



Water Gab

News from the Great Basin Water Network Heartland

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Pipeline Foes Sue Feds; Big Win in District Court

A broad coalition of citizens' groups, Native American Tribes and rural governmental entities filed a lawsuit on February 12, 2014 in U.S. District Court in Las Vegas seeking to overturn the U.S. Department of Interior's decision to approve the Southern Nevada Water Authority's Groundwater Development Project and issue a right-of-way for a nearly 265 mile-long pipeline to suck billions of gallons of water away from rural areas and convey it to Las Vegas.



"Working for our children's future" is infused in the work of GBWN, in court, in the parade, or in the 84" sample pipe in Baker, NV near Great Basin National Park

Fresh off our big win in Nevada state court (p. 2) that voided all previously granted water rights for this highly controversial project, White Pine County, Great Basin Water Network, the Goshute and Shoshone Tribes, and their allies are taking the fight to a new level, requesting that the Federal District Court of Nevada "void the validity" of the Bureau of Land Management's Environmental Impact Statement and Record of Decision (ROD) and "suspend and enjoin any operation on the right-of-way" pending full compliance with federal environmental laws and Tribal trust obligations.

The Plaintiffs challenge the BLM's December 2012 ROD, claiming BLM failed to take a "hard look" at the project impacts, failed to consider reasonable alternatives, failed to prevent unnecessary or undue environmental degradation, and failed to properly consult with and evaluate and mitigate impacts to Tribal resources.

Abby Johnson, President of GBWN, said the project would be "the biggest groundwater pumping project ever built in the United States and it would have devastating hydrological, biological and socioeconomic impacts across vast areas of eastern Nevada and Western Utah. In approving the project and the pipeline ROW, BLM ignored its own science and conclusions that the environmental impacts would be irreversible, irretrievable and widespread. That's arbitrary and capricious decision-making."

"The federal government has failed in its trust responsibility, therefore the Confederated Tribes of the

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Saving Money, Saving Water, Saving Las Vegas

Life is impossible without water. Mother Earth's life-blood nourishes all that require it. Up until recently, it seemed that there was plenty of water to go around but it is now abundantly clear that with overpopulation, misplaced development, and human impacts on climate are causing water scarcity.

For anyone familiar with basic biological principles or good old common sense, it is clear that the growth of Las Vegas is unsustainable in the driest desert in North America. Unfortunately greed, speculation, and focus on short term profits have trumped these principles.

Now the Southern Nevada Water Authority is pursuing plans to mine even more groundwater – 27.4 BILLION gallons annually – left from the last ice age.

True enough, if completed, this scheme could bring short-term relief to the Las Vegas Valley — until the aquifers are depleted, rural communities and native wildlife die, and the average Las Vegas Valley residential water bill increasing from \$36 a month to more than \$90, with a similar or worse burden on small businesses and commercial properties.

There are better, more rational and less costly alternatives consisting of four independent steps. **First**, the community must recognize the need for a more sustainable approach to growth. Instead of *bigger*, think *viable* and *livable*. Las Vegas must live within its current development footprint. **Next**, Las Vegas must conserve and stretch its scarce water resources. The



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Pipeline Foes Sue Feds, continued from page 1...Goshute Reservation have no recourse but to file against the Department of Interior and the BLM for failure to protect our interests.... We cannot look the other way when the future of our people and homelands are in the hands of those who have their priorities mixed up," said Chairwoman Madeline Greymountain of the Confederated Tribes of the Goshute Reservation.

BLM ignored its own science

The Plaintiffs, who also include the Sierra Club, the Central Nevada Regional Water Authority, Utah Audubon Council, Utah Physicians for a Healthy Environment, Utah Rivers Council, and Salt Lake League of Women Voters, argue that, among other failures, the BLM did not do an adequate analysis of the potential for drastic impacts upon air quality downwind of the project area. In addition, the lawsuit asserts that SNWA's proposed pumping would dry up springs, wetlands and riparian areas, and public rangelands by drawing down the water table by dozens of feet over a vast area and hundreds of feet in the most severely affected basins, devastating the environment, threatening the regional economic viability of ranching and tourism, and jeopardizing senior water rights.

