

Public Comments on the Draft Agreement:

Transcript of UAC-GBWN Citizens' Hearing Held September 9, 2009

List of Speakers: (in order, name underlined above their comments)

Peter Corroon, Mark Ward, Terry Marasco, Dan McCool, Brian Moench, Kenneth Norman, Curtis McCarthy, Steve Summers, Maury Harmon, Cecil Garland, Robert Comstock, Kirk Robinson, Bob Brister, Paul Van Dam, Joel Ban, Jerald Anderson, Don Ries, Gerald McDonough, Ted Wilson, Paul Tusting, Chris Wheeler, Ed Uehling, Ilene Ferris, Rupert Steele, Darin Smith, Kathy Walker, Steve Erickson

Mayor Peter Corroon:

Welcome everybody. Thanks for coming to the hearing tonight. We appreciate it. We're going to get going here in a second. In case you're...we have a lot of meetings in this building so in case you're here for the Snake Valley discussion. I know there's another meeting about after-life experiences, it's not in this room tonight. That's supposed to be downstairs. So if you're interested in after-life experiences you can go downstairs as well.

This meeting tonight is organized by the Utah Association of Counties. Thank you very much. Brent Gardner is here and Mark Ward as well is here from the Utah Association of Counties. We also have the Great Basin Water Network who's represented here. And Steve, I assume that's you.

That's me.

The representative here tonight. I did have a chance to go down to the Snake Valley and visit, and Cecil Garland was very kind to give me a tour and wonderful family. Fed me

lunch as well. We appreciate them being here. We had some good discussions. I met with a few people. It's always interesting and important to see things firsthand. So I got that opportunity. Which is why, I think, we wanted to have a public meeting tonight to hear from our Salt Lake County residents and record what is said and the comments that are made and make that a part of our official comments to the governor on this matter.

I think the KSL editorial board had some good wisdom in March when it made these comments. It said, "Water stored naturally beneath Utah or Nevada should only be pumped to the surface and diverted to Las Vegas when it can be proven the project won't adversely affect the fragile West Desert ecosystem." I'll add on to that saying that the farmer's and rancher's livelihoods as well. And I know there's been a lot of people working on this issue, concerned about this issue, and I know our two states have been negotiating in good faith over an agreement. And so we want to hear what your comments are on the Draft Agreement and what you feel is important that we send as comments to the governor. So, I appreciate you all being here. The comment period ends September 30, so if you want to submit your own comments you're welcome to do that. The Draft Agreement can be found at www.waterrights.utah.gov. So if you want to read it. I don't know if we have copies of the agreement available here for anybody. We don't. So get online and check that out if you'd like to do so. Without further ado, I'm going to turn it over to Steve Erickson who's going to tell you where the bathrooms are and other important matters.

Steve Erickson: Thank you, Mayor. I have the most important job of the evening.

And I'm Peter Corroon, the Salt Lake County Mayor. I just heard somebody say that, so I apologize for not introducing myself. I guess I'm in my own home so I forgot to do to, and I apologize.

Steve Erickson:

We greatly appreciate Salt Lake County and Mayor Corroon in making this facility available and Ann Ober for her assistance in all of this and welcome you all here. I'll act tonight as your hearing officer. I'm not an impartial party. I've worked for the Great Basin Water Network. We are opponents of the Las Vegas pipeline and we have concerns about the agreement. We hope to hear your concerns about the agreement tonight. Our intent is to deliver those to the State for inclusion in their collection of comments that they're collecting online and hopefully those comments will be incorporated into the final, final draft, and at that point we hope that the State will commit to another opportunity for people to look at the last and final draft before the agreement goes through the next process, which we presume will be signing, unless the decision is made not to sign it.

I want to tell you that if you care to speak, we'd like to have you sign up. I'm going to try to go through in order of those who signed up after we have a few speakers to give you a little more background. There's a sign-up sheet on the clipboard there, we also have postcards which we would encourage you to look over. If you agree with the message, we'd like to have you sign it and leave it here and we'll hand deliver it to the governor, addressed to the governor, and we'd love to have you do that if you're so interested. At the back there's also copies of a letter from, rather an op-ed piece from the Utah Farm Bureau, as well as some suggestions for talking points and/or comments on

the agreement you could use if you care to. If you wish to make agreements, uh, with comments on the agreement, as Mayor Corroon said, we would encourage you to do that. Go to the Division of, the Utah Division of Water Rights website, you'll find a whole section of information on the proposal and on the agreement, as well as comments that have already been posted from others and you'll hopefully learn a great deal more. You can, at that point access the agreement itself, as well as several associated documents. So we encourage you to do that as well.

We hope to give everyone sufficient time to speak. We're going to try to hold everyone, other than maybe the first couple of speakers who have some PowerPoints to do and a little bit more background, to about five minutes. So I'll, when the time is up, I'll give you the yellow card. I don't have a red card; we won't throw anybody out, but a five minute limit and I'll give you the hint about a minute to go and hopefully that will help you to curtail your comments, but be brief and to the point.

The ladies rooms are down here, down the hallway on my left, your right; the men's rooms directly opposite this hallway. I think with that we essentially covered the major logistics. I'll probably remind people as they come in that if they wish to speak they can sign up over here.

With that, again, I'd like to introduce Mark Ward with the Utah Association of Counties who has a presentation to make which hopefully will inform your comments and will also serve as the comments as the Millard County, and indirectly as the Association of Counties. So, Mark...

Mark Ward:

Thanks, Steve. I'm Mark Ward, again, with Utah Association of Counties. I'm a policy analyst and attorney there working on mainly natural resources, public land issues and, of course, water issues as they come up. In the last approximately three years, I've provided representation to different levels for Millard County, Juab County, Tooele County and to a certain extent, Salt Lake County and Utah County. They're all stakeholders in this controversy. And what I bring you tonight are the collective concerns of the counties about the tentative agreement and some thoughts about maybe ways to improve that agreement. Talk about some principles that ought to, I think, would better serve the State, especially from the county standpoint, with respect to the tentative agreement. As we look at the tentative agreement, and we look at the question: What is a proper split of groundwater between two states? How much groundwater belongs to each state in a property state? To us, there are five factors you look at. And what I have over here to help kind of further the discussion is a poster, and it's not, sorry it's not larger, but maybe you can take it look at it at a different time. Maybe I'll just put it right over here for ease of...or is that, that's going to block your view of the screen, isn't it? Maybe I'll just put it right over here. And what it is is an outline of Snake Valley. And you can't see it maybe very well, but there's a state line running right through it. And what you see in the middle there, sort of that light colored, sort of streak in the middle is the area where the United States Geological Survey, USGS, believes the groundwater is, is used. That's where there, those are the acres where the groundwater is used and that's where what's called discharge. That's where groundwater in a basin is actually comes off and is used by plants and animals, where it evaporates in springs and standing water. And so to us, our manner of thinking, we think it's the system with western water law that discharge is

probably the most important factor. The next most important factor is historic use. Where has the water historically been used in the basin? Recharge is in there, but we don't think, we submit that it's not as important as historic use or discharge.

Also another factor is what happens to Fish Springs? Now Fish Springs is a National Wildlife Refuge in a valley that's downstream from Snake Valley. The question is, when you utilize the groundwater in Snake Valley, what happens to that resource downstream?

And a fifth factor is there's another valley called Spring Valley, and that's part of the project. Southern Nevada Water Authority has been granted rights by the Nevada engineer to pump anywhere from 40 to 67,000 acre feet a year from that valley. What will be the impacts to Snake Valley from the pumping in Spring Valley? So in essence, you're standing there in Snake Valley, you look downstream to Fish Springs, which is in Fish Springs flat, and you ask, what will our, what will the pumping here and the use of water here do to that resource? And then you pivot and look upstream and you ask, what will pumping the Spring Valley do to the resources of the Snake Valley? They're all interconnected.

Discharge. Where is the land that depends upon the groundwater? In other words, where is the groundwater put to beneficial use for such things as crops, pasture, forage, for municipal and so forth, and also, just as important, where does nature use the groundwater for plants and for wildlife. There are two ways to look at discharge. First, what are the acres in Snake Valley that depend upon it? Where are those acres? And how many acres are there in each state? Another closely related way to look at it is how much acre feet of groundwater is discharged in those acres? So there's acres of land and acre

feet of groundwater. According to the USGS in their BARCAS study, of the acres in Snake Valley that depend upon groundwater there are 220,779 acres of those acres in Utah. That's 84% of all land that depends on groundwater in that valley is found in Utah. In Nevada, it's 41,364 acres, or 16%. This is from USGS Utah recalculating the BARCAS data. BARCAS is the definitive study. It was commissioned by Congress in 2004. So right off the top, you know that 84% of the groundwater dependent land in Snake Valley is situated in Utah. Now what about discharge and acre feet? Again, BARCAS tells us that 82% of the groundwater, in terms of volume of water that's discharged in Snake Valley, is discharged in Utah—108,000 acre feet or more. In Nevada, it's 24,000 plus. So the split there is 82% to 18%. It's remarkable how close those two ratios are: 84 to 16 for acres and 82 to 18 for acre feet of water. So that those are the relevant facts that kind of hit you right off the top in between in the eyes on the question of discharge. Discharge is heavily favored in Utah's favor.

Now, some say, well, yeah, but a lot of those acres are just desert plants and desert animals. Are they really tied to water rights? Maybe not. But Millard County, who was the only entity to file a protest when SNWA's—when I say SNWA, that's the acronym for Southern Nevada Water Authority. In Nevada they say "sun-wa". For some reason, the regional dialect here, we say "sin-wa". I don't know why [laughter]. But here we say "sin-wa". Millard County was the only county to file a protest of those applications. They filed applications in Snake Valley before the Nevada engineer for 50,000 acre feet of water a year. Millard County was diligent and filed a protest, but in paragraph 6 of that protest, after, I'll say in the prior paragraphs, Millard County made a big deal to try to protect the water rights. But then they said this, they said, "the appropriation of the water

will further threaten springs, sinks, and phreatophytes.” Those are, that’s groundwater dependent plants, which provide water and habitat critical to the use and survival of wildlife, livestock and other existing uses. In other words, Millard County made it a point to protest not only in behalf of traditional water right uses of irrigation and agricultural uses, but also I submit, what we’ll call nature uses as well. And Millard County today is simply standing behind that protest. And, incidentally, that protest was signed by then Commissioner Michael Styler. So we are continuing that course. When I say we, Millard County. Okay. That’s enough for discharge.

Real quickly, historic use. How does the water divide out between the two states in terms of allocated water rights historically? And here we’re looking at the critical data of 1989 or earlier. The depletion on the Utah side based on 1989 or earlier groundwater rights we’re told by the Utah negotiating team is 35,000 acre feet. In Nevada it’s 12,000 acre feet. There the ratio is 74 to 26%. Again it favors Utah. What about recharge. We’re told again by the Utah negotiating team that here recharge, recharge for those of you who don’t know a whole lot about hydrology, you can think of a water budget in a closed basin kind of like your bank account. There are deposits to your bank account and there are withdrawals. Deposits we call recharge. That’s like rain and snow that falls and that’s also like water that flows into the valley from other basins. That’s recharge. And outflows is evapotranspiration through the open standing water and also through the plants, the water, that’s how it discharges out into the ___?___ and some of the water flows out of the basin. So you have inflows, rainfall, that’s recharge, evaporation, evapotranspiration, outflow, discharge. Again, 60%, 40% there for Nevada.

Now the question is, you know, what's more important? Discharge and historical use or recharge? Without launching into a long boring lecture on western water law, I think I can generally say with confidence that western water law favors where the water's going to be used, where it comes out and is depended upon. That's how the Colorado River Compact is largely structured.

Uh, in any event, moving on. What about downstream impacts? We, uh, we're told by the negotiating team, and we have no reason to doubt it, in fact we, we actually support that to protect Fish Springs downstream, Snake Valley consumption should be reduced by 20,000 acre feet in order to protect the resources of Fish Springs. We support that.

Does that mean present use? Reduce the present use of the water?

