

Water Gab

Volume 7, Issue 1 Spring, 2017



NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND

NEVADA WATER LAW: AB 298 Passes Assembly Bill Legalizes Water Mining, Upends "First in Time, First in Right"

The big news since our last update is that the Nevada Legislature has gone into session. As of this writing there are just 30-some days remaining. While many water bills were introduced, by now several have died and except for AB 298 most of what remains is fairly non-controversial. It seems the state will finally legalize rain-water collection, which is one of the few bright spots with regards to changing water law.

Indeed, one of the remaining and dangerous bills, AB 298, was crafted by the Southern Nevada Water Authority and is backed by the big Las Vegas business interests. As we've warned, it tackles 3M Plans, (monitoring, management, and mitigation plans) and unnecessarily places into statutory water law for the first time dangerous definitions of perennial yield, unappropriated water and environmental soundness. As of press time, the definitions in AB 298 First Reprint would legalize groundwater mining to the detriment of senior water rights holders and the environment and change the current understanding of environmental soundness to jeopardize wildlife. The 3M provisions would force mitigation water on a senior water rights holder and make no provisions for wildlife which depend on the water source being dried up by the junior applicant. Furthermore, AB 298 contains troubling language to force these definitions into all previous State Engineer decisions and all pending applications "retroactively and prospectively."

SNWA contacted a fairly broad group of "stakeholders" including GBWN right before the legislative session began to workshop the language in search of consensus. SNWA's initial draft would have severely undermined provisions of water law that protect existing rights holders and the environment.

While incremental improvements have been made over the months, it has been frustrating to watch as most of our suggestions have been ignored, with only bits and pieces incorporated.

There are still many serious flaws with the bill, and we are asking for your help! Please contact the Nevada Legislature **ASAP** and tell them to **OPPOSE AB 298**. It undermines water law, threatens takings for existing rights holders, and opens up the possibility for widespread devastation of the environment.

The bill has passed the Assembly and as of press time is being considered by the Senate. Please contact all members of the Senate ASAP by telephone or email. Tell them to OPPOSE AB 298. Check our website and

Facebook page for updates. Legislative website: <https://www.leg.state.nv.us/>



ACTION ALERT: Stop AB 298; Stop the Grab

Normally we'd have a cheery article here, but the AB 298 First Reprint bill being considered in the Nevada legislature needs full front page attention. It's a bad bill which has so much wrong with it that we don't believe it can be improved. **It's a priority for SNWA and let's face it. They need to change Nevada water law so that the State Engineer's decisions awarding them water won't continue to get successfully challenged in court.** This bill changes working definitions, enables loss of senior water rights through a 3M process, and as written (5/8/17) includes provisions in Sections 20 and 21 that apply the bill retroactively and inaccurately. It doesn't clarify existing water law, it changes it to the detriment of senior water rights and wildlife. That's a BIG N-O for GBWN!

Please do the following:

- Telephone or email every member of the Nevada Senate with your opinions.
- Check Great Basin Water Network's website and Facebook page for updates and Alerts.

We knew this would be a difficult session and we were right. Now we need each of you—and your friends and family—including folks in Reno and Las Vegas—to speak up and show up!

Legislative website for phone numbers and emails: <https://www.leg.state.nv.us/>

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Legal Update: Spring CDD Hearing SNWA Trying to Change the Law

Federal Case Challenging BLM Pipeline ROW Decision

While we expect that Federal Judge Gordon will set a date for oral argument on the merits of our federal case against the U.S. Bureau of Land Management and the Department of Interior challenging the BLM's decision to grant a right of way to the Southern Nevada Water Authority for its pipeline project, an order has not yet been issued. When we have news, we will let you know through our email alert system (see Howard Watts' article for how to join) and newsletter. If scheduled, oral argument will be held in Judge Gordon's federal courtroom in Las Vegas. The lawsuit challenges the deficiencies in the federal environmental review process, and if successful would prevent any forward progress on the pipeline project on the federal front unless and until those deficiencies are corrected. We are confident that the law supports our claims and hope to prevail.

