

# Water Gab

Volume 8, Issue 1 Spring, 2018



NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND

## SPRING CDD REMAND RULING EXPECTED SOON ?

**B**y now, we were expecting to be able to report on the State Engineer's ruling from the 2017 remand hearing on Spring, Cave, Dry Lake and Delamar Valleys. But as of press time (late May) no ruling. The background: As we explained in last fall's Water Gab, in the 2017 remand hearing on SNWA's pipeline applications in Spring, Cave, Dry Lake, and Delamar Valleys, the State Engineer was required to recalculate how much, if any, water is sustainably available from each of the four targeted valleys without causing impermissible impacts or conflicts, and to define standards, thresholds, or triggers for mitigation of impacts prior to granting any water rights to SNWA for the pipeline project.

Following that hearing, on January 19, 2018, the parties, including GBWN, filed closing briefs and proposed rulings. GBWN's submission advocated for denial of SNWA's applications by the State Engineer because, despite explicit direction to do so by the district court, SNWA failed to demonstrate (1) what if any amount of water is available for appropriation in the subject valleys; (2) that its applications would not conflict with existing rights; (3) that its applications would be consistent with the public interest; or (4) that its applications would be environmentally sound with relation to the basins of origin. Specifically, during the remand hearing SNWA made a conscious decision not to squarely address the issues and deficiencies that the court's remand order required SNWA and the State Engineer to remedy. As a result, there is no new evidence in the record that is responsive to the court's concerns on the issues of water availability, conflicts with existing rights, or the environment. Because SNWA chose not to even address these deficiencies in its previous evidence, let alone present any new evidence that would cure these deficiencies, and because the district court explicitly required

*(Spring CDD continued on page 2)*



Snake Valley Festival has MOVED to Labor Day Weekend August 31-Sept 3. Water and community themed parade is September 1. All entries welcome. Pictured: Daisy Gonder in the 2017 parade.

present any new evidence that would cure these deficiencies, and because the district court explicitly required

## SNWA PUMPING WOULD AFFECT STEPTOE VALLEY

**S**teptoe Valley, where Ely is located, is the highest major groundwater basin in eastern Nevada. Like many valleys in the Great Basin, Steptoe Valley is topographically closed like a bowl, which means that all runoff from snowmelt and precipitation stays within the valley and either fills streams, lakes and reservoirs, or sinks into the ground and becomes groundwater. The aerial photograph on page 2 shows the south half of Steptoe Valley, in which Ely may be seen, and Spring Valley directly to the east beyond the apparent mountain range (the Schell Creek Range).

Surrounded by mountains with a lot of carbonate rock, or limestone, which often allows groundwater to flow easily, groundwater recharging in Steptoe Valley flows into at least three different flow systems, including White River Valley, Goshute and the Great Salt Lake Flow Systems. There is excess groundwater in Steptoe Valley so excess groundwater flows to surrounding basins. The US Geological Survey has estimated that as much as

*(Steptoe continued on page 2)*

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# Water Gab

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these deficiencies be remedied, we think the State Engineer must deny SNWA's applications in order to comply with the remand order.

We expected a ruling this spring, but cannot be sure when one will be forthcoming. As of the writing of this update, the ruling has not yet been issued. The State Engineer's Office recently experienced turnover in staff that may delay the preparation and issuance of the ruling. The State Engineer's ruling almost certainly will be appealed to district court and eventually to the Nevada Supreme Court, which likely will be called on to make the

ultimate decision on SNWA's water rights applications for the pipeline project.

Once the State Engineer's ruling is issued, the parties have 30 days to assess its contents and prepare and file an appeal (called a petition for judicial review) if they believe one is warranted. GBWN is confident that the evidence in the record mandates the denial of SNWA's applications, and that we have a strong case for the Nevada State courts should the State Engineer again erroneously decide to grant water rights to SNWA.

— Simeon Herskovits, Advocates for Community and Environment

*(Steptoe continued from page 1)*

24,000 acre-feet of groundwater per year flows from southern Steptoe Valley to Spring Valley.

