

## Nevada legislative bill to change water law stalls

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A bill designed as a major rewriting of Nevada water law isn't ready, the legislation's authors and the chairwoman of the committee reviewing it said Tuesday.

"I think it's safe to say we're not there yet," said Southern Nevada Water Authority lobbyist Andy Belanger at the end of a two-hour hearing that drew well over a dozen opponents.

But he told Senate Natural Resources Chairperson Yvanna Cancela, D-Las Vegas, he believes many of their concerns can be fixed if she's willing to consider the measure this week.

For her part, Cancela too indicated "298 may be too tainted" to win approval this session.

Belanger indicated he would be willing to work with stakeholders in the interim to cure problems in the bill.

In addition to SNWA, developers, unions and mining companies were among the supporters of AB298.

But environmentalists, ranchers, local officials, the Nature Conservancy, Farm Bureau Federation, the Cattlemen's Association, the National Parks Conservation Association and conservation league all testified against the measure.

"Nobody's mentioned the key to all this and that is compensation," said Sen. Pete Goicoechea, R-Eureka. "If you've got a priority (water right) it's worth something."

Daniel Rudnick, representing the Etcheverry ranching family, agreed, saying the bill was "a taking without compensation." He said what a major mining company wants to do to that family would basically destroy their ranching business by taking all of their water.

He said if SNWA and others want the water, "they should use the power of eminent domain but that's a big price tag."

More than one speaker suggested the real purpose of the bill is to make it possible for SNWA to pump huge amounts of water out of rural and eastern Nevada to fuel Las Vegas growth and development.

Among the key objections raised to the bill was the attempt to redefine such things as "perennial yield" — generally the amount of water that can be pumped from a basin without reducing groundwater levels. The bill would allow some degradation of the aquifers in those basins but doesn't define exactly what level of degradation would be acceptable.

Steve Bradhurst of the Central Nevada Water Authority said AB298 would allow approval of a water rights application, even if it would cause irreparable harm to the aquifer.

Howard Watts of the Great Basin Water Network described the bill as "a drastic rewriting of Nevada water law" he said could cause widespread damage in rural Nevada.

"This could lead to mining of underground water," said Kyle Davis of the Nevada Conservation League. "That's not a clarification of existing law. This is a new concept."

Several speakers argued those definitions are better left to regulation and interpretation by the state engineer and shouldn't be in statute.

The other key objection was AB298 would apply the new rules retroactively to the state engineer's past decisions on water permits.

Sen. James Settelmeyer, R-Minden, like Goicoechea a rancher who relies on water rights, said he was concerned about changing the definition of perennial yield.

Belanger told the committee whether or not the bill is processed, "the water law needs to move forward, modernize."

He said the state engineer's authority needs to be clarified and the rules standardized so that person isn't relying on unwritten rules.

The committee took no action on AB298.