No, I'm sorry. Good question. It means if you take the total water budget, which is 108,000 acre feet, wet water, we're told by the folks at Utah Division Water Rights and the Department of Natural Resources that really you ought not to use that maximum amount. You ought to back off 20,000 acre feet down to 88,000 acre feet, to make sure that we're not interfering with the flow of ground water from Snake Valley over to Fish Springs. We have no reason to doubt that. We applaud that and we support it. But that just underscores the fact that these basins are interconnected. However, here's where the discussion becomes, I think, interesting. If that's the case, then what about the impacts from upstream? What about the impacts from Spring Valley where pumping's going to occur? There are really two questions, two sub-questions to this. First, what is the Spring

Valley to Snake Valley interbasin flow? How much is that? The second is, how much of that will be reduced if the pumping occurs? So you have to quantify what is the flow in the first place and then how much is that going to be interrupted? These are not easy questions because it's groundwater. It's carbonate aquifer background water. We have some guidance. BARCAS estimates that Spring to Snake Valley estimated flow is at 49,000 acre feet a year. However, there's a statistical range of probability on that based on current science could be as high as 60,000 acre feet or as low as 30,000 acre feet. BARCAS came out and said, look we've got this confidence interval, but we'll peg it 49. And 33,000 of that flows around the southern flank of Snake Range, which is a critical area where it's right in the line of pumping on the Spring Valley side where the water flows to where it's going to be pumped on the Snake Valley side. And here's a map to demonstrate that. Snake Valley, course, that's where the state line runs through. You see Spring Valley over there and the directional flow of groundwater, uh, if you look at that 33 there, that's the estimation. You see the 30...oh, I'm sorry. Hit the wrong button. You see the 33, you see the 16, that's where you get the 49, and they estimate that 33's coming around, but that, course, that could be lowered, could be higher. Now what's the reduction for that interstate flow, interbasin flow? We don't know for sure, but Millard County's position right now is that it's safe to take half that 33,000 or roughly 16,000 acre feet. In other words, the position of Millard County is that, you know, you took off 20,000 to protect downstream impacts to Fish Springs. You ought to require Nevada to take 16,000 acre feet off, out of their allocation too, because they're going to be using it up in Spring Valley. The way to think of it is Utah decided to retain 20,000 to protect its use that they're going to take at Fish Springs. Nevada's decided to take their part up at

Spring Valley. Why not, uh, you know, you can't use it twice. You can't use it in Spring and then Snake too. But that's a discussion point and it's a major concern that the counties have is that the agreement, while taking care to protect against the impacts of Fish Springs, does not appear to make allowances for impacts from Spring Valley. So this 60,000 acre feet, again, is roughly half of the interbasin flow south of the Snake Range.

Now why is this important that we look at both valleys? Well, it's underscored by the fact that Congress in 2004, Congress said, BLM you cannot allow this water to go to Las Vegas from Snake Valley until the two states sign an interstate agreement. That's what, we're here, we're here to talk the interstate agreement. But if you take a close look at the language, the congressional language says before there's a transbasin diversion from a groundwater basin located both in Nevada and Utah—which is we're talking about Snake Valley, right?—before that happens, the state, the two states shall reach an agreement regarding the division of what? Those interstate groundwater flow systems from which water will be diverted. Well a flow system is different than a basin. A flow system are several basins. Again, well I haven't shown this map yet, but there's several maps out there and everybody understands that area that...that area there, there, that's known as the Great Salt Lake Deseret Flow System. It includes Spring Valley, it includes Snake Valley, it includes the valleys beyond Snake Valley, including Fish Springs. And what Congress is saying in that statute is you have to divide not the water of a basin but the water of a flow system. Okay? Now there's wisdom in that language because it happens to dovetail with the county's concerns about looking both upstream and downstream when you figure out how to divide the water. The two are harmonious. The instinct, the natural instinct that you have that says, yeah, you ought to look at the

dynamics from valley to valley to valley happens to be consistent with the congressional language that says you're not supposed to divide just a basin; you're supposed to divide an interstate groundwater flow system, and that's section 301(E)(3) of Public Law 108-424, otherwise known the 2004 Lincoln County Conservation Recreation and Development Act. Okay?

So, again, that map I showed you a minute ago, the blue, this is a BARCAS report. The blue is color coded to mean the Great Salt Lake Desert Flow System. Why is it a flow system? All that water heads to one destination: Great Salt Lake. It knows no boundary. It doesn't understand state boundaries and it doesn't understand valley boundaries. The water moves from valley to valley. What you do with Spring Valley affects Snake Valley. What you do in Snake Valley affects Fish Springs. And the negotiating team, hats off to them for recognizing, innately recognizing that by what they did to protect Fish Springs. But our dialogue with them is could you pivot around, please, and do the same thing for Spring Valley.

So we have discharge 82 to 18. Historic use, 74 to 26. Recharge favors Nevada. Fish Springs allowance 20,000 acre feet. Spring Valley pumping allowance 16,000 acre feet.

Quick look at the Draft Agreement. On its face the agreement gives Utah 55,000 acre feet of allocated water and 12,000. But again, 20,000 of that is Fish Springs allowance. So it's really only 35,000 that's being, that's for use right in Spring Valley, or Snake Valley. 35 to 12. A minute ago I told that that's the historic use ratio, 74%. Now here's what the agreement purports to do. It identifies another 41,000 acre feet of water that's unallocated that's part of that 108,000 acre budget, acre foot budget and it says,

okay, Nevada gets 7 acre feet for every 1 that goes to Utah. In other words, 36,000 acre feet of unallocated water would go to Nevada; 5,000 acre feet will go to Utah. There's another category called Reserve. I call it dry because it really is, I think both sides will tell you, it's really dry water. What they try to do is square up the 108,000 acre foot budget with BARCAS's budget of 132,000, that's a difference of 24,000. That's 6 plus 18, 24, and they say, well, look, Nevada, you take three shares to every one of ours and we'll, the numbers will come up even, 66,000, 66,000. So it's been presented as an even split. Again, it fails to take into account depletion from Spring Valley pumping. It's one of the big problems. It fails to take into account Spring Valley pumping. Plus, it's problematic when you look at discharge, historic use, which has favored Utah; it's problematic to look at the unallocated as a 7 to 1 split in favor of Nevada. That's a real, that's a sticking point for the counties. It flies in the face of discharge; it flies in the face of historic use, plus the failure to account for Spring Valley. So, uh, what happens is there's really, when you throw in the 16,000 acre foot depletion and you force the 36,000 acre feet for Nevada, they end up taking 64,000, you've only got 108 to split, well, that leaves only 44 left for Utah. If their allocated is already 35, if they're trying to save 20, set aside 20 to save Fish, what does that mean? It means a potential deficit for Utah. What's that deficit...because you can't...35 plus 20 is 55. You've got to do subtract to get down to 44, which is all that's left after you take Nevada's 12, 16 impact from Spring Valley and 36 that they're going to get allocated under the Agreement. The math leaves you with a deficit and the math leaves you with a 59/41 split over all ___?___ Nevada. And that's the concern. So how do you square 59 to 41 with discharge of 82 to 18,

historic use 74 to 26 and recharge at 60 to 40? That's the problem. And that's basically the concern.

There are other tables here, which if you're interested in afterwards I can show you how it breaks out if you want to split the water according to discharge or recharge or average the two. But that's a quick overview of the county's concerns, why the tentative agreement doesn't seem to square up with the time-honored principles of discharge and historic use. Thanks.

[applause]

Steve Erickson:

Thank you, Mark. Our next presenter is Terry Marasco, who is a stalwart with the Great Basin Water Network and business owner in Baker, Nevada. Terry...

It's going to take a minute to just get this...[pause]

While Terry's getting ready we wish to remind people that if you wish to sign up you can either do so at the desk or our able assistant, Deb Callister, is circulating around the room and we'll try to go in order here. We'll try to move it along. There's also yellow cards that we're asking you to sign if you agree with the message and we'll deliver those to the governor. We do want to recognize Representative David Litvak who's here this evening, our lone representative in attendance. Thank you, David. There's also on the staff table some suggested talking points and information about the agreement. Also the statement of the Farm Bureau. So, feel free to get up and pick those up if you so wish.

[discussion of technical difficulties]

We're going to ask everyone else (laughs), with no PowerPoint in tow to use this microphone to that those in the back can hear effectively. Maybe you can help me there, Brian. Thank you.

Does this work? Yes. I'm Terry Marasco. I own a restaurant and motel out in Snake Valley in Baker, Nevada. And I bought it in '04 and learned about the water grab and have been on top of this ever since. One of the rules I took very soon on, because I have an amateur interest in geology, was to follow the science because the science to me is the most objective thing we can talk about when we look at this issue.

This is a picture of a dust storm. And I'm going to start at the end. This is the future of what the science says if we have massive groundwater removal from Snake Valley. I'm a photographer. I took this picture, uh, while I was going west on Route 50, west of Delta, and this is a dust storm headed to the Wasatch Front without a water problem. This is already the desert, very dry as you can see, and unfortunately that's what I think the science brings us to.

I just want to talk very briefly today about one problem with the agreement, and it's this section 5.4. It says it prohibits groundwater mining, impairment of water quality, and compaction of aquifers or surface instability. This flies in the face of the science on this particular issue. The Owens Valley experience, which is similar geology, similar surface vegetation, similar precipitation, much more water volume from snow melt, but

in fact, is the same environment in the Great Basin that we would look forward to if these huge amounts of water are pulled out the ground. If I could say in the most simple terms that the science has taught me—and this is done by one of our scientists—that you cannot have the same body of water in two places at the same time. It's either going to be in Snake Valley or it's going to be somewhere else. And that somewhere else not only is Las Vegas, but it could be factors or organizations in Utah looking to that water. There are already applications from central Iron County out in Wah Wah Valley, which is the southern Snake Valley. So everybody's got their eye on Snake Valley from what we're learning.

But anyway, this is the system as it is now, recharge is 100%, some of the things that Mark talked about. This is a system, what's called a disturbed system in scientific terms, whereby the pumping takes out 90% of the water in this example and only 10% is left to springs, meadows, farms, etc. When in the undisturbed state, it's simply 100% goes to those factors. This is the map that Mark—let me just reduce this a little bit. Let's see, let's close this—that Mark referred to and one of the more recent analyses that I've seen that concerns us is in order for...

That's actually from the Draft report.

From the Draft report, okay. One of the issues that we have in the most recent analysis is that the pumping of the volumes of water that are proposed here would have to cause a backflow from Snake Valley back to Utah, so the water would be prevented from going to Snake Valley because it's being pulled out in Nevada. But to get the volumes they want, they would not only lower the groundwater table in Snake Valley significantly, but at the same time would have to pull the water that's already there out and pump it to

Las Vegas. So, just in a nutshell—I've been given 7 minutes—I'm trying to convey to the public, and when we go back and look at this slide presented by the State of Utah and Nevada, that if you pull out these massive groundwater withdrawals and you have drops in the water table, according to USGS, half of what's proposed in Snake Valley is 25,000 acre feet, they expect a hundred foot drop in Garrison. And that doesn't account for...let me just get to this next slide. That doesn't account for a doubling of that that SNWA wants.

This again is a basic, very basic...I asked our hydrologist to boil down in a graphic something that everyone could possibly understand. Current state, natural condition, water goes to shrubs, goes to farms, goes to meadows, goes to springs. The removal of the recharge to Las Vegas, you have dead shrubs, dry meadows and dry springs. And fundamentally when you look at this, I think this is a fair statement given the volume of water that they want to pull out, the only green spots perhaps left in Snake Valley would be farms. All the phreatophytes that depend, and their roots go down, let's say 60 feet, large shrubs, the water table drops to a hundred, 200 and more over time, that's the end of vegetation as we know it in Snake Valley.

So, let's see...to the air quality issue. This is Sally Manning. Sally Manning's a scientist that did a lot of work in Snake Valley and generously has given us many thousands of pages, as, by the way, have many scientists on this issue, actually from all over the world, not just the US. We had enormous studies on this issue. This is called pedestal grass and pedestal grass, this used to be in a meadow, a wet meadow, and you notice that there's this pedestal and the pedestal is indicative of a drop in soil level after the meadow's dried up in this specific case from groundwater mining in the Owens

Valley. And that the soil went somewhere and ironically in the early years before mitigation the soil went in dust storms in the Owens Valley (laughs), this is not funny, but it is, guess where? On the cars, roofs, and all over Los Angeles. And they were wondering at the time where this dust was coming from. So that's a long way that this travels. So when we think about air patterns in Snake Valley over into the Wasatch Front, we have this problem. This is another example of a former wet meadow and bunching of organic soils in sort of ___?___, but you can see the amount of soil that has disappeared.