Nevada State Engineer Spring, Cave, Dry Lake, and Delamar Remand Hearing - September 25-October 6

This fall, from September 25th through October 6th, the State Engineer will hold a fourth administrative hearing on SNWA's Spring, Cave, Dry Lake, and Delamar Valley pipeline applications. The remand hearing is the result of a third reversal by Nevada state courts of the State Engineer's grant of water rights to SNWA for its proposed pipeline project. The courts have required the State Engineer in the upcoming remand hearing to recalculate how much, if any, water is available from each of the four targeted valleys, and to define standards, thresholds, or triggers for mitigation of impacts prior to granting any

water rights for the pipeline project. Deadlines for the exchange of evidence are set for June and August, so our attorneys and experts will be busy preparing this summer.

We anticipate that the State Engineer will set aside time during the hearing for public comment. As soon as we know if or when, we will spread the word.

A two week hearing is labor intensive and costly. We expect to send out a special fundraising appeal to help with the expenses for our attorneys and experts, and for court reporter costs. Stay tuned and thank you for your ongoing support. You can help us now with a donation at www.greatbasinwater.net.

Nevada Legislative Update – AB 298, First Reprint

In an implicit recognition that current Nevada law does not support its pipeline water applications, SNWA currently is aggressively advocating for fundamental and drastic changes to Nevada water law in the legislature. These changes are expressed in AB 298, which threatens to loosen the requirements for granting new appropriations of water to permit for the first time in Nevada's history unsustainable groundwater mining and to weaken the requirements for monitoring and mitigation plans. AB 298 also places the burden on existing water rights owners to defend their rights. (See page 1).

GBWN and our allies have been working hard to amend AB 298 to preserve the long-standing scientifically sound approach to the management of water which has served Nevada well for generations and which is designed to protect the interests of existing water rights holders.

—Iris Thornton, Advocates for Community & Environment

Snake Valley Festival Set for June 16-17 Parade, Pancake Breakfast, Booths, Beer Tasting, BBQ and more

Friends and supporters of Snake Valley will gather in Baker, Nevada during the weekend of June 16-17 for the Ninth annual Snake Valley Festival to celebrate and raise funds in support of community preservation. Proceeds from the festival events will benefit the Great Basin Water Network (www.greatbasinwater.net) to help protect the water and environment in eastern Nevada and the west desert of Utah.

Great Basin beer tasting at the Whispering Elms will kick off events Friday night. All of the brews featured at the beer tasting are brewed with water from the Great Basin. Alongside the beer tasting, enjoy a silent auction with "premier" items.

Saturday begin with breakfast at Kerouac's Café in downtown Baker. The town parade, with a water theme, will start at 10 am and complete its circuit twice, lest any spectators blink and miss it. The day will continue with a community yard sale, food and craft booths, a book sale, a silent auction, bake sale, live music, kids' games, and a massive water fight. The day will culminate with a BBQ dinner and dance at the Border Inn. —Jenny Hamilton



Kelly Carroll's *Bristlecone Pine at Sunset* photo canvas, a premier silent auction item.

Nevada Outreach Update: Water Is Brain Food



The Network has seen some really impressive growth in its public outreach activities and abilities over the past few months. First and foremost is Patagonia, who funded GBWN in years past. We met up with them to provide an update on the water fight, and what has

followed has been nothing short of amazing. We were able to quickly submit a grant application that was approved, providing critical funds for our legal experts and the water tour.



We gave a Water 101 talk as part of the "Brain Food" series to educate employees on important issues. I was invited to attend their Tools for Grassroots Activists training this fall near Lake Tahoe. AND they've graciously donated items for auction at the Snake Valley Festival. We're excited to work so closely with Patagonia, and thank them for their generosity!