Simeon Herskovits, of Advocates for Community and Environment, the Plaintiffs' attorney, said, "All of the scientific modeling, including SNWA's own model, shows that the proposed groundwater pumping will have devastating effects on both existing water rights and sensitive environmental resources throughout a broad region encompassing many hydrologically connected valleys. The proposed management plan relied on by the BLM for protection of federal resources is woefully vague and inadequate and has little to no hope of success." He added that, "BLM's decision is simply inconsistent with a number of environmental laws and federal policies, with their trust obligation to Native American Tribes, and with the BLM's own Resource Management Plan for the Ely District."

For all of these reasons the Plaintiffs are urging the federal court to void the agencies' approval of SNWA's project and ROW and bar the project and ROW from being approved or implemented in any way unless and until the federal agencies comply with all their obligations under federal law. ●

Saving Las Vegas, continued from page 1....meager cash-for-grass program is not enough. An expanded program restoring water waste patrols and fines, eliminating outdoor water features, and installing low-flush toilets, recirculating hot-water systems and dual potable and gray-water systems would be a start. Per capita consumption must rapidly fall from its present 220 gallons per day to somewhere beneath 180 (as suggested by a Pacific Institute report), thereby creating "free" water to sustain modest growth. **Third**, the "law of the Colorado River" from the 1920's must be revamped. The law over-allocates the waters of the Colorado River and fails to take into account modern needs and climate change. Under the present law, 78 percent of the lower Colorado River water goes to irrigating California and Arizona agriculture, using outdated methods. **Finally**, spending on a short term \$15.5 BILLION pipeline should be re-programmed. Desalinated water worldwide is becoming commonplace and less expensive. Desalted water could be exchanged for shares of river water. True, desal has its challenges. However, starting now, these steps are doable, rational, essential and grounded in the reality of future water scarcity. ●

— Contributed by Rob Mrowka

Resounding VICTORY for GBWN & Allies: *Third Straight Win in State Court*

In December the Great Basin Water Network and its allies won a resounding victory over the Southern Nevada Water Authority's massive groundwater development and pipeline scheme. Senior District Judge Robert Estes issued his decision in our Nevada State Court case and overturned the State Engineer's 2012 rulings granting water rights to supply SNWA's pipeline project.

Judge Estes found that SNWA failed to produce adequate evidence to establish either the availability of water on a sustainable basis or any certainty that the proposed pumping will not cause impermissible impacts to existing water rights or the environment. He further ruled that the State Engineer acted "arbitrarily and capriciously" by permitting what would amount to groundwater mining and relying on SNWA's monitoring and management plan as a safeguard against unreasonable impacts even though the plan lacks any concrete protection from such impacts.

Our fight to protect the environment and economy of rural eastern Nevada and western Utah is not over. Judge Estes's decision has been appealed by the State Engineer and SNWA. But the fact that this is the third straight time we have won in court against SNWA's ill-conceived water grab is causing even erstwhile supporters to doubt the pipeline project's viability. In the words of an attorney on the other side of the case, this decision is a "stunning" victory for those opposed to SNWA's plan. What is more, this new substantively robust ruling also reinforces the main arguments of our newly filed federal lawsuit. ●

Utah Governor's Advisory Group to Plan State's Water Future

Governor Gary Herbert announced at his October 30 Water Summit the creation of a 38-member State Water Strategy Advisory Team to help develop a 50-year water plan for Utah. The Team will meet about ten times through the end of 2014 to solicit and evaluate potential water management strategies, frame various water management options for public feedback, and develop recommended strategies to be considered for the 50-year plan.

This planning process began this past summer, as hundreds of Utahns voiced their opinions and suggestions for "Utah's Water Future" at hearings held across the state, where the Governor's office asked the public for innovative ideas and solutions about the use, development and conservation of water in the state. Some 800 comments were received and will be analyzed by the Governor's staff and the Advisory Team.

Each of the hearings had its own distinct flavor and focus, with agricultural concerns paramount in Richfield, Price and Vernal, while the need for much stronger conservation efforts was an overarching theme heard in the Wasatch Front hearings in Layton, Provo and Salt Lake City. In St. George, where over 250 people attended, the Lake Powell pipeline controversy was front and center; local officials defended the project against an auditorium full of well-informed and articulate opponents.