Uh, I just want to relay in less than 30 seconds a personal conversation I had that I think is, gives not only my perspective, but I think, where I think many people might want to think. Westminster College had come out and did a seminar and stayed at my motel, a whole bunch of kids, and I gave them a talk on the water grab. And one of them raised their hands and said, "You sound like someone who doesn't want to compromise." And I said, (laughs), "Well, when you have this kind of potential devastation, what is there to compromise about? Why would I want Snake Valley to turn into this dust bowl?" I have a business that relies on tourism. We have a park that relies on clean air and I said, "There are some things in life you compromise on; there are some things you absolutely do not." Thank you.

[applause]

The next speaker is Brian Moench.

...so I can get my computer set up...

We can do Dan McCool as our next speaker. Dan, are you ready?

Do I need to face you? Or can I face the people?

No, in fact...by all means. However you're most comfortable. Just do grab the mike.

Dan McCool:

Let's try this to see if it works. Mark and Steve, thank you so much for inviting me to speak. I only have five minutes to explain a very, very complicated situation. Let me just talk about the long-term politics. I'm a political science professor at the University of Utah. I've studied water policy my entire professional life and I think the handwriting on the wall is very clear on this. If they build that pipeline and they spend \$4 billion and they put in another 250,000 homes in the suburbs of Las Vegas and then we find out that, low and behold, the predictions are true, it's going to do tremendous damage, they are not going to somehow magically say, "Okay, our \$4 billion investment has been wasted, we will abandon the pipeline. We'll tell 250,000 people they have to move elsewhere and their homes are worthless." That is not going to happen. So if they build it, we are stuck with it, regardless of the amount of damage it does.

Now, assuming this happens. When they suck this aquifer dry and they keep inviting more and more people to come, then they're going to ask for more. We cannot have a Las Vegas that grows endlessly. That concept is physically impossible. So if we give them this they're going to ask for more and more and more and more. And where's it

going to come from? It's not going to come from Nevada; it's going to come from us. That's the political and hydrological reality of this situation.

So this is...Mark did a wonderful job of explaining how unfair the allocation is. The bottom line, though, is that we must not allow this pipeline to be constructed. If we want a long-term future for Utah with our water, we cannot allow this to happen. And what's so fascinating about this situation is we have a very unique political opportunity here to put together a very broad coalition of interests. This is almost without historical precedence in water policy. We can put together a coalition that includes environmental groups, ranching and farming groups, fiscal conservatives, people who care about states rights. And don't forget that there's a bunch of people in Las Vegas that don't like this either. They may not care about us, but they care about the environment of central Nevada and the parks there. And there's a lot of people in Las Vegas who don't want to spend \$4 billion and be taxed for it so some developers can come out and build a couple of more suburbs. So we really have a golden opportunity to stop this if we all get together in a very broad-based political coalition and fight this thing. So I don't think it's unrealistic to say we can stop this pipeline. I think it can happen. I really do. Water politics, you know, it's always tough, but this can happen.

So the last thought I want to leave with you is, you know, America loves a David and Goliath story and we have one right here. The Goliath in this case is the hopelessly non-sustainable urban environment of Las Vegas, right? And the David, well, there's a roomful of David's here tonight. So remember to use that sling and I think we can kill this project. Thank you very much. I appreciate that.

Thank you, Dan. Brian Moench is next.

Good evening. My name is Brian Moench. I'm the president of the Utah Physicians for a Healthy Environment. We are the largest volunteer advocacy group for environmental health in the state of Utah.

Every resident of the Wasatch Front is all too familiar with the poor air quality that we experience about 20% of the time. Medical research is steadily expanding our understanding of the health consequences of air pollution. We have known for many years that air pollution causes the same kind of systemic inflammatory response as is caused by exposure to second-hand cigarette smoke. And the clinical manifestations or diseases are virtually identical. Our current levels of air pollution cause an average person about the same health consequences as if we all lived with an active smoker, or one-fourth as much as if we ourselves smoked, and that includes our children. The spectrum of pollution-caused disease includes increased mortality rates from all causes in both adults and children, accelerated heart and lung disease, more hospitalizations and strokes, blood clots in the legs and lungs, permanently stunted lung function development in children, more birth defects, more premature births, low birth weight syndrome babies and miscarriages. In the last few years it has become well established that air pollution causes genetic damage in human embryos, leading to a myriad of diseases later on in life, including cancers, diabetes, atherosclerosis, immunosuppression, diminished intelligence and even Alzheimer's dementia. Studies of even short-term air pollution events demonstrate increased community-wide mortality rates for as long as 30 days after episodes of pollution that last less than 24 hours and impaired lung function even in

healthy people that can last at least a week after a short-term air pollution episode has ended.

We have all observed significant dust pollution from the west desert prior to storms moving into the state. And here's an example of one in Milford. If the Las Vegas water pipeline is built, this phenomenon will become much worse as will all of the above mentioned health impacts to Utah residents. Nevada soils, however, contain unique threats beyond just desert dust. Mixed into Nevada soils are millions of tons of some of the most toxic substances on earth. On a per weight basis, mercury is the second most toxic substance after plutonium causing brain and neurologic damage, even at unimaginably small concentrations. It is deposited ubiquitously throughout the environment because it is carried into the global atmosphere primarily from the stack emissions of coal power plants. It is also released during the smelting processes at gold mines, and most of the gold mines in this country are in Nevada. And the mercury from those mining operations concentrate in the Great Basin. Testing by the US Geologic Survey of 300 streams in this country revealed just about two weeks ago showed mercury contamination of every fish tested in the entire country. The Great Salt Lake already has the highest concentration of mercury of any inland body of water in the United States.

Erionite is a fibrous mineral similar in microscopic configuration to asbestos and in fact causes the same kind of deadly mesothelioma cancer that asbestos does. Erionite is found in the residue of weathered volcanic rock and it is widely distributed throughout Nevada soils. In some parts of Turkey where it exists in particularly high concentrations, it is the leading cause of death.

Nevada soils also contain residual radioactive isotopes from the over 900 nuclear bomb detonations that occurred in Nevada from 1951 to 1992, specifically mercurium[?], plutonium, uranium, cobalt, cesium, strontium and europium. Most of these elements are alpha-emitters. Now I know most of you came here thinking there would be no math, so my apologies. One millionth of a gram of any of those radioactive isotopes can yield 1,000 alpha particles per day and each alpha particle carries over 4 million electron volts. It only takes 6 to 10 electron volts to break a DNA strand. This means these radioactive elements can cause cancer and chromosomal damage, especially when inhaled or swallowed, even in minute quantities like one-millionth of a gram.

Valley Fever, or Coccidioidomycosis, is a difficult to diagnose and sometimes chronically debilitating, occasionally fatal disease that has quadrupled in occurrence in the last ten years in some southwestern states. It can be particularly dangerous for people with compromised immune systems, like diabetics and pregnant women. Now last time I checked Utah does have a few pregnant women (laughter). And only one-third of us are diabetic. It is caused by inhaling the microscopic fungi spores that thrive in the alkaline soils in the deserts of the southwest. In some areas, one gram of dust can contain a billion of these microorganisms.

As mentioned before, the storm track already brings dust from the Great Basin into our air shed on a regular basis, already impacting public health in Utah. But the fragile and struggling native desert vegetation that keeps this from being even worse is already under assault from the hotter, dryer conditions of climate change. Climate scientists' projections for further temperature increases and less precipitation in the decades to come are nothing short of frightening. Meanwhile, the aquifers of Central and

eastern Nevada and western Utah provide the main lifeline for desert vegetation in an area the size of the state of Vermont. Nevada water officials claim they will only pump excess water. But at the same time they acknowledge that the projected water table drop will be anywhere to 50 to several hundred feet, well below the reach of most desert plants.

Nevada authorities also claim that the consequences of groundwater pumping cannot be known prior to actually removing the water, and then offer the assurance that if the results look bad to them, they will stop or offer compensation. That is like saying that the consequences of someone pushing you off a thousand foot cliff cannot be known until after you hit the ground. But if the results look bad, they will offer you first aid and promise not to do it again.

Water diversion projects like this have been done in other parts of the country and other parts of the world. The results have been exactly what has been predicted: more dust, more pollution and more disease. Over the last 40 years a water diversion project has drained the, quote, excess water, from the Aral Sea in Uzbekistan. These are satellite photographs of what has happened to the Aral Sea, which used to be the fourth largest lake on earth. It is now 10% of its original size. Tens of thousands of people have been displaced and the life expectancy—listen to this—the life expectancy of residents who remain downwind of the now created dustbowl has dropped by four years, due primarily to increased rates of throat and esophageal cancers. This is what is left now of 90% of the Aral Sea.

In California, quote, excess water, in the Owens Lake was drained to supply Los Angeles with water. The now dry lake bed has become the largest source of particulate

matter air pollution in the United States, producing as much as 8 million metric tons of dust per year. The closest town in Keeler, California, has seen particulate matter pollution levels 23 times higher than the national health standard allows. This is a quote from the ER physician at Ridgecrest Community Hospital 60 miles away. “When we see the white cloud headed down through the pass, the ER and doctors’ offices fill up with people who suddenly got worse. It’s a pretty straight-forward cause and effect.” For small towns, ranches, wildlife and plant life in the western desert, there is no such thing as excess water. For many of them the proposed pipeline agreement is a virtual death sentence. But for the rest of us, we will see our beautiful vistas obscured, our economy and public health impaired, all for more fountains, urban sprawl and golf courses in Las Vegas.

Former president George W. Bush issued this famous warning to countries throughout the world a few years ago: you are either with us or against us. I predict that Utah voters will use this same warning to those who run for public office in this state, referring to the Las Vegas water grab: you are either with us or against us. Thank you.

[applause]

The next speaker is Kenneth Norman. Kenneth and everyone else, when you come to the podium, please just state your name for the record so we get it recorded.

Okay, my name is Kenneth Norman. I’m from Salt Lake. My mother-in-law lived down in Vegas before she was murdered. And what gets me is I really don’t know why they want to come all the way up here to tap into retorts that’s been there for hundreds of

years and I think it should stay that way until we really, really need it. Lake Mead is just a fraction away from Vegas, just a fraction. Instead of going 360 some-odd miles for the line, they could probably go about 35, 40 miles and tap into Lake Mead. And I don't know why they have to have all this rigmarole when it'd be a lot easier and less expensive to tap into Lake Mead. They could have all the water they want. I don't see us have to go with the water for their swimming pools down there. I know there's hundreds of swimming pools, which is more than there is in Salt Lake. And then they got your big casinos with the waterfalls, with the water, with the...what do they call it? With the battleships? They cannot keep that because it gets silt, so they have to change it. So why, like I say, why cannot tap into Lake Mead instead of tapping into something that's been there for years. Thank you.

[applause]

Thank you, Kenneth. Our next speaker is Curtis McCarthy.

My name is Curtis McCarthy. I live in the south end of this valley, Bluffdale. I'm kind of here on my own agenda. See, I've got grandchildren that want to live here along the Wasatch Front. And the medical, I know all too well, only mainly because my father served in the Air Force, World War II, he was in the medical corps at Kearns flying field, which was just on the west side of the valley here. It was top secret at the time and he told me years later several times that they had the highest respiratory infectious rates of any base in the United States. And that was because there wasn't, they'd disturbed soils

and then by greening it up, this valley was able to reduce that amounts of dust storms. But as you remember, if you'd been in the valley, it was in August, that horrible dust storm we had. Couldn't even go outside. In my opinion that was way worse than smog because, I mean, because it was literally horrible. I know the west desert. I also know that when you pump just a little bit you move salt underneath the soil, it moves from one well to the other well. Uh, we've got to be able to be on top of this and I, I don't want to see the dust storms coming because I want to protect my children, my children and my grandchildren. Thanks.

[applause]

Thank you, Curtis. Our next speaker is Steve Summers.