There have been other speaking engagements too - from the Battle Born Progress Progressive Summit in Las



Vegas, to REI in Reno, to the Sierra Nevada Forum in Carson City, with over 100 attendees! I even spoke on a water panel put on by Leadership Las Vegas - a project of the Las Vegas Chamber of Commerce - that also included SNWA head John Entsminger and representatives of from the casino and developer industries. Now we're preparing for our biggest outreach activity in years - a statewide water tour!

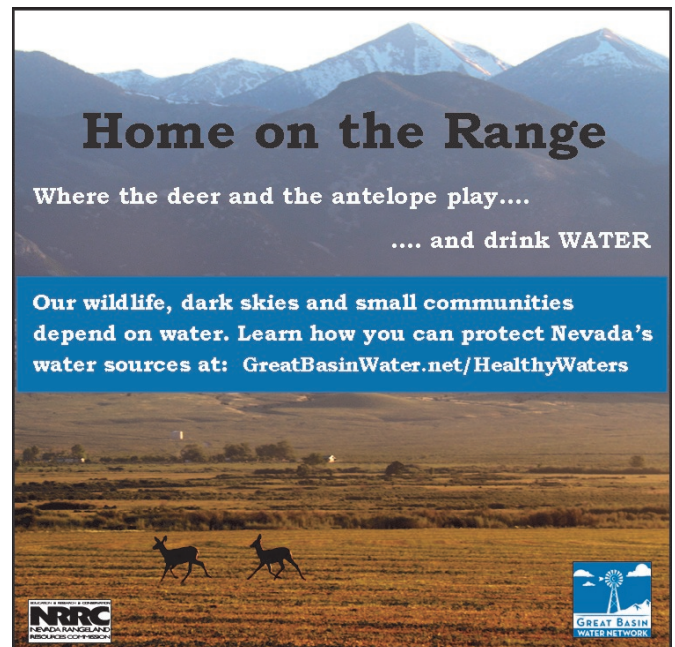
Outreach has helped us build a strong social media presence - now over 500 Facebook likes and 400 Twitter followers, which is pretty good for a scrappy organization bucking the system. We have also taken a major step by creating an email distribution list for action alerts and news! If you're not on it, contact me at hdubtre@gmail.com and we'll get you added.

—Howard Watts III GBWN Communications Specialist

Colorado River News

The wet winter has dampened enthusiasm for tackling aggressive conservation. California declared its drought over, and negotiations to reduce the deficit on the Colorado River have stalled. We're happy for the water in California and parts of the West and hope that next year is good too, but we can't avoid the need to bring our use in line with supply, or ignore the fact that drought is the norm in the west - and the climate may be even more hostile in the decades to come.

Pending in the Nevada Legislature is AJR 4 which requests the National Research Council of the National Academy of Sciences to conduct an independent scientific and economic analysis of the current management practices of the Colorado River, the impact of these practices on water security, flood protection and biodiversity recovery, and alternative management options, including draining Lake Powell and decommissioning and destroying the Glen Canyon Dam. The resolution has passed the Assembly and awaits action by the Senate.



We continue our outreach and education in southern Nevada, including this ad in KNPR's Desert Companion magazine. Thanks to Nevada Rangeland Resources Commission for supporting our public education efforts.

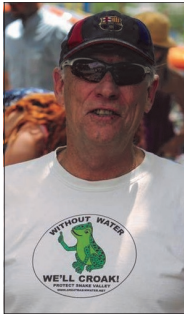
Water Gab



STATE
CAPITOL

Utah Update

Legislative Action and Duty of Water Float To Top of Water News



Unlike last year, it was pretty quiet on the water front during the 2017 Utah Legislative General Session. Perhaps that's a blessing, as the few results were mostly bad.

On the positive side, the Legislature enacted SB 63 (Sen. Margaret Dayton), which attempts to resolve a longstanding controversy in transferring individual water shares held jointly with a nonprofit water corporation (e.g. a canal company). The bill should make the transfer process less difficult and contentious.

