

Water Gab

News from the Great Basin Water Network Heartland

Water Fight Continues in Legal Arena GBWN Pursues Justice in State and Federal Courts

Volume 4, Issue 2 November, 2014

Great Basin Water Network and our allies continue to fight against Southern Nevada Water Authority's Groundwater Development and Pipeline Project in both Nevada State Court and Federal Court. In December 2013, we were victorious in Nevada District Court and secured a ruling from Senior Judge Robert Estes reversing all of the water rights granted by the Nevada State Engineer to SNWA for the Pipeline Project.

"We believe the law and the facts inexorably tilt in our favor."

Early this year SNWA and the State Engineer filed appeals of that ruling in Nevada Supreme Court. Not long after that appeals process began, both SNWA and the State Engineer appeared to panic about the possibility of their appeals being thrown out in court as premature. As a result, they filed extraordinary petitions seeking to have our District Court victory challenged regardless of how the Supreme Court views their original appeal.



The children of Snake Valley rode in the parade on the GBWN float. Festival proceeds help pay for legal and technical expenses for state and federal lawsuits challenging Nevada State Engineer and Bureau of Land Management decisions. The water fight continues!

In response, the Supreme Court stayed the normal procedures for SNWA's and the State Engineer's appeals, and ordered all parties to file briefs on the petitions. We filed our briefs answering SNWA's and the State Engineer's petitions on

September 2, 2014. We subsequently agreed to stipulate to extensions for SNWA and the State Engineer to file their replies until November 3rd, effectively a second extension. On November 3rd the State Engineer filed his reply brief, but SNWA filed a last minute motion for yet another 30-day extension without conferring with other parties.

Given SNWA's effectively unlimited financial resources and army of outside and in-house attorneys, along

(Water Fight continued on page 3)

Cecil Garland: An Activist for All Seasons



Cecil Garland 1925 - 2014

Over 100 hundred friends and family of Cecil Garland celebrated his life at the Garland's Lazy Rafter C Ranch in Callao on September 6th. It was a beautiful afternoon of tributes, tears and laughter, music, food, and stories remembered, friendships rekindled and new memories made in honor of a most remarkable man. Cecil died at age 88 on Mothers' Day, May 11, 2014, after a full and eventful life. Cecil lived life large, experienced much, played many roles, and in the end was well loved.

He may be best remembered for his outspoken leadership, thoughtfulness, passion, tenacity, and humor in working to preserve the lands and rural life of the West. His successful battles are well chronicled - leading the way to the establishment of the Scapegoat Wilderness in Montana, stopping the deployment of the MX missile in the Great Basin, keeping an electronic battlefield out of the Snake

(Cecil continued on page 2)

Water Gab

(Cecil continued from page 1) Valley skies, and most recently, blocking plans to export the “sweet Snake Valley water” to Las Vegas. A family man and a builder of community, “Cec” brought people together and made things work.

Several Great Basin Water Networkers attended and spoke at Cecil’s Memorial. We will miss his leadership, wisdom and canny strategic sense, his media savvy, and his ability to spin a memorable zinger to the heart of the problem as we continue our fight to keep the water in the land we love.

GBWN was designated by Cecil’s family as one of two charities for donations in his memory. We are honored to receive donations in his memory and extend our condolences to Annette Garland and family.

Steve Erickson, GBWN Board

St. Cecil’s Ten Commandments

St. Cecil’s Ten Commandments as channeled, abridged and presented by S.T. Holmes at Cecil’s memorial, Sept. 6, 2014.

1. **Speak Truth to Power**
2. **Call Bullshit for What It Is**
Corollary: **Keep Your Sense of Humor**
3. **Think Outside the Box**
4. **Trust Democracy to Work**
5. **Use Resources Wisely**
6. **Assume Personal Responsibility**
7. **True Friendships Never Die**
8. **Embrace Life in All Its Facets, Like a Diamond**
9. **Recognize Our Common Humanity**
10. **Don't Give Up ...Do as much as you can for as long as you can. You can make a difference.**

GBWN Launches Updated Website

GreatBasinWaterNetwork.org is a newly revamped website. Volunteer webmaster John Walker has updated the site to provide news archives, search-ability, and space for posting photos and video. Look for current news and the litigation page. Our new web host is Reno-based Great Basin Internet Services, with a non-profit discount. We have a new email address: info4gbwn@gmail.com. The website now has a PayPal donation button for credit card donations online. GBWN also is registered with Amazon for its Smile donation program. Use the parallel Amazon Smile website for purchases, and choose GBWN as your charity. Thank you! Check out the latest at: www.greatbasinwaternet.org.