Thanks. I'm here for Bonneville Cutthroat Trout. It's a fish that's a native trout, the Great Basin of Utah. It's been out there for tens of thousands of years. It belongs there. It is our native trout. And it's not truly endangered, but it's considered by me to be threatened. If we go out and put an 84-inch pipeline in there, we will lose the springs, we will lose the flows, we're going to lose the little tiny streams that these trout do so well in. Las Vegas already has enough water features, it has enough golf courses, it has enough filled suburbs. It doesn't need any more water at this time. The old western saying goes, "Water doesn't flow downstream; it flows towards money." And it really bothers me to see who's behind all this. I'm really curious to see where the money, where the power is going. Utah really is a David in this Goliath story. So speaking for the Bonneville

Cutthroat Trout, I want to say this is an absolutely terrible idea to pump the water out of the west desert. Thanks.

[applause]

Thank you, Steve. Next speaker is Maury Harmon.

I'm Maury Harmon and I'll read this. Question: Is there not someone of sufficient power and judgment to stop this act of ___?___. Some thoughts. One, it is provincial to assume the use of the aquifer is just a Utah Nevada problem. The purposes for which water is used are national in scope. Two, in determining highest and best use of the aquifer, we should consider the value of Las Vegas to the nation. Las Vegas provides glitter, golf, entertainment, and gambling in million dollar casinos. How high are these objectives on the scale of nation building and stability? Three, Las Vegas has deep pockets and is prepared to purchase what it wants through generous contributions to political campaigns. Campaign funding biases political judgment. There is an anecdote. The body politic has power in numbers. Let our elected officials, officer holders, know your concerns. Four, Las Vegas prides itself on the efficient use of water. Containment is the answer to our controversy. Not one more drop of water from any source. Tell Las Vegas to accept the burden of getting along through superior management of the water they now have. Should they wish more urban sprawl, then reduce the number of golf courses and water features. We do not owe it to Las Vegas to look like a lake in a desert. Five, leave the Snake Valley aquifer alone. Do not mess with something that can result in

dire consequences for the rest of the nation. It was mentioned earlier about the Owens Valley. Good example. It's a dust bowl. All the water went to Los Angeles. Marvelous tradeoff. That's the world's largest open sewer (laughter).

Thank you, Maury. Our next speaker is Cecil Garland.

I'm Cecil Garland. I've lived 36 years in Snake Valley. My wife's a teacher and has been teaching there for 36 years.

I very much appreciate the Mayor coming out and he spent a day asking me all the right questions. To me, that's the way to see and understand Snake Valley. I started out with shovels and canvas dams irrigating and I've watched our community grow and their use of the water, our use of the water has grown, if not exponentially, it's doubled, tripled itself.

I have a little amusing story. Last night (laughs), most of us were in Delta doing pretty much the same thing and our friend, Mark Ward, was holding forth about how he had spent the entire day putting together all these figures and so forth that he had and then it was the middle of the night and he was still trying to get these figures to mesh and work up and he said all of a sudden it occurred to him, that hey, there's no surplus water in Snake Valley. I thought, Mark the next time you want to know something about Snake Valley, ask me. I'll tell you (laughter). We don't have any, we don't have any surplus water in Snake Valley. I'm incapable of turning on a computer so I can't make any models. But I'll tell you this: I know what it was like when I came to Snake Valley 35 years ago. I had springs. Some were, maybe 40 springs, maybe more on our ground that

don't exist now. The swimming hole pasture, the swimming hole, doesn't have enough water in it to float a duck anymore. A place where I couldn't ride a horse because it was so swampy, you can drive a tractor or truck or anything across it now.

I'd like to quickly tell you about one spring we call Rocky Springs, which is two miles west of, on the mountain west of Callao. This spring, when I first came there, the sheep men used to ___?___ out their sheep there and they built a little pond in there, as big as this room, approximately. And the spring, Rocky Spring, would run down in there and fill that up. My cows could go there and drink water. And then it would come out of that little pond that the sheep people had built, run down and run across the road and maybe run down a mile, three quarters of a mile down the wash before it sunk into the ground again. The last time I was up there, which was last spring I believe it was, there wasn't hardly enough water coming out of there, much less to fill the pond or run down across the road or down a wash. There was hardly enough water out of that spring to, for a child to get a drink. Now this is a thousand feet above where we're irrigating. In other words, about ___?___.

So when our neighbor people—or I guess we call them neighbor people; they don't act very neighborly sometimes in Southern Nevada—complain about the drought, for goodness sake, we're the epicenter of the drought. We know what drought is all about. We're in some form of a drought all the time. How in the world would one of the driest valleys in the southwest, the driest part of the United States, be able to furnish water to a metropolis? And even if not one soul lived in Snake Valley, I think it would be wrong to strip the water out of it and kill the vegetation.

I was able to show the Mayor what happens when you take the greasewood off. Greasewood roots will go down about sixty feet in search of water. When you see greasewood, you know without any question or doubt that down in underneath someplace there is water. There may not be a lot, but they, it does exist. So on the valley floor there's literally a carpet of greasewood that goes over a hundred miles long. You get up on the bench a little bit, there is no greasewood because the greasewood can't reach that water.

So I was able to show Mayor Corroon what happens—and I've cleared about 300 acres of ground for hay ground; I raise cattle and hay—and there's a short period of time in there when I can't keep water on that and I can't, it's the wintertime and I can't irrigate, and these pictures of dust storms are pretty classic of what happens, except that I'm only talking about 40 acres or 20 acres. Can you imagine what's going to happen—and it's already happening, as a matter of fact. The greasewood is already stressed. I could show you, and did show the Mayor in many places, where the greasewood is already stressed—because we're pulling the water table down, this terrible drought that we have now, or whether it's climate change or whatever, is affecting the greasewood, the vegetation there now. But I was able to show him what happens. And on the north end of the field, the prevailing wind's from the south, you've got sand dunes that didn't exist there before and it came off of my 30 acres of ground. Now I've got it into hay production and there's no dust, but I'm just telling you what can happen and I've seen it time and time again. About six or seven years ago, the wind blew so hard and I just planted a 40 acre piece of ground and it blew so hard it took the whole four inches of top soil and all the seed out. I had to go in and completely disc that and reseed it again. Now it's in grass and alfalfa.

As far as the agreement is concerned, it's almost impossible for me to understand—I can't understand—why any people, any agency that represents the people of Nevada, or of Utah, pardon me, would sign such an agreement. I, I cannot understand what... what is the impetus? What prevails here that I don't understand? I can only say that in my opinion is a disaster. Number one, we're putting this off for ten years. In ten years, Southern Nevada will have all of their options and applications for water open. They'll still have those. They will have, perhaps, recovered it was that timeframe when they intended to use the water anyhow. And where will Utah be? We will have signed away our options and when we sign this agreement, that's basically what you do. You've eliminated on down the road. Sure you can haggle over this study and that study, but that's what it will amount to is haggling. Now, in this agreement, personally as a rancher, it says mediation and compensation. Think about that (laughs). Who in the hell am I going to mediate with? Well, Southern Nevada Water, of course. Well, they said, we don't know what happens with your water, the cow drunk it or something (laughter). But we'll compensate you. I don't want to be compensated by these people. I don't want to be an indentured servant. I don't want to go to them with my hat in my hand saying give me some money. I'm happy with my ranch the way it is; I want to keep it that way. So we don't have any surplus water and how do I know that? Well, my springs are drying up. Water table is falling and I can measure it every day I want to in the well and it's drying up.

How am I doing, Steve?

You've got a minute (laughter).

I get carried away. Vegetation is suffering. There is no question at all. Heck, you got California on the west and the Colorado River on the east side and we're right in the middle. California is dying, burning up. Colorado River we hear a lady friend in Las Vegas complain about it almost every day, Pat Mulroy. But Colorado River's drying up. They're going to be without a drink of water in Las Vegas. I'm reminded what Marie Antoinette said. Paraphrase that a little bit. If they can't drink water, let them drink whiskey or beer or something (laughter). That's being facetious, but I want to tell you this much, one of the most contemptuous things that you can say in the southwest, and particularly in our valley, is "we've come to take your water." We're not down there trying to take their water, but they're come to take our water and that's exactly what they said. When they came up there the first time, and I'll never forget it, they said "We've come to take your water." Or they didn't say your water, our water. And "you don't know how much water you've got and you're wasting a lot of water" and that was the beginning of this whole thing. I said that very day, "We don't have any surplus water in Snake Valley. We don't have any surplus water."

Now in spite of all of the figures that you've seen today, you want to remember this one thing: the water that they're going to give to Las Vegas supposedly in this proposal is fiction. It's fiction water. It exists on paper but it doesn't exist in reality. And dear folks, remember this single one thing: all of the water in Snake Valley is presently under water rights and when they take the water, whether they take it out of Spring Valley, Steptoe Valley or Lake Valley, it doesn't come into our valley. Or whether they just pump it out of our valley, they are taking water from two things: from the water

rights holders, the senior water rights holders, and they're taking it from the phreatophyte vegetation, which can only protect the valley from dust storms and destruction.

One final word about Owens Valley. Owens Valley is close to the ocean. They get more snow in feet than we would normally get in inches. They had a river; we don't have a river. They had a lake; we don't have a lake. The devastation that will happen in Snake Valley...I've got to (laughs)...is far, far greater and quicker, much more rapidly than whatever happened in Owens Valley.

Thanks for holding this meeting. It's only through our ability as a small population to come to people like yourselves, who have a strong interest in the future of Utah and the west desert and to spread the word and to bring about the political voice, the powerful political voice of the people. And I thank all of you for coming to this meeting.

[applause]

SE: With that I'd like to recognize the one person who can reign in Cecil Garland, that's his lovely wife, Annette. And she's selling these cookbooks to benefit the water grab fight. So if you're interested, we've got a whole batch of them here at the end of the meeting. Or if you're ready to leave, you can settle up with Annette and grab one of these.

Our next speaker is Robert Comstock:

Just two points. First, we must tonight acknowledge that this pipeline, if allowed, will irrefutably and irrevocably abrogate constitutional rights to life, liberty and the pursuit of happiness for thousands of US citizens who have lived, labored and died for up

to five generations in these threatened valleys. Number two, if this agreement is signed the economic interests of Las Vegas, including the Coyote Springs development that seeks to build 150,000 single family homes and 16 Jack Nicklaus golf courses, will immediately upon signing, will immediately and incessantly move to up the date for the starting of the pumping to support this development. Once the pumping starts, due to the proponents of this ecological disaster, will they expect us to believe that when the environmental destruction starts to appear, that then the pumping will stop and 2 to 300,000 people will be told to walk away from their homes in Las Vegas?

[applause]

SE: Thank you, Robert. Deb, I heard a beep up there. Was that one of your tapes? I'm just curious. I think this one's all right.

Our next speaker is Clare Gilmore. I'm sorry, pardon me, Clare. Our next speaker is Kirk Robinson.

Hello, my name's Kirk Robinson. I'm a citizen of Salt Lake City and of Utah, a native resident. And I'm also director of Western Wildlife Conservancy founded here in Salt Lake City in 1996 and represent the interests of a number of members of my group.

Now I don't know all the details of this proposal and particularly what will happen if this particular agreement is not signed, or perhaps if no agreement at all is signed, but I have very serious concerns about this particular agreement. It seems to me that given the fact that we live in a desert already, that Nevada and Utah are the two driest states in the nation, and secondly that the climate is warming, whether it is a result of ___? ___ causes, CO₂ or whatever, it is warming. Hence, there is going to be more

desertification, not less. We've already got a problem; pumping this water is going to cause problems. I don't see how anyone can take seriously the idea of surplus water in a desert, especially surplus sub-surface water, excess water. How did anybody decide that there's water that has no purpose in this place and can just be taken without any negative effect on anything? I think it's utterly ridiculous on its face and this whole thing is a grand exercise in delusional thinking.

Now, I went to a meeting about three weeks ago in another location where Michael Styler and others from Utah and Nevada talked on this subject and following that meeting, I went up to Michael Styler and I asked him if it was conceivable to him that if this agreement is signed that it will lead ultimately to the pipeline extension into Snake Valley not being built. And he leaned over and he whispered to me, "That's my ulterior motive." He thought that the conditions in the agreement were so, uh, strict that ultimately the [SNWA], or whatever they're called (laughs), the Southern Nevada Water Authority people would decide it wasn't worth the cost to try to build the pipeline into Snake Valley. Now I've learned that Snake Valley's actually connected to Spring Valley and even if they didn't build it in the Snake Valley, you might want to build it in Spring Valley and that would affect presumably Snake Valley water, possibly Fish Springs, possibly even the Great Salt Lake. And I'm very concerned about that. He told me that, well, he actually told everybody in the audience that the state engineers, either one of them or both together, could decide at any future time to shut down the pumping from Snake Valley if, in their judgment, certain unwanted effects were to occur to the soil, to the atmosphere, to wildlife, etc. That in fact the state engineer of Utah would have

unilateral authority under this agreement to turn off the pipeline and he thought that that would be incentive enough for them to decide not to build it.