The Southern Nevada Water Authority (SNWA) proposes to pump groundwater from surrounding basins, including up to 91,000 acre-feet per year from Spring Valley just east of Steptoe Valley. SNWA, and Bureau

of Land Management (BLM) analyzed this pumping along with pumping from other basins, for an environmental impact statement written to consider the impacts of SNWA's groundwater development project.

Depending on the pumping scenario considered, the simulated pumping lowered the groundwater levels in southern and southeastern Steptoe Valley (bordering on Spring Valley and south of Majors Place in the aerial photograph) by up to 100 feet from predevelopment conditions. This is the part of Steptoe Valley from which groundwater naturally flows to Spring Valley, so the decrease in groundwater levels would increase the slope of the groundwater table and cause more groundwater to leave Steptoe Valley and flow toward SNWA pumps in Spring Valley. Pumping in Spring Valley will lower the groundwater table by up to 100 feet in the eastern portions of Steptoe Valley and therefore increase the area from which groundwater flows to Spring Valley.

SNWA claims its pumping will only take water from Spring Valley, but its model shows otherwise. The SNWA water grab is

a problem not only for valleys that will have SNWA pumps, but for adjoining valleys including Steptoe which will lose water to satisfy SNWA pumps.

— Dr. Tom Myers, Hydrologist for GBWN





# Water Gab

## Southern Nevada Update: SNWA Water Plan Revised; Apex Pipeline Underway



The Southern Nevada Water Authority makes regular updates to its water resource plan. It's through these updates that we can see their 50 year projections for population growth and water use. The last iteration was notable for basically removing all reference to the water grab project - instead referring to its groundwater rights and applications without talking about the pipeline to deliver that water.

The new version is a bit more transparent - it gives more detail on the status of their water rights applications and discusses the pipeline. This is considered a "future resource" that is only to be tapped under a scenario where Southern Nevada takes shortages in their river allocation and sees medium to high levels of growth. Their latest projections show that even under the most dire circumstances no "new" water is needed until around 2038 - 20 years from now.

It seems that putting a cap on annual growth would help protect Southern Nevada's water supply and avoid the multibillion dollar boondoggle

known as the Las Vegas Water Grab. While they model a modest increase in conservation, Southern Nevada can and should do more, which would also push out the need for "future resources." The new drought agreement between the lower basin states, which is still being negotiated but will likely be complete soon, also isn't modeled. Finally, there's desalination - this option gets only one paragraph in the plan, although the paragraph is better than it was last time. A full study is needed to compare the construction, operation, mitigation, and legal costs of the pipeline with a coastal desal plant used in a trade to increase how much water Las Vegas can take from Lake Mead.

Speaking of pipelines - there is one underway. The City of North Las Vegas is partnering with a developer to extend the municipal water supply to Apex, near the junction of I-15 and US-93. They will lay a pipe 3-4 ft in diameter to supply future company needs at the industrial park. A couple of key questions remain. Is the next stop the stalled development at Coyote Springs? How will Southern Nevada capture return flow from Apex? Will this just use up the water supply faster and be used to justify the water grab? We'll keep digging and keep you posted. —Howard Watts, GBWN

## LEGAL UPDATE: EIS Remanded Back To BLM Appeals of Judge Gordon's Ruling Dropped

**A**s we mentioned in our legal update last fall, on August 23, 2017, Judge Andrew Gordon issued a decision in our federal case against the U.S. Bureau of Land Management and the Department of Interior challenging the BLM's 2012 decision to grant a right of way to the Southern Nevada Water Authority and allow SNWA's pipeline project to proceed. Judge Gordon's decision reversed the federal government's approval on narrow grounds and ruled that the BLM must cure certain significant defects before it could approve the right of way for SNWA's project.

This decision was a victory for GBWN and all those who oppose the pipeline project. The decision resulted in a remand of the EIS to the BLM to correct deficiencies regarding wetlands and

wildlife habitat mitigation. In last fall's Water Gab we explained that in early November the BLM and SNWA appealed Judge Gordon's August 23 decision to the Ninth Circuit Court of Appeals. GBWN and our allies filed a cross-appeal to challenge the points on which Judge Gordon did not rule in our favor. In December, all parties agreed to dismiss their appeals, and so Judge Gordon's decision to remand the EIS to the BLM for correction of deficiencies remains in effect. Currently, the BLM is determining how this remand order will be implemented. GBWN and its allies are monitoring that process with the understanding that we will engage with the BLM as it moves forward to ensure that Judge Gordon's remand order is properly implemented, and the deficiencies he identified are genuinely cured.

