



Water Gab

News from the Great Basin Water Network Heartland

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Water War Persists Despite Decisive Victories

It is fun and satisfying to win water grab battles, but the war to protect eastern Nevada and western Utah is NOT WON. The Southern Nevada Water Authority (SNWA) has lost rounds, but still holds its old 1989 applications and duplicate applications filed in early 2010.

The Nevada Supreme Court ruling sent the GBWN v. Taylor due process case back to District Court in July when it allowed SNWA to keep its priority applications from 1989. Nevada's top court also said the State Engineer (SE) MUST reopen the protest period for valleys targeted by SNWA including Spring, Snake, Cave, Dry Lake, and Delamar (CDD) Valleys. What does this mean? It depends...:



Water is the future for Ava and Matthew, the youngest entries in the Snake Valley Festival parade

⇒ If you didn't file a protest in 1989, you still will have a chance to file a protest on any of the 1989 SNWA applications. But we just don't know when.

⇒ If you did file a protest in 1989, your protest stands and you can participate in the State Engineer's process.

⇒ If you filed protests on SNWA's duplicative 2010 applications, we contend that because you filed a timely protest on exact duplicates of their 1989 applications, you shouldn't have to file again. Stand by!

We are requesting the District Court to revisit this urgent due process issue. The SE's interpretation of the Supreme Court ruling attempts to limit the high court ruling to only a few valleys and ignores our 2,300 + 2010 protests. SNWA did not have to file new applications, but did so to protect as much seniority as it could. Having to file duplicate protests is like double jeopardy: where is the due process in having to pay twice to participate? Also SNWA asked the SE to reject some protests of its "new" applications. We disagree. We await the decisions by the District Court and SE. Stand by again!

On Aug 19, we learned from the SE's website that he plans re-hearings on Spring and CDD valley applications in 2011 to address the Supreme Court's remand. We are studying the "informational statement" on the SE's web-page: <http://water.nv.gov/hearings/waterhearing/SpringDryCaveDelamar/index.html>. Please keep standing by!

BLM now predicts release in 2011 of the Pipeline Draft Environmental Impact Statement (DEIS). Also in 2011, the next regular session of the Nevada Legislature will require vigilance on possible changes to the protest process and the special requirements mandated for interbasin water transfers.

All this says that the battles continue! The project is not dead. You need to stay vigilant. GBWN will provide information on a timely basis. Until SNWA abandons the pipeline project, the WAR IS NOT WON. To receive alerts, contact us at info@greatbasinwaternet.org.
Susan Lynn, Great Basin Water Network Coordinator

Snake Valley Celebrates with Festival to Protect Its Water

Warm weather, good friends, and great food made for a grand time at the second annual Snake Valley Festival on July 23 and 24th in Baker, Nevada. The festival was a day to experience friendly, sometimes quirky, western hospitality, beginning with a pancake breakfast and name-your-price yard sale. Next was browsing booths ranging from books and lavender lemonade to stunning photography and handcrafted jewelry.

Booth trolling paused for Nevada's most unique parade: 3-year-olds Matthew Baker and Ava Hamilton riding bikes (with training wheels), a 10-foot "Goliath Water Grab" defeated by "Desert Davy's" slingshot, a Shoshone in native garb, giant scissor hand farm equipment, and the Protect Snake Valley water bucket. The fire trucks joined for the second time around the parade route, back from fighting a real fire.

Entertainment featured visiting author and poet Linda Husa, a veteran of bi-state water wars, along with local talent: cowboy poetry, a rousing 4-man brass band from Ely, vocalists and guitars. Everyone dug deep into their pockets for booth bargains, auction and raffle items, food and drink, and calendars, phone books and "Without Water We'll Croak" t-shirts to raise money for our fight against the water grab by Southern Nevada. Businesses, visitors and locals were very generous and we raised several thousand dollars. We are grateful for everyone who helped us celebrate – by being there and by donating. THANK YOU from the bottom of our wells (and hearts).



GBWN attorney Simeon Herskovits rides the bucket in the parade

Kathy Hill, Partoun, Utah

Lincoln County residents protest Water Grab

Sometimes for those of us in Lincoln County who oppose the Southern Nevada Water Authority's pipeline, and we are the overwhelming majority, we feel stuck, sitting on our hands, watching the people in Utah and White Pine County carry on the fight.