My final comment is I'm not convinced about that. It's a gamble, you know, and it's a serious gamble and I worry that maybe Mike Styler and others in the state are not as good at gambling as people in Nevada (laughter). Thank you.

[applause]

Thank you, Kirk. Our next speaker is Bob Brister.

My name is Bob Brister. I'm a resident of Salt Lake City. I want to congratulate the people of Snake Valley who've really been on the front line in this fight against the Las Vegas water grab. They've really been doing the fight for all of us and Utah in my opinion.

I'm a Salt Lake City resident and I do have a stake in this fight. I'm very concerned about the dust, the air quality issue. We already have huge air quality problems here in Salt Lake City and this stealing of the water from Snake Valley's only going to make it worse. I'm concerned about wildlife in the west desert, Fish Springs. One of my main forms of recreation is going out to our beautiful public lands and wilderness areas, including those out in the west desert, and I want to see the wildlife out there flourish and stealing water from them is not the way to do that. I'm concerned about the environmental justice issue for the residents of Utah and Snake Valley in particular. I see this whole water grab as extremely anti-democratic. I'm very concerned about Utah state

officials selling us out. There's a lot of money in Las Vegas and they can buy a lot of power and I'm concerned about the Utah state officials and I think we have to take a really hard line with them politically. If they sell us out on this issue, we never vote for them, ever. Thank you.

[applause]

Thank you, Bob. I know that there's been a few people come in as we've been going on here. If you'll see Deb Callister, who is the woman waving at me here, she's got sign-up sheets.

Our next speaker is Paul Van Dam:

Thank you for coming out tonight. I think this is important. Elise and I drove from St. George where we live. I've been a resident of this area for most of my life, but I moved from here to St. George about a year and a half ago because I couldn't breathe anymore, Dr. Moench. The air was so bad so often I went to where it was better. I've been the county attorney of this county many years ago in the 70s. I've been your attorney general, uh, in the early 90s. I got involved, very involved in the Central Utah Water Project and as attorney general got to know water in Utah pretty well. And so I went to Southern Utah, I was hired as an executive director of a citizens group who was concerned about water conservation, concerned about the Lake Powell pipeline.

And so when Cecil Garland said he doesn't understand what might be going on here, I have a possible explanation. As you know Pat Mulroy, who is the water czar in

Southern Nevada, began sometime ago to raise serious questions about the Lake Powell pipeline and whether or not Utah should be building it, whether or not it was water, what it did to Nevada. And I can tell you Utah very, very much, very desperately wants to take that 100,000 extra acre feet of water that they believe they still have in the Colorado River after the Central Utah Project. And they don't want Nevada to become a hindrance to that. So I have to wonder if it isn't possible that within the hierarchy of state government, there isn't a little deal being made that simply goes like this: we won't oppose your water project, your pipeline, if you don't oppose our pipeline.

Both of them make about as much sense as the other one. I mean, Lake Powell is down to half; Lake Mead is well below that. There've been 19 different models, very reliable models done of weather change, and yes, there are parts of this country that will get drier and there are parts that will get wetter, but the parts that will get drier are these southern parts of the country. And so I've watched during my lifetime here in Salt Lake and in Utah and Southern California, I've watched the growth. I've watched Nevada grow. When I became a water-knowledgeable person, I began to wonder, well how is water is going to be obtained for the kind of growth that we're expecting. Well, along the Wasatch Front, this may be the second driest state in the Union, believe me, the Wasatch Front is water rich. We have the equivalent of somewhere around a 30 to 40 to 50 inches of rain because of what we get from the mountains and we get a million, a million acre feet of water that gets diverted from watersheds that should be in the Colorado River that comes now to the Wasatch Front and to all the places the Central Utah Project serves. So there's no shortage of water here, even though I think our water people would like us to

believe that. Southern Utah also is blessed with what's called the Pine Valley Mountains and the Virgin River and there's a lot, a pretty good amount of water down there.

Las Vegas and Nevada basically, just simply when the ___? ___ Colorado River Compact was signed in 1922, were not at the table with a significant amount of political power to accomplish anything. And what did they get from the mighty Colorado River? 300,000 acre feet of water. That's a drop in the bucket. And so, yes, as they began to grow, they had no water. Well, they've got a 1,800,000 people in Clark County and the environs there. That's a staggering number of people and they're pulling all of their allotment out of Lake Mead. They've got 70,000 acre feet of water underneath the valley itself. And they're buying a huge amount of water from Arizona right now and they're getting very desperate for more water. And I have to ask you, and I have to ask them, when do you do the math? When do you say, you know what? We have limited resources and we've got to stop growing. It just simply won't work.

And that's what happening in our end of the state right now. Our county now has 150, 160,000 people. That's a lot of people in a little valley in a little place in St. George. And we are blessed with a pretty good supply of water. It's called that Virgin River, the Virgin River Gorge, and the water that's underneath it. But 130 mile Lake Powell pipeline that's being proposed, it's now going to cost a 1 billion dollars, plus 50 years worth of interest, making it in today's terms about a 3 billion dollar project that we can't afford, is not the reliable source of water and, as has been pointed out so many times tonight, at some point there's going to be a serious drought. We know that from tree rings that have been studied over millennia, and we like the Indians, the Anasazi that preceded us, are going to be walking out of here or driving out of here to places that have water.

So what I say is I couldn't be more supportive of Cecil and of the people in that valley because, you know, they've always been living on borrowed time and borrowed water and there is no excess water there and it isn't going to happen. And you know that 250 mile pipeline being proposed by Las Vegas is a frightening thing because it is taking, it is proposing taking water that is not there. What I think they have to face, what we all have to face, ultimately, is that there are limits to resources, there are limits to growth, and we better start thinking about living within them because it's catching up to us and it's catching up to us rapidly. God bless you and I hope things work out there. We're fighting for you.

[applause]

Thank you, Paul. Our next speaker is Joel Ban:

I wanted to make two observations with respect to the meeting Kirk referenced, the one with Michael Styler where they presented the draft agreement. The first point is one of the attorneys from, I think, the state of Utah said that this agreement was really in the best interest of Utahns because the alternative would be a legal situation where the Supreme Court of the United States would have original jurisdiction and how to equitably apportion the water between Utah and Nevada and it's better to go through this process, through the deal with, between Utah and Nevada than to have to go to the Utah Supreme Court. It's not clear to me, and the attorney didn't really make it clear, that it would be more equitable to go that route than to have to go with the situation we're in now, where

Nevada gets seven times the water as Utah gets. And my opinion is we should, if Nevada wants to take our water, then that's fine. We have to fight them either with, through the political process or through the courts, whether it be through the US Supreme Court or through other federal courts, the state engineer, whether through the Endangered Species Act or the BLM process with ___? ___. And that's, that's my first point.

And secondly, Professor McCool's point about once the pipeline is built, you know, I wholeheartedly agree with the fact that once that pipeline is built there will be no way to stop the flow of water. Someone had mentioned that possibly the state engineer would use his discretion to shut off the water. I don't think it's very realistic that that's going to happen. First of all, a lot of the problem with that assertion is that the effects, and there will be effects, the state governmental representative said there would be effects, it's just not clear as to what those effects would be, but the effects would appear long after the water has been taken from the resource. So it takes time for those effects to show up. And that's the main problem with the mitigation they're offering is once it becomes apparent that these effects have taken place, the mitigation will be quite useless since, you know, the resource has already been, uh, utilized, you know, it's beyond repair, essentially. There's an appeal process where the states have to go through this, uh, some type of appeal process. It wasn't entirely clear to me, but once that appeal process has taken place, it's pretty clear that there'll be no hope in saving the resource because the effects will have taken place and the resource will already have been utilized. So that's my two observations from the meeting that they had a couple of weeks ago. Thank you.

[applause]

Thank you, Joel. Next speaker is Jerald Anderson.

My name is Jerald Anderson and I live on the south end of Snake Valley, down in the Garrison, ___?___ area. Cecil and Annette and a number of us seem to tag-team this because this is important to us. We've talked about a number of things tonight in terms of the importance of air quality issues and this is kind of the air quality issue that we live and breathe all the time since this issue came up. We're here tonight to try to understand what kind of comments we ought to make with reference to this agreement. And I really appreciate the work that Millard County and Mark Ward has done to kind of give us a sense that there are other ways to look at how we evaluate this resource that's shared in Snake Valley between Utah and Nevada. And there's no way around the fact that it has to be shared; physically that's the way it is and I appreciate Marks' description of the physical realities of this groundwater system. This is a dynamic, living ecosystem and we need to keep that in mind as we evaluate what could happen here, what's happened in the past, what could happen in the future, what the impacts are of making changes to the distribution, whether they're natural or manmade, whatever those impacts are, the changes to the system.

I was part of the team that went to the interim committee at the Legislature in 2004 to present this issue, which ultimately resulted in the language that Mark was talking about in the Public Law, the Lincoln County Lands Act. We recognized early on how significant any removal of water from Snake Valley could be because we live there.

We make our living there, we grow things off the land, we understand the characteristics of the water, what it means, how it's used, where it ends up.

One of the things I didn't realize was how good our neighbors were because you work pretty hard with your nose to the ground out there and unless an issue like this comes up to unite you, you don't have the opportunity to really rub shoulders with people like Cecil and Dean Baker and the Hills and a lot of other people, and now Mark Ward and our county commissioners. That really has been a blessing. If nothing else comes out of this we know each other better and we know who we can count on now. Terry and Gary ___?___ on the Nevada side and as much as we might possibly disagree with each other on the finer points of this, we're absolutely united that there is no excess water in Snake Valley. It's the truth. We get to see it. We get to live it.

As far as the agreement is concerned, I brought this notebook up here just cause it's the smallest one I've got. But we've got reams and reams and notes and paper and reports and the things Terry talked about to try to evaluate what's going on, look at the potential issues, the impacts. So it's not my intention to try to go through the detail. There are a myriad of comments to be made about the technical, the political, the environmental issues. There's some real simple ones if we think about the history. One is we believe that we've been living off that, off that incredibly wet season of '82-'83, which flooded the highways and the Sevier Lake, which caused the building of a pumping station to evaporate water out the Great Salt Lake out here on the west side of the lake. That provided a source of water that fed springs, kept our water levels high, but that has been used up. We've seen the natural level of the system begin to reduce from the effects of that great recharge. We also recognize that the BARCAS study was done in the wettest

period of time since that '82-'83 season. The numbers that this agreement are based on do not represent any sort of reality in the drought situation that we face in Spring Valley and have faced since at least the late '90s and I suspect before that. We just weren't as aware of it then.

So there are a lot of comments to be made, but it occurs to me that you can do the wrong thing the best way possible and still have done the wrong thing. And I think that's what we're looking at as we evaluate this agreement. Mark has shown us, and I wasn't really thinking this way until I saw these numbers last night, that there are other and better ways to evaluate what would be called an equitable distribution. And probably more along the lines the courts would take if we were to do an adjudication action. I'm less afraid of the court action than I am an agreement that's based on the premises and desires of the person who wants the water.

So, one of the other things we recognize is that that this is a little like, well, my daughter's a medical student. This is a little like the cadaver lab that she attended when she was in her undergraduate program, because what this agreement does in terms of its allocation is it puts the Utah side of Snake Valley in a jar of formaldehyde and all you get to do is slice it up and look at the way it used to be. It will never be better than it is now, if it's ever that good. The economic reality of that is to those of us who live in Millard County, we'd like to be a resource, an improving resource to Millard County and to the state of Utah and the agreement as it's currently framed makes that an impossibility. The future is dead in Snake Valley. So, we have to find another basis to evaluate this. If there's going to be an agreement, on what basis is it going to be made, because it can't be on the proponent's basis. That's a surrender, not an agreement.