— Iris Thornton, Advocates for Community and Environment

**THIS DECISION  
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PIPELINE  
PROJECT.**

## Great Basin Water Is Life Video Reaches Thousands

Readers may remember that during last year's Water Tour, GBWN was able to hire a videographer who interviewed Eastern Nevada residents and experts about the water grab. He also took footage of the area and Snake Valley Festival. The final product is "Great Basin Water is Life" - a roughly 10 minute short film that introduces viewers to the water grab, the threats it poses, and the people and places who would be affected.

The first public premiere of the film was held in Las Vegas on March 8 at the Wetlands Park. PLAN, Sierra Club, and Nevada Conservation League cohosted the event, which drew a standing room only crowd of about 100 people. Following the screening of our film as well as PLAN's film documenting the Water Tour itself, there was a panel and Q&A which included GBWN board member Rick Spilsbury.

A week later, GBWN and PLAN teamed up to premiere our films in Reno at Patagonia's Downtown store, with well over 100 people in attendance. The panel afterward included GBWN Communications Specialist Howard Watts, and it was clear that the audience enjoyed the films and wanted to learn more and get more involved.

Following these events, we placed the video on our website and Facebook page. With the help of our friends and a very small ad to "boost" visibility, more than 13,000 people have now watched the video. It is by far our most successful social media post ever, and as a result there are now hundreds of new people following our organization and educating themselves and others on the water grab. We hope to engage them in the fight moving forward.

Speaking of which, what's next? We are working on plans for screenings in Eastern Nevada, and have digital and print ads with KNPR's Desert Companion magazine to spread the word even more. Friends of Nevada Wilderness has invited us to include the film in their "Wild and Scenic Film Festival" this fall, and we're exploring other big screen opportunities as well.

Let us know if you have an idea - we're happy to get this film in front of any organization or event. The movie is a great tool - it can hold your attention for 10 minutes while educating about what the water grab is and why we need to work together to stop it.

— Howard Watts, Communications Specialist, GBWN



Patagonia hosted the SRO Reno screening of Water Is Life films by PLAN and GBWN.

## GBWN Welcomes New Board Members

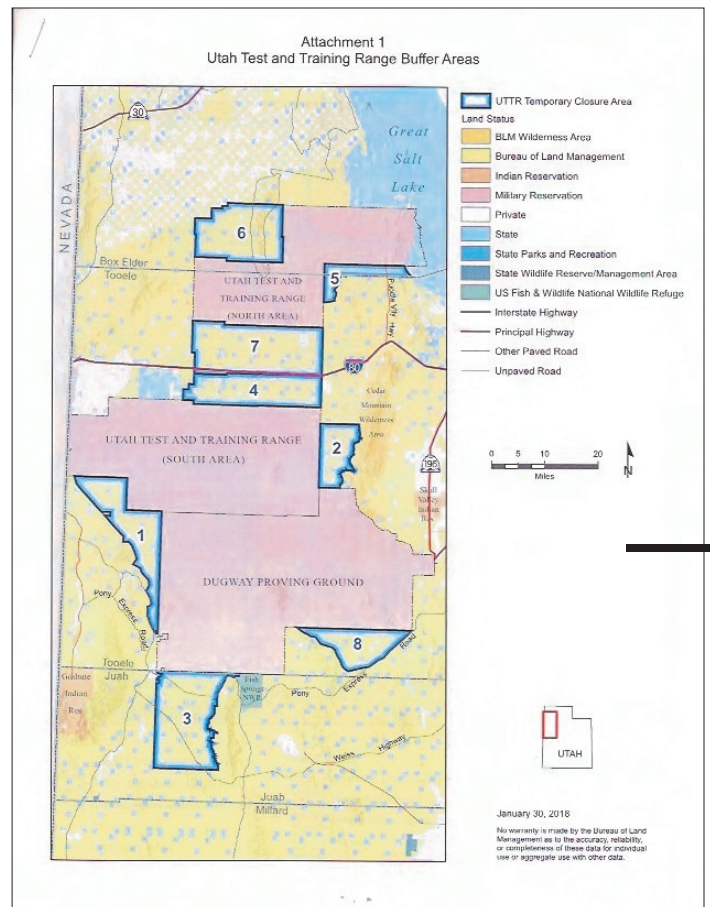
The board of Great Basin Water Network welcomes two new members. **Patrick Donnelly** is the Nevada State Director for the Center for Biological Diversity, a nationwide non-profit dedicated to the protection of endangered species and wild places. Based in Southern Nevada, Patrick has been involved in natural resource conservation and activism for 15 years. He enjoys hiking with his dog, photographing wildflowers, and playing music around a campfire.