Also passed was legislation (HB 118) that allows the State Engineer to make rules regarding the "duty of water" for various uses, an authority the SE has used in the past but without specific statutory authorization. While seemingly innocuous, this could lead to redefining the duty for municipal use in Utah, which hasn't been updated in 35 years and overestimates current actual household indoor and outdoor use.

The amount of water required for peak use and emergencies that cities must retain as water supply is also high and could be revised as well. Such adjustments could result in a major downward revision of water suppliers' projections of future supply needs – projections that underpin claims that major new water projects like the Lake Powell pipeline and Bear River dams/diversions must be built.

A few good bills failed to pass. SB 151 would have phased in a cap on property tax revenue at 15% of a water authority's total revenue, which would have forced rates to float upward, closer to the true cost of municipal water. Higher rates cause consumers to conserve, thus delaying the need for expensive new wa-

ter supply projects. A rare good water bill from Sen. Stewart Adams (SB 228)

would have required applicants for water project loans to submit their project plans to an independent value engineering review to assure efficiency and cost control.

SB 214 would have allowed a water right for the environment (in-stream flow) to be held by a public water supplier for the public benefit. And Sen. Dayton abandoned a bill that would have taken small steps toward acknowledging a public trust benefit to reserving water for the environment. Both of these water issues will be studied over the "off season" by the Water Development Commission, which Sen. Dayton co-chairs, but was also altered significantly in a bill sponsored by Dayton. That bill, SB 11, changes the WDC to the Legislative Water Development Commission by removing all of the non-legislative, non-voting members from the Commission and appointing 5 Senators and 8 Representatives as its voting members. Other non-voting members may be added at the discretion of the co-chairs. This likely will make an already hostile-to-the-environment Commission only more so.

Since the last Water Gab, the latest on Bear River project is that its development schedule has been pushed back to 2045. For an update on the Lake Powell pipeline project, see <http://conserveswu.org/wp-content/uploads/Lake-Powell-Pipeline-White-Paper.pdf>

For the latest on the bad data that is used to advocate for these two big projects, see <http://www.sltrib.com/news/5221625-155/how-much-water-does-utah-really>.

—Steve Erickson, GBWN Board

UTAH ...
OVERESTIMATES
CURRENT
ACTUAL
HOUSEHOLD
INDOOR
AND OUTDOOR
WATER USE.

Snake Valley Festival

9th ANNUAL FUNDRAISER

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

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

FAMILY FUN !!

*Small Town
Parade!*
...
Yard Sale!
...
Book Sale!
...
Craft Booths!
...
*Massive
Water Fight!*



*50:25:25
Raffle!*
...
*Pancake
Breakfast!*
...
Music!
...
BBQ Dinner!
...
DANCE!

Beer Tasting Party!

Silent Auctions!

June 16-17, 2017
Baker, Nevada

Snake Valley Festival

FRIDAY and ALL DAY SATURDAY **50:25:25 RAFFLE TICKETS – WIN CASH!**

Buy at Whispering Elms & Border Inn.
TWO LUCKY WINNERS each win 25% of the pot!
MORE TICKETS SOLD MEANS A BIGGER POT!
*** Drawing Saturday night before the **DANCE** ***

FRIDAY, June 16, 2017

6-9 PM Beer Tasting Party at Whispering Elms
All beers made with Great Basin Water!
7-9 PM SILENT AUCTION with "Premium" items at Whispering Elms

SATURDAY, June 17, 2017

7 AM-10 AM Pancake Breakfast at Kerouac's Café on Baker Ave.
8 AM-12 NOON Community Yard Sale near Baker Hall
AT NOON: Anything left at the Yard Sale is FREE
8 AM-3 PM BOOTHS near Baker Hall and on Baker Ave
8 AM-3 PM BOOK SALE near Baker Hall
AT 3 PM: Anything left at the Book Sale is FREE