So I was thinking about this, you know, what's the best example we can come up with of how to divide up one thing that two people claim? Well, it occurs to me it's the biblical story of Solomon and the two women who claim the same baby. So if we look at it in that context, the first thing we have to do is decide what the ultimate objective of the agreement has to be. Now in Solomon's case the stated objective was to determine who owns the baby and that's kind of the way this agreement has worked out. But if we look at the story in a little more detail and understand what it portrays, we realize that isn't the ultimate object of Solomon's wisdom. The real objective was to let the baby live. Solomon's initial procedural situation was the same as this agreement: just divide up the object of controversy; everybody walks away with their legal share. The problem with that is the baby has to die. So it's the life of Snake Valley that's being divided up, not just some number that's being used to portray some quantity of water, whatever you believe that number is. This is a living ecosystem and it cannot survive without all of its component parts. Now an agreement that protects this groundwater base life in Snake Valley and the ecosystem and its inhabitants, whether they be plant, animal, people, anything that lives there, might be a good thing if it's based on that common objective that the baby has to live. But this agreement cuts off parts of the baby and allows one of the women to carry it off to her home and baby does not live in this agreement, that baby dies.

So what I say is let's take the information that Mark and Millard County have developed. Let's take the work that's been done as a foundation to develop this agreement because it's opened our eyes to so many things, so many facts, so many new ways to look at things. Lets take that and use it to evaluate the potential for a real agreement, a

cooperative agreement that provides life for Snake Valley and maybe if we do that, and this is what I would recommend to Governor Herbert, that he wait until we take another look at this whole situation from all these other perspectives. Maybe an agreement can rise like a phoenix from the ashes of what the work has already been done. Thank you.

[applause]

Thank you, Jerald. Our next speaker is Don Ries.

My name's Don Ries. I live here in Salt Lake City. I don't have any more information to present than these gentlemen have, but I have some questions for all of us and I think if we don't address some bigger questions, we're not going to win this thing. Nobody's going to win. First of all, what's water, what water's available for the wildlife of the natural ecosystem? Nobody's allocated anything for that it seems in this agreement. So it seems like from all the testimony that we shouldn't be taking any more water out of the Snake Valley. If that's true, then before we castigate Las Vegas too much, I think we need to look a little bigger picture. Somebody said the Wasatch Front is a rich in water, but for how long? How long can we continue to grow and use this water until we come up to the same problem that Las Vegas has? How long can Washington County grow until they come up to the same problem? So before we start throwing stones as Las Vegas, I think we've got to look at the bigger picture and come up with a plan of how are we going to manage all this water out here because we're all in the same boat. Las Vegas is at it now; in 10, 15, 20 years, Salt Lake's going to be in it. We cannot continue to grow as

we are growing. I don't care what your religion is, all you have to do is the math. We can't keep increasing our population. It just isn't going to work. There's a limited resource. It sounds like the Snake Valley's already drying up somewhat.

I would ask us another hard question. If it continues that way without any pumping to Las Vegas, are we willing to use less water from the aquifer? How much are we willing to give back to the aquifer?

Lastly, if this agreement is not going to work then what's, where do we go? All I've heard is this agreement is bad. But where do we go? What are our alternatives? What do we do next? How do we work this out? And I hope you folks could write all of us with some answers on that. Thank you.

[applause]

Thank you, Don. Our next speaker is Gerald McDonough:

I've got to leave my wife stranded on a street somewhere, so, uh, I'll try to be as brief with this as I can. Uh, all of the comments that have been made have been absolutely wonderful and I've learned a lot tonight and it's altered my view of several things. Uh, I'll just read a couple of things that I've extracted here.

Before any agreement is entered into there are numerous legal questions that should be addressed. Over the last three years negotiations with the state of Nevada have been conducted in absolute secrecy by Mr. Styler, and of course, now serves as director of Natural Resources for the state. One of the questions that should be asked is in whose

best interest was it that negotiations remain secret for such a long period of time? It was certainly not in the best interest of the ranchers and the water right holders in the state of Utah. Was the secrecy of the negotiations in violation of any of Utah's open meeting laws? Um, for a long time Mr. Styler's position was that he had more information than we did and if we had the information that he had, uh, we would agree with him. But over the three years of negotiations he divulged nothing to the public whatsoever; he did make some very interesting sorts of revelations. Several of you have already made reference to the original release of the pre-BARCAS agreement two and a half years ago. Now I was at that particular meeting at the State Capitol with the joint committee of the, uh, Senate and House department of, uh, committees on natural resources. And Mr. Styler got up and said that he had read through the BARCAS study, in the preliminary study, and that the BARCUS study, preliminary study, was not in favor of the state of Utah. Uh, when he was asked by members of the committee to produce evidence or to give some sort of reason why he thought that it didn't favor the state of Utah, he said that he promised not to. And when they asked him who he promised him not to, he wouldn't reply. I have never found out an answer to who it was that he made that promise and I'd like to find that out now. After reading through the BARCAS agreement, many people have come to the conclusion that the BARCAS agreement doesn't favor Nevada or Utah. The primary discovery of the BARCAS agreement was that the valleys are more interconnected than we had previously thought, that is, that water comes out of the mountains in, you know, Steptoe valley and makes its way in a round about fashion into the Snake Valley. Prior water rights would seem to indicate that the ranchers in the, you know, Snake Valley, should have a better legal claim. It must be asked whether there is any ulterior motive

outside the immediate agreement that might be behind the push for an agreement to sign now. The public has to know what these outside arrangements might be.

Pat Mulroy, the executive director of the Southern Nevada Water Authority, has threatened if the state of Utah impeded the construction of the Southern Nevada Water Authority's pipeline that she would see to it the planned pipeline from Lake Powell to St. George was stopped. Whether this is true or not, this kind of intimidation should not have had any bearing on the stipulations in the agreement, and I want to know if they did.

Uh, Mike Styler repeatedly stated that the agreement, uh, is necessary to prevent unnecessary legal, unnecessary litigation, is needed to prevent unnecessary litigation. While avoiding unnecessary litigation is commendable when an equitable agreement can be reached an equitable agreement is an unsatisfactory alternative to lawsuits. At the public hearings conducted by the state engineer's office, most of the citizens who commented protested voraciously that the agreement was inequitable. In response, Mr. Styler has agreed to extend the deadline from making written on the agreement until the end of September. This is hardly a reasonable response, as the protest will end up being reviewed by the very same person whose actions are being protested. This would seem to raise some constitutional questions since the right of citizens to petition the government to redress of grievances is being short circuited if not hijacked entirely, and it makes a mockery of Utah's public meetings law.

Why should the state of Utah stipulate to anything that is not based on established or science? I won't read any of the rest of that. I've got to get out of here. I'm sorry.

Perhaps the most worrisome of all is the question that is yet to be answered to my satisfaction is to what extent will the silent disagreement bar or restrict access to courts of

citizens along the Wasatch Front and Salt Lake Valley who may be impacted by future dust storms and air pollution originating in Snake Valley.

The issues are enormous, the potential consequences so long lasting and irreparable, it would seem to be a form of criminal negligence not to exercise due diligence in this case. I think there's a lot of other legal questions too. Maybe we should, you know, draft a letter to the, uh, state attorney general. Of course, we have an ex-attorney general here; he could probably answer half of those. Thank you.

[applause]

SE: Thank you, Gerald. Just a quick update for everybody. We've been here two hours now and I admire your patience. There's about 10 more speakers left and please, if you're wanting to fill out any of those yellow forms, the yellow card, just leave it on your seat or bring it up in front. Also, feel free to pick up information at the back.

Our next speaker's Ted Wilson:

Good to see my good friends from Snake Valley, Annette and Cecil. I met them years ago, uh, and if you've ever been to their home out there, you've got to have an emotional moment for the people who care about that land and have developed their little corner of it over the years in concert with good water usage.

And I think what we're faced here with is something much more serious and much bigger than maybe we're even focused on here tonight. And that is very, very simply, that you go to an area, you build a city, the city is supplied by water that was

computed in 1922, Paul mentioned that. You build growth into the formula of prosperity, the degree that that area must continue to grow in order to have prosperity of any kind. And then after you run out of water you develop a project of water from nowhere. I'm not just talking about Las Vegas. To a degree I'm talking about Salt Lake City, even though you're right, we have a lot more water than meets the eye. I'm talking about Denver, with the big straw project on the, on the, onboard. I'm talking about Los Angeles that's already committed this big sin of starting the Owens Valley and these Rube Goldberg schemes are now appearing all over the west: pump water from nowhere. And the Snake Valley, Spring Valley, all the valleys that are interconnected by an underwater flow between them, have no water. They have no water. They have enough water for a few farm families, like the Garlands and the others that live there. They have enough water to keep our plants and perhaps avoid the disaster that Brian Moench so articulately and eloquently presents to us. And we need to catch onto all these schemes, because, folks the west has outgrown its limits to the point that we're going to have to find a nice way to retract. And that's the seriousness of this project.

Now can we give this message to Utahns? I remember a debate in this state called the MX. Remember Cecil?

Yes, I do.

There are something modes, something modes, and co-modes, right? Cecil says (laughters). There's the basin mode and there's a something mode and then there's the commode. And we got that message out because they wanted to put a race track, first

strike insensitive hard shelled track in every valley of this state, almost, to tell the Russians or the Soviets that they couldn't attack us with a first strike missile. The project was finally defeated when people at the LDS Church in the upper echelons looked at a map and got the message. And then others came in and it became a groundswell of operation throughout this community. This can find the same course. Brian Moench has the absolute answer to this for the bigger population. For the smaller population we need to talk about water rights and the fact there is no water and the goodness of good family farm life. But in terms of the overall message to the state, Brian, you've got the key and congratulations for your analysis. And Terry you have the key, as you look at business and the kinds of things it would do to you in Nevada. And Mark, good job on those stats. They all come together. We have a fight here and I want to put Utah Rivers Council that I direct firmly in support of it, because we can win it and I wish you all well. Thank you.

[applause]

Thank you, Ted. Our next speaker is Paul Tusting.

Hi, there. My name is Paul Tusting and I'm a Salt Lake County resident but I've spent a lot of time in the last 10 years kind of poking around out in the west desert. For those who haven't been there before, I'd really encourage you to head out there. It's a special place. It's as wild as anywhere I've been in Africa or Asia or even Alaska, you know, it's a really beautiful place. It's got mountains higher than anything here in the

Wasatch and it's got lots of these small little, beautiful fragile desert oases. And you've got to see it to believe it.

And, you know, I was here at the meeting about three weeks ago and, you know, I do want to commend that group that put that together. There's a difference between the pipeline and the proposal for the two states working together. There's an old western saying: "Whiskey's for drinkin', water's for fightin'" and I think that group is, there's some good minds there and some good people trying to figure it out.

My problem with the agreement is that they really talked about two options: sign it now or face a fight down the road. And that's pretty discouraging. You know, one thing is that proposal hasn't been out there for that long to the public. We as citizens have been able to read and look at it, but we have limited resources. What about some of the other stakeholders here? You know, the BLM, there was a quick comment about at that meeting, you know, had they had time to do environmental impact statement? No. BLM has lots of the low lands and lots of the foothills. You know the Forest Service manages a lot of the high lands, you know, up on the mountain peaks as well as the Forest Service, or, uh, the National Park Service.

But, you know, maybe even more important than that is the confederated band of Goshute Native Americans. They are a sovereign nation. They should have at least as much right as states in this matter, you know. We're talking about a high tier there and I don't know if time or resources have been allocated there to really get that kind of input in.

You know, my last real comment has to do with how vague this agreement is in terms of what happens if all...there's a lot of prescribed metering. But what's going to

happen when the metering shows that there's damage? It's very vague on what may happen. There's no talk about what must happen. And there's been a few folks talking earlier tonight, once a billion dollar, multi-multi billion dollar, uh, pipeline is in, I just have a hard time believing that people are just going to turn it off, you know. I just don't see it as being realistic.

So, you know, what I'm asking for today is not to sign or to not sign the agreement, I still think there's a lot of promise with it with that team. What I'm asking is for the state of Utah to have more time to come to a good conclusion. That's it. Thank you.

[applause]

Thank you, Paul. Our next speaker is Chris Wheeler.

Hello, there. Chris Wheeler from Garrison, Utah, out there in the sticks (laughter). I'm sixth generation, a rarity there. You don't find those very often; I'm among the very few.

