



GREAT BASIN WATER NETWORK

1755 Plumb Lane #170

Reno, NV 89502

(775) 786-9955

<http://greatbasinwaternetwork.org>

NEWS RELEASE

August 19, 2010

FOR IMMEDIATE RELEASE

Contact: Susan Lynn (775) 786-9955 sblynn@sbcglobal.com

Steve Erickson (801) 554-9029 erickson.steve1@comcast.net

WATER GRAB FOES PROTEST AGAIN

Nevada Would Double-charge Concerned Citizens

Opponents of the Southern Nevada Water Authority plan to pump groundwater to Las Vegas from eastern Nevada and western Utah last week asked the Nevada Seventh District Court to re-examine the scope and implementation of the Nevada Supreme Court decision requiring re-notice and re-hearings on the water applications.

The Supreme Court had found that the State Engineer had violated the due process rights of residents by failing to act upon the original 1989 water applications in a timely manner. The Court remanded the case – Great Basin Water Network, et. al. v. Tracy Taylor, State Engineer - to the District Court, which in turn, handed the case back to the State Engineer.

Nevada State Engineer Jason King acknowledged that the Nevada Supreme Court's June 17 ruling means that the water rights he previously granted the Southern Nevada Water Authority in four eastern Nevada valleys are no longer valid.

King's office had approved permits for SNWA to export a total of 58,000 acre feet of water annually from Spring, Cave, Dry Lake, and Delamar Valleys. Those applications now must be re-noticed, which will open up new protest opportunities. Applications in Snake Valley, which straddles the Nevada-Utah border, must also be re-noticed.

Opponents of the so-called "Las Vegas water grab" were pleased that King recognized that the Court requires SNWA to go back to square one to assure due process is followed, but took issue with his interpretation that only those four valleys are affected. The Great Basin Water Network asks in its motion to the District Court that it "confirm the plain language of the Supreme Court's opinion, which makes it clear that the opinion and the remedy provided therein applies to all of SNWA's protested 1989 applications".

"There are due process concerns with the water rights granted in Hidden Valley, Garnet Valley, California Wash, Tikapoo, and Three Lakes Valleys, too, and they should be subject to new protests and new hearings" said Rob Mrowka, ecologist for the Center for Biological Diversity. "Like in the other valleys where SNWA filed applications, the proposed unsustainable pumping of ancient groundwater threatens to dry up desert vegetation and threaten the species, large and small, that depend upon these habitats," he said.

GBWN also criticized King's decision to ignore the more than 2300 protests that were filed earlier this year in response to SNWA's hasty re-filing all of its 1989 applications this past January. King wrote that those 2010 protests "cannot be transferred to the 1989 applications and the protest filing fee will not be refunded."

"We are trying to make a living out here with limited resources and we've invested our time, our money and our hearts into this area, all of which will be destroyed if the water is gone. We have no choice but to protest," said Terry Steadman, a Baker, NV restaurant owner. "But how is it due process, how is it fair to make us have to do this all over again?"

"We are challenging that decision as unreasonable and patently unfair," said Great Basin Water Network coordinator Susan Lynn. "SNWA essentially forced every concerned citizen who has an objection to its water applications to protest their 2010 applications that merely duplicated SNWA's old applications. Re-filing its applications was SNWA's own choice, and not much of a burden for a government agency with a billion dollar budget, a huge staff, and an army of lawyers and consultants. But for ordinary folks who don't have those kinds of resources to protest tens or even hundreds of the same applications all over again – at \$25 per protest – is arbitrary and overly burdensome on them," she said.

Lynn said the water network spent \$3500 to protest all the well applications, and estimates the state received more than \$58,000 in protest fees.

"It's a real hardship for us to pay the state once again so we can defend our water rights, our lives and this land," said Ferrel Lytle, whose family has lived in Lincoln County for generations. "The Water Authority doesn't care how much money it has to spend to get its way – it has bottomless pockets. It's just not right that they can stick it to the little guy, and the State Engineer lets them get away with it."

"Mr. King's decision to throw out the 2010 protests is sure to rankle Utah officials and promises to further complicate the contentious efforts to forge an agreement between the states on how to divide the groundwater in the Snake Valley," said Steve Erickson, Utah Coordinator for the GBWN.