**Monique Normand** is a coordinator in The Center: Every Student, Every Story at the University of Nevada Reno where she works with diversity issues. She is originally from Las Vegas, Nevada and previously was a community organizer with the Progressive Leadership Alliance of Nevada. She has also worked with children in pre-K and kindergarten programs in Reno Nevada. Monique has a master's in social work and is a board member of the Coalition Against the Death Penalty.

The board also thanks Kathy Hill for her years of service. She'll be spending more retirement time with family but promises to continue to participate in our Network meetings. Thanks to all for your participation!

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## UTAH UPDATE: 2018 Legislature Win, Lose, Draw

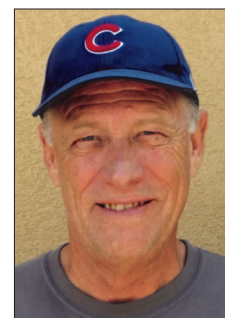
**T**wo highly controversial bills – one enacted and one defeated – dominated a turbid water front where some two dozen water bills were debated this past legislative session. Salt Lake City and its allies, including the conservation community, blocked HB 135 – Extraterritorial Jurisdiction Amendments, which would have stripped the City’s authority to protect the mountainous watershed outside its boundaries that supplies the bulk of the City’s drinking water. The bill would have opened up water rights in large sections of the Wasatch Mountains for real estate development that could degrade water quality in Big and Little Cottonwood Canyons streams.

Astonishingly, real estate development interests prevailed by securing passage of HB 272 - Utah Lake Amendments, which could pave the way for a grandiose and preposterous scheme to dredge most of the state’s second largest lake to create islands on which to build homes for up to 500,000 residents! Project proponents pitched it as a way to prevent summertime toxic algal blooms and improve overall water quality, while conservationists disputed those assumptions and argued that sale of the lakebed – the state’s sovereign land – for private profit is unconstitutional,

sets a dangerous precedent and violates the public trust.

Other water bills/actions of note included a one-year extension of the statute allowing the Utah DNR to hold water rights for instream flows for fish (bill passed), a bill that would require metering of secondary (non-culinary) water (bill failed), and a sleeper bill – HB 303 Drinking Water Source Sizing Amendments – which could result in significant water savings by requiring data-driven, system-specific requirements for community water systems (passed).

No action was taken on the big water development projects – the Lake Powell Pipeline and the Bear River development, though both will continue to headline the water news in the state for the remainder of 2018. Interim Study items will include discussion of strategies and possible legislative actions to maintain water levels and water quality in Great Salt Lake, water supply accounting and transparency, water leasing, and storm water retention issues. —Steve Erickson, GBWN Board



STATE  
CAPITOL

## West Desert Closures Require Public Notice BLM to Manage Buffer Zones

**O**n May 4, the U.S. Air Force, the Bureau of Land Management, and the National Defense Authorization Act Community Resource Advisory Group held an open house for the citizens of Juab County in Snake Valley. The citizens learned more about the temporary land and road closures authorized in The 2017 National Defense Authorization Act.