West’s Water Going, Going....Where? *Water Engineer “Listens”*

Almost every media outlet has featured the worsening drought in the West, photos of Lake Mead’s deepening white bathtub rings, and graphs of diminishing Colorado River flows which supply water to millions of people and much of US food production.

The latest bad water news is from the US Geological Survey, as reported in SCIENCE. Based on data collected at Global Positioning System stations throughout the West, 240 billion metric tons of water have been lost from lakes, streams, snowpack and groundwater. The cause? The extended drought.

Meanwhile in Nevada, water waste regulations are not seriously enforced in southern or northern Nevada.

The Nevada State Engineer (NSE) held seven “listening sessions” across Nevada in July and August “to provide information to the public on water related issues in Nevada and, more importantly, to listen to any and all comments, suggestions and questions from the public about water related issues.” Sierra Club members and GBWN activists attended sessions, along with farmers who have little or no river water for irrigation this year and homeowners whose wells are failing. Citizens questioned how the NSE is addressing climate change impacts to water supplies and water rights, why the NSE approves ineffective water conservation plans, whether any water will be left in creeks and springs for fish and wildlife, and why there is no current State Water Plan.

We learned that the costs for filing applications and protests, along with other fees, are going up, making it increasingly costly for anyone but the wealthy to participate in water rights hearings. **The NSE is also considering a proposal to facilitate interbasin transfers up to 25% without public hearings while many basins remain over-appropriated.**

Leadership to address our diminishing water supplies in the West is seriously lacking. We seem to know a lot about the problem and solutions. But the political will to require increased water efficiencies for municipal and agricultural use and to stop over-allocating increasingly scarce water supplies for new growth and jobs is conspicuously absent. Insisting on continuing the same old practices in allocating and managing water and expecting a new result - well, that brings us squarely to a definition of the insanity of current water planning in the West.

Rose Strickland, GBWN Board

Utah Water Follies Update

It's been a year since Utah Governor Herbert launched his State Water Strategy Advisory Team in conjunction with the broader Envision Utah process to plan for Utah's future. I serve on both. So what's happened since?

Envision Utah has rolled out its first effort to engage the general public in planning for life here in 2050 with a web-based interactive tool that posits how policy choices and growth will affect quality of life. This includes assumptions on how water policy, use patterns, and drought/climate change will impact everything from economic development and transportation to air quality and agriculture. The Water Team awaits publication of a Legislative Audit that we expect will be critical of current water use data and assumptions. It's unlikely water policy recommendations will go to the Governor before the 2015 legislative session.

Despite their leadership roles in these planning efforts, the "water community" (read: water districts, lawyers and development interests) has launched an expensive public relations campaign to drum up support for funding a long and unsubstantiated wish list of repair, maintenance and new water supply projects totaling \$32 billion over the next 30 years. The primary objective of this PR appears to be to secur-

ing money for the Lake Powell Pipeline and the Bear River dam/diversion projects. We anticipate they will promote legislation to earmark a portion of the sales tax – or a reinstated tax on food – to finance water bonds.

In the meantime, the significance of the plunging levels of the Great Salt Lake is ignored and under-appreciated. Due to the persistent drought, the GSL sits at just above 4,193 feet above sea level, the lowest since the early 1960's. So low that sailors can't get out of the harbor and there's now a land bridge to the world-renowned Gunnison Island Pelican rookery. Morton Salt wants permits to dredge their existing intake canal another mile and a half further off-shore (to 4,186') to assure enough brine flow to stay in business, possibly setting off a "race to the bottom" with the other mineral extraction companies on the GSL. Undeterred, the Utah Division of Water Resources is chasing permission to drill exploratory wells to determine how and where to divert 220,000 cfm from the Bear River – source of 60% of the GSL's surface water inflows - for municipal and industrial use.