Anyway, there is no extra water out there. My farm, there's no water. I mean there's no extra water. So basically, yeah...I don't have a speech ready so I'm a little bit nervous (laughter). But, anyway, um, putting our trust in the state, state guys is a little bit scary cause I know that state is a little bit money hungry, not because it's money hungry, but it's low on money and it's easily bought and that's scary, especially being out there cause we have no say. There's maybe 500 people maximum in the whole valley. I mean

there's not very many. That's just too scary. It's scary having our trust in all these, in everything. I like all the scientific data, that's all great, yes, fine, dandy. There is no water (laughs).

Why don't we take that pipeline and ship it southwest to the ocean, desalinate. It's expensive. I know they've proposed it. Why don't we take the pipeline, turn it around. We know Lake Mead's appropriated. Let's go to the ocean, desalinate the water, bring it up. It's an endless supply. It can help us with that climate change and the ocean rising, what little bit it might actually help (laughter). I mean I know it's expensive. It's going to take a lot of electricity to do and run, but it's going to take a lot of electricity to run all these wells and ship it that way, too. So let's go green. Keep the valley green and let's all stay, let's keep it green. Thank you.

[applause]

Our next speaker is Joseph Bauman(?) He may have just stepped out, uh. Ed Uehling, is that, am I mispronouncing that, Ed?

Ed Uehling:

No, that's right. Exactly. I guess I'm the only one here from Las Vegas. I appreciate the opportunity to speak. I just can't get out of my mind, though, an experience that I had almost exactly 20 years ago and I'd like to discuss, tell about that first. I went with my son, I took my son to Israel and we drove around Israel and West Bank and had a dinner with friends of a friend, or relatives of a friend, in the City of Janeen on the West Bank. Uh, these people were Palestinians. They'd been, their families

had been on the land for 600 years. They had, the family had lands, but they could only get water for a few hours every week in a tank that they had on the roof of their house. That was the only time the water was given to them and they couldn't, they had no water for their crops, for their farm. And a few miles from there, we went, we were able to drive all over very easily because we had Israeli plates on our car. We were able to enter the settlement that's up above that city. Uh, the word settlement is really, it's a fancy suburb. It's a very nice area of houses, like in Las Vegas or like in Salt Lake City. There the water was flowing all over the place. Water in the, water displays in the city. And this in the emotions of this hearing remind me of that.

This water is being stolen from a valley that needs it. You've expressed so well, especially, especially Mr. Garland has expressed so well about what is, what's happening. There is no water. And I think there are some very good solutions, though. Some that were, would cost nothing. If Terry—I'm sorry I don't know you, but I don't know your last name, and Dr. Moench, Dr. Moench, and Mr. Van Dam, and Mr. Garland, would go, appear on a radio program "State of Nevada". The, the, it's on the public radio in Las Vegas. It's done by a person who's had Pat Mulroy on the program a number of times and has disputed several things with her. You could make a phenomenal presentation that would have a tremendous effect in Las Vegas if you would just go and be on that program. The person who runs the program I'm sure would think it would be amenable to that and would invite Pat Mulroy and almost certainly she would not show up. But if she did, she is a, she is a compulsive liar. I'm sorry. But she...those are strong words, but she is.

She told us several years ago when she wanted to implement a sales tax because she couldn't raise the water rates in Las Vegas. We had to have this sales tax. We passed the sales tax and she's, she's raised the water rates a number of times since the sales tax has been passed. And she put ad in the newspaper telling, total fictions about this project. Number one that there's a drought in the Colorado River. No, there's not a drought in the Colorado River. There's a normal flow in the Colorado River and it's, and it is about six million, six million acre feet per year of which, as has been pointed out, uh, by Mr. Van Dam, Las Vegas gets about 300,000 acre feet, which is 1/20th the flow of the river. It's the only big city on the river. And the flow, though, when they distributed the water on the river back almost 100 years ago, they were using years that had, that were very wet. So they're distributing 8 million acre feet of water so the level of Lake Mead is dropping. They're taking 2 million acre feet of water excess out of the lake. The lake is built for three years supply of water, 25 million acre feet. And they're taking, so the water level's dropped a hundred feet. They're missing, what, about 12 million, almost half the water in the lake, 12 million acre feet, 10 million acre feet. And so where is that water going? It is going for totally absurd uses and there, so this is where I would disagree with Mr. Van Dam. There is plenty of water and it's only 20 miles from Las Vegas. It's just that the water is being misallocated and this allocation can be turned around, can be changed.

Last night in the hearing in, a, in Delta, a number of people expressed anger with—not during the thing, during the hearings, but afterwards—I talked to people and they felt that Harry Reid was, was really behind this and gave a number of reasons: he's involved with the Coyote Springs, or his son's involved with Coyote Springs. This is another suggestion I would make to you, is go approach and try, he's very powerful, as

we all know, try to get him to change this Colorado Compact. He has the power to do that. Just a few changes, just, for example, just charging people to take water out of the Colorado River. Charge a hundred dollars an acre foot. Then, within, within five years, the Lake Mead will be full, Las Vegas will have all the water it needs. The water district, Pat Mulroy charges us approximately a 1,000 or 1,200 dollars per acre feet for the water that we, that we use in Las Vegas. So there are numerable, there are numerous alternatives here.

Another is, for example, they're talking about decreasing by conservation the amount of water, the average amount of water consumed. We consume 250 gallons per person per day in Las Vegas. Albuquerque consumes 99 gallons. Las Vegas wants to reduce this to 200 gallons. This will produce about 50,000 acre feet of water, which is double what we're talking about being taken of this valley that really has no excess water.

There are, the point is, there are lots of alternative and there are lots of ways of fighting this, and the really inexpensive way is just to go appear on this program. You people make a very compelling case that would be heard by the, by the key people in Las Vegas. This program is listened to by the key people in Las Vegas. Oh, I see my time is up. Okay. But, and then there are other alternatives that could also be used.

[applause]

Thank you, Ed.

Ilene Ferris:

___? ___ we all live downstream. I grew up, my great-grandfather, my grandfather came to the White River Valley in 1899 and now I'm third generation and the next two generations are there running the ranch. And already they fought water rights. One of the big ranches, you probably know which ranch where they're pulling the water into the Cummins Lake? Do you know that one?

[SE: I'm sorry, I don't.]

Anyway, they're already, you know, completely ruined one ranch by pulling out the water so that it can't produce anything. What I'm wondering is what are we going to eat? Uh, these ranchers out there produce some good things that we need to eat and, anyway, I agree with all of it, all of it. But, then the Nevada people who live, all live in Clark County, there are so few of them that they really don't get a voice in it. Thanks.

[applause]

Morgan Larsen? Wasn't sure about that. Uh, James Thalman? Is James back? Well it appears we don't have any additional folks signed up. So, seeing that Rupert Steele has come in, Rupert do you want to speak this evening?

Good evening, everybody. My name is Rupert Steele. I'm chairman of the Confederate Tribe of the Goshutes. Some of you may not know there's two band of

Goshutes. There's the _____ band, they're about 40 miles west of here, and I'm with a band of Goshutes out to Wendover.

It's been frustrating for the Tribe because, uh, when the BARCAS was first out with the draft, we noticed that the Reservation was horse shoed around and with this Snake Valley agreement, they also did the same thing. So it's been frustrating for the tribe. So I asked the question, why is that being done? And the question that I got was that your water aren't, your reservation, the water underneath the Reservation will not be affected (laughter). So I'm trying to get assurance from somebody that our water will be guaranteed. But we know, I've been born out there, I born and raised out there, and I know that we are in a very serious drought out in the Reservation. We had to cut down half of our cattle on the Reservation due to lack of grazing. So, and when they tell me that you guys have a lot of water out there, and being born and raised there I know they're not telling the truth. I know there's no water out there for anybody to take out of those springs of Snake Valley.

The reason that we're, I found out that they didn't want to deal with us because of our sovereignty. We're a state within a state. So the, the only thing that we could do is to go to the federal governments. But, guess what federal government did? They sold us out. They signed this ___?___ agreement without our knowledge. So my point there is the Tribe is not being consulted with in the whole project, with the BARCAS and also the Snake River agreement. So it's been frustrating and we do have two council members that are sitting on the Snake Valley Water Board that the governor had established, but still, they weren't invited to any of the meetings. So, it's been frustrating for us and we opposed by resolution the BARCAS and we oppose the Snake Valley agreement

primarily because we weren't brought to the table for any of the talks. So that's where the tribe stance is and I don't see them changing their resolutions. I think it will be impossible for them to change it.

There's a lot of good information that we saw here today. I don't know if any of you have visited the Deep Creek Range? The Tribe has, we have some hunting, we do elk hunting, we do deer hunting and during the year, like right now, those water artesian wells that are out there, they're starting to slow down. With this drought going on, they may lower. I don't know what's going to happen and with, and you know, I can just imagine how much it's going to take to fill a 7 foot water pipe down there.

And my other concern was who's going to have to and ask to go tell our water authority, hey, the water's going down? You need to shut that pump off. But I know that once that water gets inside that pipe it's not going to stop until the water is completely drained out of there and the pumps have burned themselves out. So this is very serious and I agree with each and every one of you that there's no water out there for transport out of there. It may have been different if there's rivers in Snake Valley. But Snake Valley, we don't have any rivers out there. All we depend on is Mother Earth to provide us with snowfall and rain and in a few years we haven't gotten that.

I remember, I was a little boy, it used to snow a lot. I was running around out in the snow. The snow was almost as deep as I was. It was up to the window sills and that's the last time I ever remember. I was a little boy then that this happened. And today, we don't get anything out there at the Deep Creek Range. And we're the last range that when the snow comes in from the northwest, we get the last part of the snow because the rest of the ranges get it and we get the last part of it. So when they tell me there's a lot of water

out there, I don't know where. Somebody knows. But when I ask, they say, we won't know. We do not have the numbers of what it is. It's only estimated guess, it's a good guess. And the other thing that really scares me is that we won't know until we start pumping, so (laughs), that's not good.

The Tribe ___?___ as well as everybody in Spring Valley and Snake Valley's in great jeopardy. Our existence is in great jeopardy. I met with the Secretary of the Interior, Larry Echohawk, last week and I asked him or I pleaded to him, I said, "What are you going to do when the Reservation runs out of water? Are you going to move us somewhere where there's water? That's your responsibility." But he wouldn't give me a straight answer. So, I've been going to the top levels with this issue to hopefully try to put a dent in it and try to prevent it from being pumped out. So, thank you, Steve.

[applause]

Thank you.

SE: Is there anyone we missed, other than the two commissioners I'm going to introduce in just a moment, who would like to speak at this point? If not, we're closing in on the end, but we have with us two of the county commissioners from Millard County who are the only protestants who are officially recognized in the State of Utah other than individual water rights holders in the Nevada state engineer's hearings process. And Millard County has carried the ball for us rather well up to this point. We're certainly only in the early innings of this baseball game, but with us tonight are Commissioner

Darin Smith and Commission Kathy Walker. And they're going to conclude for us, if they will.

Commissioner Darin Smith:

Thank you. I appreciate being here tonight. One of our objectives, Commissioner Walker and I, was to come up here tonight and listen to all your comments and we truly appreciate your comments. We met Governor Herbert last week and in having a discussion with him, you know, we said we're going to go and have a couple of public meetings and get the input of the public and see what their feelings are. In all the public meetings I've been at there are always a lot of good common sense, ___?___ proposals that come out and I appreciate that process and I think Governor Herbert appreciates that process. Being a former county commissioner, he understands kind of where the rubber meets the road and I think he's very open and interested in the comments that we gather. We're going to take them and present them to him. We're going to present a kind of a counter-proposal that we hope that he'll take back to Nevada.

I appreciate Boyd Clayton being here tonight. You know, Boyd's part of the negotiating team and I know there's a lot of folks on the Utah side that have put a lot of time and effort in to coming up with this agreement, you know, so far, but it's the first time we've all been able to see it. It's the first time that Millard County has seen it and as you've all seen by Mark's presentation, uh, kind of what our comments are and the direction that we think it ought to go.