Chris Robinson, Director of Operations for the Utah Test and Training Range, explained that due to continued development of advanced weapons, it is necessary to enhance test and training requirements on the range. The 2017 National Defense Authorization Act established eight buffer zones to protect non-DOD lands during the tests. In order to minimize impacts to public land and users, the Air Force will notify the public via a web site of dates and times of the closures. Road guards will be posted at various stations on the roads to notify traffic of the closures. All road

guards will immediately release traffic if emergency response is required to any location within or through a buffer zone. Maps of each of the buffer zones were available to the public showing the roads and where the guards will be posted. When the lands do close, 30-day public notices are required from UTTR. The lands cannot be closed on weekends or on state and federal holidays. Thanks to the influence and work of the Community Resource Advisory Group, the buffer zones will continue to be managed by the BLM instead of being turned over to the Department of Defense as originally proposed. Grazing rights for area ranchers and farmers will remain in place. Please see map on page 4 for more information on areas affected. —Annette Garland, GBWN Board





# Groundwater Development Project Is Cultural Threat

## What Is the Cultural Value of Water in Snake Valley?

**I**s the Groundwater Development Project (GDP) a physical or cultural threat to Snake Valley? I say both.



Warren Cook

Current scientific studies predict significant environmental damage to Snake Valley by the Southern Nevada Water Authority. These studies, however, rest on the assumption that Snake Valley is solely a space, represented by numbers and figures. Unaided, this perspective fails to see the valley as an interplay between humans and landscape—a place created and sustained by the humans that live and move within it.

Consider the humans who live in the region: Upon extracting water from the valley, what happens to the residents' relationship with their home? What happens to the residents' sense of place? After all, water shapes more than landscape; water shapes human relationships to landscape. Just as water carves canyons and etches arches in the arid American West,

water is a medium for humans to make dry places their home.

To understand the mechanics of place, I turn to human geographer and environmental historian Dan Flores, specifically his essay "Spirit of Place and the Value of Nature in the American West." Guided by Flores' understanding of "place" as sustained by cultural values, I interviewed residents to uncover the cultural value of water in Snake Valley.

I found that residents value water as a distinctive, divine, and non-commodifiable part of



Warren Cook interviewed his uncle Ed Alder of Partoun UT as part of a project to consider the cultural value of water in Snake Valley.

their community and the valley ecosystem. More specifically, residents imbue water sources with identities, marked by location, taste, and temperature. They incorporate water into spiritual practices, seeing water as a divine or God-given resource. They note water as integral to their occupations and careers—priceless in the same way their lives are priceless. And they collectively hold water as a shared resource—shared between humans as well as plants and animals.

In turn, I say SNWA's pipeline threatens the culture—the place—of Snake Valley as much as it threatens the physical landscape. The Groundwater Development Project

would strip essential components of residents' spirituality, livelihood, community, and wild ecosystems. Scarred by the GDP, the culture of Snake Valley would never be the same.

—Warren Cook

*Editor's Note: Warren Cook is a 2017 graduate of Westminster College in Utah. As a summer project, he interviewed residents of Snake Valley about their relationship to water. He presented his findings at the 2018 Shepherders' Gathering, sponsored by Great Basin Heritage Area Partnership. He is*

*the nephew of Ed Alder from North Snake Valley.*

IF YOU'VE SET  
ROOTS, THOSE  
DON'T COME UP  
SO EASY  
— DEANA ALDER

...ALL OF OUR  
FAMILIES, ALL OF  
OUR LIVELIHOODS,  
ARE VERY MUCH  
ANCHORED IN THE  
GROUND, IN THE  
WATER AND IN THE  
EARTH.

— DAVID STURLIN



Denys Koyle holds shells and mushrooms, the only evidence of a large "freight lake," once used as a water source by travelers through Snake Valley.

# Snake Valley Festival

**10<sup>th</sup> ANNUAL FUNDRAISER**

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

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

*Small Town Parade*

*Family Fun*

*Silent  
Auction!*

*Yard Sale!*

*Book Sale!*

*DANCE!*



*Ice Cream  
Social*

*Beer Tasting  
Party!*

*Community  
Breakfast  
& Lunch*

*BBQ Dinner*

*50:25:25 Raffle!*

*Music! Music! Music!*

**Labor Day Weekend  
Aug 31-Sept 3, 2018  
Baker, Nevada**





# Water Gab

**GREAT BASIN  
WATER NETWORK**

**NEWS FROM THE GREAT BASIN WATER NETWORK HEARTLAND**

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*Labor Day  
Weekend  
Snake Valley Festival*

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



## **NEW FESTIVAL DATE: August 31- September 3, 2018 Snake Valley Festival—Labor Day Weekend**

*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](http://www.greatbasinwaternetwork.org).



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