On a positive note, DNR Director Mike Styler informed the state's Water Development Commission last month that there has been no movement on the Snake Valley Groundwater Agreement.

Steve Erickson, GBWN Board



(*Water Fight continued from page 1*) with the fact that the limited issues in this case have been clearly identified for years, it is hard to understand why SNWA is having difficulty finishing and filing their reply brief. Perhaps they finally are realizing that their Pipeline Project simply cannot be squared with either sound science or a reasoned interpretation of the law.

Meanwhile, in our federal environmental lawsuit, the BLM filed a limited motion to dismiss seeking to eliminate three of four claims that relate specifically to Indian tribal rights. None of our other claims will be affected by this motion, which has been fully briefed and which the US District Court may rule on at any time. The parties to this lawsuit have agreed on a schedule beginning with the

BLM's filing of the administrative record on November 21, 2014, and running through October 2015.

The wheels of justice are moving slowly, but we believe the law and the facts inexorably tilt in our favor. Onward!

Simeon Herskovits, Advocates for Community & Environment

Editor's Note: Briefs, documents and links for these cases may be found in the Litigation page of the GBWN website: <http://greatbasinwaternet.org/litigation.htm>.

DONATIONS WANTED

Donations for the "Indoor Community Yard Sale" to benefit GBWN. It will be sponsored by the Ely Shoshone Tribe in late winter. Contact Delaine Spilsbury.

Phone: 775-235-7557. Email: mssquaw@hotmail.com



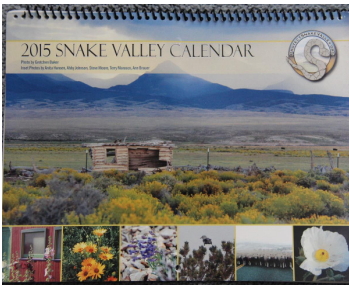
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P.O. Box 75
Baker, NV 89311
775/881-8304
info4gbwn@gmail.com
greatbasinwaternetnetwork.org

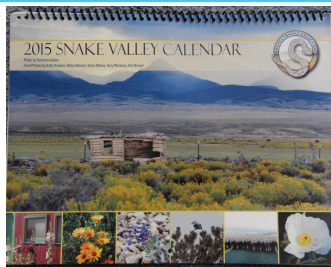
*2015
Snake Valley Calendars
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Parade is Heart of Snake Valley Festival Grassroots Fundraising Supports Water Fight

This year marked the sixth annual celebration of the Snake Valley Festival at Baker, Nevada. Good food, good entertainment, good bargains, and good fun are hallmarks of the festival. One of the festival’s highlights is the small town parade featuring state-of-the art farm equipment, a bevy of emergency vehicles, local politicians, and all kinds of kids. Somewhere in the parade is the heart of the festival – a landlocked canoe, a bicycle with paddles, a pipe large enough for a man to stand in, or hand carried signs with messages of protecting our water.

The festival makes money by the generous donations of local people on both sides of the border of Utah and Nevada and friends who oppose the water grab. All proceeds go to fighting the water grab. The festival, as well as being a great community activity, keeps local people informed and aware that the fight is not over. While the festival is a small contribution to the massive effort of preventing the water grab, the grassroots opposition has played a large role in placing unexpected obstacles in the path of formidable Las Vegas power holders. Thank you to everyone for supporting the festival, both by attending and by the generous donations. And of course, we hope to see you next year at the festival, Father’s Day Weekend, **June 19-21, 2015.** *Kathy Hill, GBWN Board*



Water Gab is a periodic newsletter of Great Basin Water Network to keep in touch with friends and neighbors about what’s happening with the water grab fight. To learn more, check our **NEW** website for news updates: www.greatbasinwaternetnetwork.org.



Join Friends of Great Basin Water Network group on Facebook to follow current news. Use the Amazon Smile website and designate GBWN; Amazon will donate to GBWN.



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

2015 Calendars available through www.greatbasinwaternetnetwork.org

Water Gab editor: Abby Johnson. Contributors: Steve Erickson, Simeon Herskovits, Kathy Hill, Abby Johnson, Rose Strickland. Photo credits: Gretchen Baker, Dennis Ghiglieri, John Walker.

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