water Projects ?



Prepare 60 Coalition of power-brokers has a wish list of \$32 billion of infrastructure improvements needed by 2060.

THE STATE SPENDS A MERE \$250,000 PER YEAR FOR ITS PRIMARY CONSERVATION EFFORT—THE “SLOW THE FLOW” PUBLIC AWARENESS CAMPAIGN.

On the heels of Utah’s warmest, driest winter ever recorded, the political leaders of the state appear poised to go “all in” for big ticket water development while downplaying conservation.

Leapfrogging the on-going, parallel water planning processes initiated in 2013 by Governor Gary Herbert and Envision Utah, Utah’s water power-brokers formed the “Prepare 60” coalition prior to the 2015 Legislature to promote state financing for water infrastructure maintenance, repair, replacement, and supply projects statewide over the next 20 to 45 years.

To tout its agenda, Prepare 60 cites \$32 billion in infrastructure improvements it claims are needed by 2060 to meet Utah’s growing population and water demand. Their vague and sloppily prepared past, present, and distant future “wish list” fuels suspicion that it’s merely a cover for Prep 60’s top priorities: damming and diverting the Bear River to pipe water to the Wasatch Front and building the Lake Powell pipeline (LPP) to St. George.

Pressure to move ahead on the LPP has been building for several years, despite downward revisions in population growth projections. Utah has spent \$27 million to date on LPP pre-development and environmental analysis, and the Federal Energy Regulatory Commission is expected to release the project’s Draft EIS. The LPP,

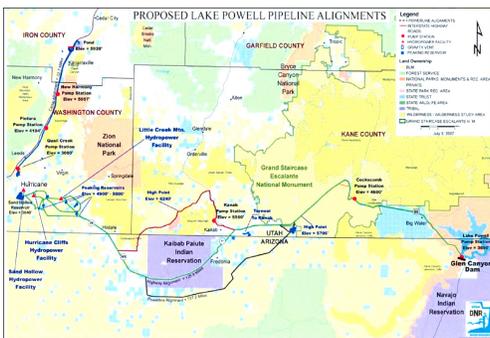
which could cost upwards of \$4 billion and would divert 80,000 acre feet per year from the Upper Basin to the Lower Basin, is the largest water project currently planned on the Colorado River.

The need to develop the multi-billion dollar Bear River Project is even more dubious, but the March 2015 Preliminary Project Schedule, leading to con-

struction in 2028, indicates an increasingly aggressive strategy for big water projects. The Bear River provides nearly 60% of the annual surface water inflow to the Great Salt Lake, so the proposed diversion of 220,000 afy (18-20% of the Bear River’s annual flow) could further lower the already drought-depleted Lake. The “Water Nobility” appears unconcerned about the potential that continued drought, climate change and upstream diversions could result in not enough water in Lake Powell and the headwaters of the Bear to fill these dams and pipelines. Meanwhile, the state spends a mere \$250,000 per year for its primary conservation effort – the “Slow the Flow” public awareness campaign.

Prepare 60 spent over \$250,000 to hire top lobbyists to push for financing of “the list” and these two huge water projects during the 2015 Legislative Session, which culminated in the enactment of Senate Bill 281. Introduced late in the Session and substantially altered in a series of conference committees on the final day, SB 281 creates a new Water Infrastructure Restricted Account and specifies that funds will be administered by the Division of Water Resources and allocated by its Board for the LPP and Bear River projects, as well as work on federal water projects for which there are no federal dollars available. The bill seeded the Restricted Account with a last minute \$5 million appropriation of “surplus” cash from the state’s General Fund.

While that amount seems insignificant (about one-half of one percent of the cost of the LPP), it does open the door for what we anticipate will be a major play to earmark sales taxes or general obligation bonds next year to capitalize the Account. It appears that Utah will follow Colorado’s lead in putting its chips on the line for big water development rather than less glamorous conservation efforts – all while thumbing its nose at the Lower Basin States. — Steve Erickson, GBWN Board



The proposed Lake Powell Pipeline is the largest water project currently planned on the Colorado, at a cost of \$4 billion and diversion of 80,000 acre feet per year.

Snake Valley Festival

Small Town Parade

**Snake Valley Slither
5K - 10 K**

**Silent
Auctions!**

Yard Sale!

Book Sale!

50-50 Raffle!

More Booths!



**Ice Cream
Social**

**Community
Breakfast**

BBQ Dinner

Bake Sale

Beer Tasting Party!

Massive Water Fight

Pageant for All Ages

Music! Music! Music!

**June 19-21, 2015
Baker, Nevada**

Support Snake Valley in the legal battle to keep its own water!

<http://ProtectSnakeValley.org/festival.html>

Water Gab

Nevada Legislature Considers Water Law Changes

By the time you receive this, the 2015 Nevada Legislative session will be close to adjournment (*sine die*). However, the session has been roller-coaster-active with State Engineer workshops plus legislative workshops and hearings in each house. Your Network has been interested in a number of water bills, some of which are summarized here, status as of press time:



SB 65: The State Engineer (NSE) proposed bringing NRS 533 and 534 into modern language. Key issues: the definition of perennial yield (proposed & deleted); interbasin transfers (changing the parameters requiring evaluation); and dealing with domestic wells. It passed out of committee but died one vote short of the 2/3 majority needed.

SB 81: NSE requested a bill to give him more tools to correct severely over-appropriated groundwater basins (Pahrump and Diamond Valley) called Critical/Active Water Management Areas. The bill allows local folks 5-10 years to fix their own problem. If not, the NSE would have the power to actively manage the basin and its users. Nevada has 26 over-appropriated basins. The bill was referred to Senate Finance & needs a 2/3 majority.

