May 12, 2016

Senator Pete Goicoechea, Chairman
Legislative Commission Subcommittee to Study Water
c/o Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Chairman Goicoechea and members of the committee:

Thank you again for the opportunity to present on our issues and recommendations to you during the meeting in Las Vegas on April 22. We wanted to provide clarification on a couple of remarks that were made during our presentation, and respond in greater detail to some of the questions and comments that were raised.

1. When referencing the map of over-appropriated basins, we may have indicated that those targeted by SNWA’s Groundwater Development plan were severely over-allocated (yellow and red). Those basins are in fact near or below full appropriation (purple and blue). We’re not sure if SNWA’s applications are being counted toward the map since they have been successfully challenged in court, but our concern is that the development of those rights will result in the same pattern of severe over-allocation we see just south of the target area.

2. One other thing to note about the colorful basin map is that even the purple areas may be up to 90% of allocation, a point that we believe a basin should be closed in order to ensure detrimental long-term effects are avoided. Basins listed in blue may already be up to 10% over-allocated. In other words, careful action is required soon to protect our state’s water resources for the future. This is why we believe that prudence, rather than maximizing use, should be the guiding factor in the state’s water management.

3. We understand there was concern about our mention of limiting growth. Perhaps managing growth is a better phrase to use, not so much setting a cap on total people or drawing a boundary line, but instead determining the maximum sustainable amount of expansion in a year. This allows the city to make sure all of its infrastructure and resources can meet increased demands, and could in fact alleviate some of the boom and bust that comes from unchecked growth. We mentioned Boulder City in our presentation, and Carson City also sets a limit on commercial and residential building permits each year. Larger developments can still be planned, but must be phased in. As we said, it may be extremely difficult politically, but it may also be the right thing to do
4. To clarify our stance on inter-basin transfers, we believe that the higher statutory requirements in place for large inter-basin transfers are wise and essential. We do not support a complete ban on the practice, and recognize the wide variety of circumstances a transfer could be proposed. GBWN commends water management and cooperation within a greater hydrologic system, and condemns large exportations that jeopardize the economy and environment of one region for the sake of another. We also believe that detailed monitoring and mitigation plans for potential impacts must be explicitly laid out before water rights are granted. Reuse and desalination are the only sources of “new” freshwater for our region. Further allocations and exports of ground and surface water will come at a cost to other humans, plants, or animals in the future.

5. The State Engineer indicated that the current backlog of applications were those in a holding pattern. We believe this reinforces our presentation points about setting some limits on how long applications may sit in limbo, sometimes resulting in reduced economic development in more rural parts of the state. We also believe the State Engineer’s office must be provided with more support to meet the statutory demands for evaluating inter-basin transfers.

6. We are very concerned about the implementation of adaptive management and increased flexibility for the State Engineer. Our water law was established to prevent over-allocation, yet here we are with over 50 basins that are at 200% or above perennial yield. It seems to us that flexibility in managing water is part of the problem, not the solution. GBWN isn’t opposed to some of the creative solutions being discussed in over-allocated areas, but we don’t want to see new policy loopholes that allow junior water rights to deliberately undermine senior rights.

Thank you again. We believe that everybody must work together in order to address our water challenges, and look forward to continuing to participate in this and other processes to ensure we can sustain the diverse needs of the state for future generations.

Sincerely,

[Signature]

Abigail C. Johnson
President