Appreciate Steve and the efforts that he's made the last three or four years. Couple of years ago I was in a meeting with some of our local state representative down in Nephi and we brought this issue up and there was a little bit of lip service that was done to this

issue, mainly by them and some folks in the state were there and everybody's like, well, we can't really do anything, you know, we don't know what we can do. Kind of a dead issue or we're kind of powerless. And I got up in that meeting and I looked at all of them in the face and I said, "You folks are here to represent me and I represent some of these folks and this issue is an incredibly important to us, to the State of Utah, really to the western United States." And some of them were offended at first a little bit. Afterwards, I think thinking about that, some of them said, "You know, you're right and these are the people that we represent and there is something that we can do." And from that time forth we've got incredible support through all of our legislators. We've gone and got bills passed. We got appropriations for studies. And it gives you a little bit of faith in the process. If you really want to make a difference you can if you get involved and you should and we appreciate everyone that's been involved.

Our citizens who live out there are incredibly smart people and they live out there by their choice. They love their quality of life and they wouldn't trade it for anything, not for money, not for anything. And as I sit down as an elected official I represent them and I say, you know, well, uh, there's a movie I watched with my kids once. It's called "Independence Day". I don't know if some of you have seen it. It's about aliens come down and have taken over the world and it's kind of doomsday and the president stands up as they're all trying to decide who's going to fly the jets and he gives a little speech. He says, "We will not go quietly into the night." And that's been my motto in representing the citizens in my county. An emotional issue for me because it's their livelihood and it's their independence and they deserve the right to live the way that they want to.

I live underneath an agreement. I'm a farmer by trade and I live at the bottom or the end of the ditch on the Sevier River system and the Sevier River system is regulated by an agreement called the Cox Decree, which allocated the water for use along the Sevier River a long time ago and I'm dependent on that and I appreciate that agreement because it brings order to that system. And there's an issue, although I fight with county commissioners from Garfield County and Sevier County because they think that I get their, their water, it's a system and it works and it's been upheld and respected for a century. And so I don't think an agreement is that bad of an idea. I think that if it's the right agreement and there's enough public input and enough of a process that it goes through, that it's something that people can work with in the end that it might be the way to go. I think Governor Herbert thinks at some point there ought to be an agreement.

I'm a gambler: I'm a farmer (laughter). I gamble every year and I hope and pray every year at this time that I have enough to do it again the next year. And I don't know that not having an agreement is better than having a bad agreement. I personally, not speaking as a county commissioner, I guess, I would probably take my chances with the current agreement we have; 7 to 1 split over that water is not enough to sustain a valley. Basically it locks the valley up and allows for no growth, no other input into Millard County economically or any of that stuff. And that's not acceptable. And that's our main issue right now, as Mark has explained to everybody. It's not equitable the way that it's being split. There ought to be some other way.

And the other issue we have is timing. Why do we have to do it right now? Why can't we take the time? Like Cecil says there is no extra water in Snake Valley. There is not. Some people claim that there is. State law allows for the groundwater table to be

lowered. It's all accepted, it's accepted in Utah and Nevada. We have lots of springs around our valley, around Salt Lake Valley, around any valley where there used to be flowing wells. And there aren't anymore because it's been allowed and accepted that a drawdown of the water table is accepted for certain uses. Water always goes for the highest and best use. And that's probably okay; it's been okay. It's had to happen. But at some point the State of Utah and the State of Nevada are going to have to produce some legislation that puts a limit on that. They're going to have to say this is acceptable, but you can't go, you can't go lower than a point, otherwise, we're all going to be in trouble. And you know, that's something that we're going to pursue. I think Senator Stowell's going to pursue that. Dean Baker completely agrees that that's the issue. He's done it to himself. He's put in ___?___ in dried up wells and affected himself. And the whole area out there's been shown that it's in balance now. As Mark has shown and other people have talked about, it's in balance now. There is no extra water. This issue is a political issue. It's an environmental issue and it's a moral issue. Morally it's wrong, okay.

Environmentally, the folks that live and depend on resources out there are, in my opinion, the best environmentalists that you will ever find because they're not miners. I'm not a miner on my farm. If I'm a miner I don't get to do it very long. They're more concerned about protecting the resource than anybody because they depend on it. They have a lot of knowledge and, you know, this process helps bring that up. A lot of common sense.

Question?

Please. What's the investment, the wind farm, the wind turbines and...?

Millard and Juab Counties? I'm sorry, Beaver.

Yes. Yeah. What's the investment and what will these dust storms do to those turbines?

You know, I don't think those dust storms, the way the wind blows, will affect those turbines. It usually blows this way or it comes back this way. No, it could happen.

But I mean, if the water's taken...

If the water's taken, you know, that may happen. They're quite a ways away. But the possibility is always there. The possibility's out there for a lot of things to occur. So I guess the point I'd like to make is why not take a lot of time in looking at this issue, because by the time that you decide that it didn't work it's going to be too late. Why not—and there've been lots of good suggestions, even last night—maybe give Utah and Nevada a little bit of water in ___? ___ and see the effect of that. Why not wait and see what happens in Spring Valley in 20 years and then look at it and see. There should be a process of in really small increments as pumping is allowed, to see, you know, what the effect is. That's the only way to safely do it.

Are they already taking the water from Spring Valley?

No, just the ___?___ out there is appropriated 40,000 feet to start, and then they can scale it up. Is that right?

Yes.

But, then take it to where?

They scale it. They start at like 10 or something and work their way up.

It will go to Las Vegas.

The production hasn't occurred yet. It's still years away.

Yes, it's years away, but Utah ought to wait until they see what that effect is, you know, and account for that water because it's a closed system, as Mark has explained. It's a groundwater flow system. It's not just one valley. It's all related. We're all related. This is an, initially people say, oh, this is a rural issue. It's not just a rural issue. We're all connected. All the public land issues that we deal with are everybody's issues. You guys have issues up here that really concern me and I want to be a part of it. Our association of counties has learned that because we have rural and urban commissioners who get together and we talk about, you know, all these issues and how we're going to deal with things. We take a lot of time. You know a lot of protections on our form of government, the way things are built, sometimes can be very frustrating because they take a long time.

As a county commissioner sometimes I like to see things happen a little quicker and it's very frustrating because it takes not only months but years to do certain things and that a protection that we have and it's a good protection, even though it might be frustrating to a lot of us, but things need to take time so you get it right. And with this issue, this agreement needs to take time and we need to look at the, we need to wait 10 years. We need to wait to sign this agreement for a while. There's no urgency now other than political. And so in a political environment, which, you know, I deal with a lot, you have to stand up and fight for what you think is right and it takes a lot of input from the public and citizens. So we encourage you folks to send your comments to the governor and to Mike and to Boyd, the negotiating team. They said that they will look at all the comments and go, you know, and meet with Nevada again. Maybe Nevada will say, no, sorry, you know that's it. But we try and we keep trying and we won't give up and we truly appreciate you folks' support, comments and your involvement and I again, thank you for coming. Thanks, Steve, for having us, this meeting and I appreciate your guys' support. Thank you.

[applause]

Commissioner Kathy Walker:

I guess I'll say a few words. I won't talk nearly as long as Commissioner Smith. Hi, I am Millard County Commission chair Kathy Walker. It's my pleasure to be here and it's nice to see so many. We really do appreciate your support.

The Snake Valley offers unbelievable recreational opportunities as so many have already stated. There is hunting, hiking, uh, rock climbing. It may be just a perfect place

for solitude, a place to escape from the crowd. If you've ever been down there, the silence is just unbelievable. And thank you, Mr. Wheeler, for pointing that out. It's just an amazing place. There's also economic development there. There's agriculture, there's ranching, there's tourism related services, and there's potential for many other projects that haven't been developed yet, but the potential is there.

As Millard County Commissioners, we believe that the current draft agreement eliminates future growth and development. It may very possibly change if not destroy the lifestyle in the Snake Valley, throughout Millard County and throughout Juab, Tooele, and even into the Wasatch Front. The Milford Flat fire was a natural disaster caused by lightning strike. I'm sure everyone on the Wasatch Front has felt the effects. We're seeing that as the dust storms from Milford Flat blow here. The draft agreement as currently proposed, we believe, is a man-made disaster, which may be even more hazardous to health of all Utahns, not only in Millard County, but throughout the entire state.

Millard County Commission and Millard County residents and our Snake Valley friends, our Nevada friends, we all believe that water is worth fighting for and we will continue to do so until we feel that Utah water is protected. So we thank you very much for your support and ask for your continued support and as Commissioner Smith and many others have said, ask for your comments to our governor and to Department of Natural Resources Director, Mike Styler, and, of course, Millard County Commission is willing to take comments and present those as well. If there's no questions, I'll step down.

[applause]

Steve Erickson:

Well, with your indulgence I'll take a quick moment and give Brian this card just in case I start to wander. But I think what you've heard from our commissioners here is exactly right, that this is a political policy decision that has to be made. It's not an agreement that deserves to be done simply because of well-negotiated, negotiated in good faith. It needs to be fully vetted. What we've seen so far, it's failed the test. What we need to do is to tell Governor Herbert in whatever way you choose that it's not in his best interest for his first major policy action to be a giveaway of Utah's water. That he, his legacy shouldn't be, a Harry and the Gary pipeline legacy of dustbowls in Utah. And it's also important that you get to your legislators to tell them that in fact, this is an unfunded mandate and that they are abrogating their responsibility to public policy-making in this state to allow decisions like this of this magnitude of this importance to be made by the executive branch without their oversight. So we've got a real problem here with the way this has been approached. We need, as citizens, to make clear to our elected officials, we can't allow this to go forward, that we have to pause, that we have to look at this much more carefully. We need to have an opportunity for people to look at the big picture. We haven't even had a chance to weigh in on the pipeline itself yet, to hear what the impacts will be in Nevada alone, even if Snake Valley is exempted from this. If somehow Snake Valley's never to lose any water to Las Vegas, just what will happen in Nevada will have an impact upon us on here downwind in central Nevada when it gets deserted by, by this massive pipeline project. So there's no reason, other than, uh, threats from the Nevada interests for Utah to sign an agreement prematurely.

Those of you who represent organizations, we need to get all of your members to write to the governor and to write to legislators to say, no it's not time to do this agreement as it stands now. We hope we can generate even more public pressure over the next couple of weeks, but we will need all of your help and I really, really thank you all for being so patient, staying here through this lengthy meeting, having other things, even the President to watch tonight that certainly could have conflicted. So thank you again. Thanks Salt Lake County for their support in all of this and they're making, the making the facility available. And hope we can keep the pressure up and get the result that we can all live with down the road.

Is there a plan? Do we have a plan? What's our plan?

Well, the plan right now is to continue to get the message to leadership, the legislature, that this agreement needs to be fixed or nixed. That's basically the way we'd like to see it done. Uh, improve it or set it aside. And there's no need, again, to sign this agreement in any hurry or any pressure from Nevada interests.

Do you see any effectiveness to a demonstration?

When you get out the numbers, I guess that's the main thing we'd have to see. I think right now we've got another couple of opportunities. We'll be meeting with the legislature next week. They'll be an opportunity for discussions with Salt Lake County again next week, so there's a number of things going on. But it's mainly right now, I

think, letting the governor know and letting your legislators know that we're not satisfied with the product that's come out of this four years of negotiations in spite all the efforts.

Steve, I talked to Senator Stowell today and Senator Stowell chairs the interim committee, he's the Senate chair for that, the joint Senate/House Natural Resource Interest Committee. He said that to make sure that people know that the committee wants to take public comment at that meeting. That meeting is on the 16th, which is a week from today. I cannot remember the time.

It's later in the meeting and there's only half an hour, so I'm not sure very many people are going to be satisfied...

He told me there'd be 45 minutes to an hour.

For those who come up you might get a minute or two, but there should be an opportunity, I would think, for people to also submit their comments to the interim committee. So if you have your comments done, we'll hand deliver them if necessary or take them up to the Capitol, email them to me, if you like. I can give you my email and I'll make sure I print them out and people are aware. We're going to deliver these to the governor, but there's no reason we can't show them off to the legislature first. We had about 80 of these cards signed last night and about 60 last night in Millard County and Delta and we've had others from Snake Valley in the past, so we've got a lot of public support. There is not much support for the pipeline, period, that I'm aware of anywhere in

the state. So it's really just a matter of galvanizing that opposition, making sure that the decision makers are aware of it.

One quick housekeeping matter, very important. I, on behalf of the Association of Counties, want to thank Salt Lake County. Ann Ober has worked with me on this issue. She works with Mayor Corroon and just thank you for providing these facilities and for the opportunity to ___?___. Thank you.

And thank you all.

My email if you care to send me anything is Erickson.steve1@comcast.net.

[end]