SB 485: Requires vested water rights holders to file their claims and proofs within 10 years of passage. Many vested holders are unknown to the NSE's office, have had 100 years grace period, and need to firm up their rights legally. When the NSE adjudicates a groundwater basin, he/she needs to know all uses. It passed out of the Senate unanimously.

AB 198: Requires the Legislative Committee on Public Lands conduct a study of water conservation and alternative sources of water for Nevada communities during the interim. Approved by the Assembly; awaiting hearing in Senate.

In the next *Water Gab*, we will report on final outcomes from the Legislature and provide an update on the Nevada Drought Forum.

— Susan Lynn, GBWN

Nevada Drought Forum Awaits Report from Western Governors



In April, Governor Sandoval issued an Executive Order to establish the Nevada Drought Forum in response to diminishing water supplies and increasing public awareness about drought in California, Nevada, and the West. A multi-day summit is planned at Lake Tahoe in September. The Forum is patterned on the Western Governor's Assoc. Drought Forum. Read the executive order here: <http://drought.nv.gov/> and follow Drought Forum events through GBWN's website.

Letter to the Editor: High Country News

In March, High Country News did a cover feature on the legacy and achievements of Pat Mulroy, retired director of Southern Nevada Water Authority. GBWN responded with a letter to the editor which HCN published on April 27:

To the Editor: The in-depth profile of Pat Mulroy in last month's issue made the mistake many others have made in evaluating her, abandoning balance and working to explain away the hypocrisies of her tenure as Las Vegas' water boss.

Her hard-nosed tactics may be viewed by admirers as feints meant to foster collaboration among other water managers on the Colorado River, but not for Nevadans in Pat's water grab sacrifice zone. Pat and the culture she fostered at Southern Nevada Water Authority have fought tooth-and-nail against any efforts to reduce the scope of their \$15.7 billion groundwater pipeline project, to set triggers at which the pumps would be shut off (or put into reverse, as suggested in the article), to push more aggressive or innovative indoor conservation techniques, or ratchet up punitive rates for water wasters. They've fought both a full vetting of other options and a thorough accounting of the millions in tax and ratepayer dollars spent on public affairs, property purchases, lawyers, and "experts" whose findings have been challenged by the research of independent analysts and other agencies. Pat may be a collaborator with the other six Colorado River states, but rural Nevadans know otherwise.

If not for the fact that SNWA has been on a losing streak in court, pipe might already be laid. That sounds like strong-arm water grab tactics of the past, not some idyllic new way of pumping. Mulroy is a polarizing figure who has earned the respect of allies and opponents. Now that she's retired, attempts seem to be underway to bur-nish her legacy by softening the edges and inconsistencies coming from her record on this issue. But the hard facts show that while she's given Nevada an outsized role in affairs on the Colorado River and done admirable things, she also stubbornly prioritized and pursued this disastrous eastern Nevada groundwater project against the better judgment of history, science, and law. We would expect that High Country News would provide objective "warts and all" reporting of Mrs. Mulroy's accomplishments and failures. She is not perfect, and High Country News shouldn't cover up those blemishes.

There is no benign name for Pat's Pipeline. It is the Las Vegas Water Grab which accurately conveys Mrs. Mulroy's approach.



Water Gab

**GREAT BASIN
WATER NETWORK**

NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND

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*Inside...
Snake Valley Festival
Schedule*



Snake Valley Festival Is Buckets of Fun June 19-21 Events Support Water Fight

The seventh annual Snake Valley Festival in Baker, Nev., promises to be buckets of fun for families and friends of all ages. Favorite events are returning, including the water-themed **parade** — so short it goes around twice — music, book booth, ice cream social, **BBQ**, community **yard sale** and silent **auction**. Last year’s crowd pleasing **beer tasting** is back with new and familiar brews—made from Great Basin water. And Sunday’s **5K Slither** is slated: register at active.com. Look for **pies** and crafts. Don’t miss Saturday’s **community breakfast**. It’s all happening at the Festival. **A program is included inside this newsletter!** The festival proceeds go to fighting the water grab.

See you at the Festival, Father’s Day Weekend, **June 19-21, 2015.**

Kudos to Delaine and Rick Spilsbury and thanks to their supporters who made the Spring yard sale in Ely to benefit GBWN so successful!**Facebookers:** GBWN now has a Page. Please “LIKE” GBWN on Facebook and invite your friends....**Our website** is updated daily with current news about the drought and the Water Grab...Check out



Water Gab is a periodic newsletter of Great Basin Water Network to keep in touch with friends and neighbors about what’s happening with the water grab fight. To learn more, check our **NEW** website for news updates and FAQs: www.greatbasinwaternetwork.org.



“Like” the Great Basin Water Network Facebook page to follow current news. Bookmark the Amazon Smile website, designate GBWN & shop. Amazon will donate to GBWN.



Mail your tax deductible donation to: Great Basin Water Network, P.O. Box 75, Baker, NV 89311 or donate at our website. THANK YOU! ●

Water Gab editor: Abby Johnson. Contributors: Steve Erickson, Dennis Ghiglieri, Simeon Herskovits, Lynne Hoffman, Abby Johnson, Susan Lynn, Delaine Spilsbury, Howard Watts III. Photo credits: Mark Andreasen, Gretchen Baker, Dennis Ghiglieri, Brandi Roberts.

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