10 AM SMALL TOWN PARADE – So small it goes around twice!
11 AM-1 PM Solar Telescope on the Playground
11 AM-2 PM Kids Games on Baker Hall Lawn
11 AM-2 PM Lunch & Food Booths

11 AM-2:30 PM SILENT AUCTION in Baker Hall
11 AM-3 PM Bake Sale in Baker Hall
1 PM-3 PM Free Entertainment on Baker Hall Lawn
3 PM Massive Water Fight on the Playground

5:30 PM BBQ Dinner at the Border Inn
7:00 PM 50:25:25 RAFFLE Winners announced
At the Border Inn
7:30-11 PM DANCE at the Border Inn
Featuring Travis Allred as DJ with Karaoke
8:30 PM Astronomy Program - Great Basin National Park
At the Lehman Caves Visitor Center

***** ALL TIMES PACIFIC DAYLIGHT TIME *****

✂ CLIP AND SAVE ✂
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Great Basin Water Tour Heads for Snake Valley Festival

Great Basin Water Network along with Progressive Leadership Alliance of Nevada and Great Basin Resource Watch is sponsoring a two-pronged water tour in June. It's an opportunity for opinion leaders and the next generation of activists to learn about water issues in the driest state and get a better understanding of water needs and use in rural Nevada. The Reno branch will explore northern Nevada water issues and the nexus between water and mining. The Las Vegas group will travel the likely route of the SNWA pipeline. Both groups will explore Spring Valley, and converge on Baker on June 16 for the Snake Valley Water Festival. While in Baker, in addition to enjoying the festivities, the water tourists will learn about the history and ecology of the area, and will take the Baker Ranches water tour. We'll let you know how it went in the next issue of Water Gab.



Water in KSL West Desert Focus

In April, Annette Garland, GBWN board member and resident of Callao, Utah was interviewed by Alex Cabrero of KSL-TV in Salt Lake on life in the West Desert. She and her neighbors talked about the challenges and pleasures of life in a remote area. Annette zeroed in on the water issue.



She told Cabrero, as posted on and excerpted from the KSL-TV website, "Even with agricultural and educational challenges, the biggest issue might be water. Ranchers have enough for their animals, but southern Nevada really wants in, said Annette Garland, a rancher in neighboring Callao. "It's been a long battle,"

Garland said. "We've been in this battle since 2004."

"There's not a surplus of water here," Garland said. "They build the pipeline, they take the water, it devastates this valley and it'll be a few years, and then they'll have to go somewhere else."

"I think it's important to know that with a grassroots effort, you can succeed," Garland said.

The link to the KSL-TV coverage is posted on GBWN's website: greatbasinwater.net.

Lookin' for Lichen?



The Pipe signs were worn from wind and weather. Thanks to Nevada Rangeland Resources Commission for including sign replacement funds in our grant.



Water Gab

**GREAT BASIN
WATER NETWORK**

NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND

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*Action
Alert!!!!*

**YOUR
CONTRIBUTION
TO GBWN IS
MORE THAN A
DROP IN THE
BUCKET.**



Mark Your Calendars: Snake Valley Water Festival is June 16-18, 2017

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 updated website for news updates: www.greatbasinwaternetwork.org.



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GIVING
ASSISTANT

SHOP, EARN
CHANGE THE WORLD

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

Fine print: Great Basin Water Network is an IRS approved tax exempt 501 (c) (3) organization. Donations may be deductible. Please contact your financial advisor. This statement is required by the State of Nevada.

Water Gab editor: Abby Johnson. Contributors: Steve Erickson, Dennis Ghiglieri, Jenny Hamilton, Lynne Hoffman, Abby Johnson, Ellen Moore, Brandi Roberts, Iris Thornton, Howard Watts III. Photo credits: Mark Andreasen, Gretchen Baker, Kelly Carroll, Abby Johnson, Howard Watts III.

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