The conservation community urged more market-based water pricing, with progressive rate structures to encourage wise use of water, and its opposition to elaborate, expensive and environmentally destructive water development projects like the Lake Powell pipeline and the Las Vegas Water Grab. Ranching and farming supporters strongly urged protection of basins of origin in groundwater transfers and maintaining sufficient agricultural water for food security.

Perhaps Utah's – and the West's - biggest challenge is the shrinking Colorado River, a primary water source for over 35 million Westerners. As drought continues and climate change accelerates, the need for cooperation among the basin states becomes paramount. Business as usual, with states scrambling to develop their allocated share of the over-appropriated River, simply can't continue. This drier era requires new solutions. Joint ventures in water banking or leasing water from the Upper Basin to Las Vegas, for instance, filling Lake Mead first, or building desalination plants on the coast in exchange for River water upstream should be on the table. While we remain concerned the summit process may become mostly a vehicle for building public and legislative support for financing big water supply projects, we remain guardedly optimistic that this process will yield positive results that will indeed help secure Utah's water future. ●

Contributed by Steve Erickson, Utah Coordinator for GBWN and a member of the Water Plan Advisory Team.

**This
drier era
requires
new
solutions.**

GBWN to Honor Jo Anne Garrett with Memorial Fund

Jo Anne Garrett, longtime resident of Baker, Nev., died in October, 2013. Jo Anne was a founding board member of GBWN and our first president. Jo Anne's life and contributions were celebrated at the Border Inn on October 27. A tribute to her life and legacy also appeared in the Nov. 28, 2013 issue of *High Country News*.

Let's be clear: It was Jo Anne who, just a year after the death of her partner Joe Griggs, spearheaded the local and regional opposition and legal protests to the water filings by Las Vegas on all "unappropriated" water. Jo Anne had a grounding in the landscape and an affinity for the rugged life of the Great Basin. And she didn't shy away from the tough fights: MX, Yucca Mountain, and Water Grab, combined with a finely hewn sense of justice and sense of humor propelled her forward. She did it all, from writing comments and eloquent letters to testifying before boards and commissions, to phoning around to get signatures or show-ups. She was a great friend, worthy adversary, and tireless advocate.



Jo Anne Garrett 1925 - 2013

In her honor, Great Basin Water Network has established the Jo Anne Garrett Memorial Fund. Contributions to GBWN in Jo Anne's name will be used for projects to sustain the landscape and the organization. Please join us in honoring Jo Anne Garrett. Send your check with "Jo Anne Garrett Memorial Fund" in the memo line to P.O. Box 75, Baker, NV 89311.

—Abby Johnson for the GBWN Board



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News from the Great Basin Water Network Heartland

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**Snake Valley Festival
June 20-22 '14
Join Us!**

Your contribution to GBWN is **MORE** than a drop in the bucket.

Snake Valley Festival Set for June 20-22, 2014

Beer Tasting, Trotta/Ronstadt Concert in Ely Added to Busy Line Up

The Snake Valley Festival 2014, June 20-22, will bring together Snake Valley residents and visitors for a weekend of family fun and frolic. Events include: beer tasting, ice cream social, parade, kids' games, booths and good food, BBQ and auction (live and silent), a concert and music workshops, the Snake Valley Slither-Run, and more. The Festival raises money for Great Basin Water Network's water grab fight to make sure Snake Valley is here to stay. **For more information on events and scheduling, go to protectsnakevalley.org.** See you there! ●

► For media contacts and water tours, call GBWN at 775/881-8304 ◀

Great Basin Water Network would like to thank our supporters for their generous response to our holiday fundraising letter. As a all-volunteer organization (except attorneys and technical experts) your dollars make a huge difference. THANK YOU!

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 website for news updates: www.greatbasinwaternetwork.org.



Join the Friends of Great Basin Water Network group on Facebook and follow current news and posts.

Mail your tax deductible donation to: Great Basin Water Network, P.O. Box 75, Baker, NV 89311 775/881-8304. **THANK YOU!** ●



Water Gab editor: Abby Johnson. Contributors: Ann Brauer, Steve Erickson, Simeon Herskovits, Abby Johnson, Susan Lynn, Rob Mrowka. Photo credits: Mark Andreasen, Gretchen Baker, Bob Fulkerson, Dennis Ghiglieri.

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