Though their effort and their victories have been astounding, we should remember that many of us did jump in when we could. The folks who turned out in 2008 to comment via video link from Caliente when the State Engineer held the hearing on Delamar, Dry Lake and Cave valleys outnumbered the crowd in Ely. Some of what we said helped the District Judge rule that the SE's decision to approve the applications was invalid. And this spring when the Great Basin Water Network won a decision from the Nevada Supreme Court throwing out all the Water Grab applications, SNWA rushed to file new applications and Lincoln County residents were among those who filed new protests.

The situation is always changing. The Supreme Court now wants SNWA to re publish the old applications and again allow people to protest. As for the protests we filed this spring nobody knows if they will count. There's more work for all of us surely.

Sometimes we complain that our County Commissioners should be leading us, fighting the pipeline, not dealing with SNWA so the Coyote Springs developers can use it to bring south the water they bought from north county ranchers. But our County Commissioners feel their hands are tied. It was their predecessors who signed the 1998 contract with Vidler and the 2003 agreement with SNWA and they don't know how to get out of these deals or change direction now that too much power was given away.

More than ever, it is necessary for all the people in Lincoln County who oppose the pipeline to stand up and be counted. With enough support from us our Commissioners could decide to withdraw their support for the pipeline. Thanks to our work so far we have a chance, once the applications are republished, to send a message to SNWA that we're still opposed, and to our Commissioners to renew their protests and lead us in the fight against the pipeline.

Louis Benezet, Pioche, Nevada

Water Network Profile: Meet Ken and Kathy Hill

When Ken and Kathy came to the first meeting with Southern Nevada Water Authority in Baker Hall, we all were touched by Kathy's tearful description of her little well that was hand dug by her father. Little did we know that soon Kathy would be at meetings demanding explanations from the State Water Engineer and asking them in scientific terms to explain their models.

While Kathy was learning about hydrology, Ken was busy on his computer. His knowledge and intellect were soon evident. His 100 pages of EIS scoping comments were awe inspiring. He has diligently kept track of the Utah developments, and serves on the Governor's Snake Valley Aquifer Advisory Council.

Ken and his identical twin were born in Richfield, Utah. His family moved to Tooele when he was two years old. As a kid, Ken's interests were music (oboe and clarinet), softball and marathon Monopoly games. Ken entered the University of Utah, but classes interfered with partying. Ken wasn't sure what he wanted to do. During this period he

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Louis Benezet discusses Lincoln County's involvement at a recent water meeting.

More than ever, it is necessary for all the people in Lincoln County to stand up and be counted.



Kathy's parents homesteaded in Snake Valley

Utah Simmers As Nevada Boils

While the Water Grab is out of the headlines here during baseball and barbeque season, all is not quiet on the eastern front in Utah. Just like in Nevada, our summertime blues challenge is to debunk the notion that our court victories mean we can all relax. Not so! We're quietly cooking up the necessary side dishes to the legal smorgasbord.

Snake Valley Aquifer Advisory Council members Rupert Steele, Ken Hill, Don Anderson, Daren Smith, and Peter Corroon just penned a strong missive to the Governor insisting that they need to meet to review all that has gone down since their last meeting - January 6th! On their list is the meaning of Utah's quasi-protest against the SNWA 2010 applications, an update on the legal cases and new scientific studies, and the role and status of the Research Team that the Council is statutorily required to advise. So far, the Governor has not responded to this request to reconvene the Council.

The bi-state negotiations for an agreement on the Snake Valley aquifer are on hold until after the November elections, when Nevada will field a whole new team of negotiators. Opposition to an agreement remains strong among elected officials and the general public in Utah, though influential players continue to advocate for a deal. The Water Grab will be in the mix as campaigns heat up after Labor Day.

As fall approaches, GBWN and its allies will be cooking up draft bills to present to legislative interim committees and two water task forces. We are looking at potential legislation to raise the bar for protecting the groundwater and environment in basins of origin in interbasin transfers in (or out of) Utah, and a mechanism to help fund local government legal challenges to water export schemes like the Las Vegas and Green River-to-Denver pipeline proposals. An expected September decision by the Utah State Engineer on groundwater applications filed by Cedar City, which could affect Snake and Hamlin Valley aquifers, rounds out a full plate of water issues.

Steve Erickson, Utah Correspondent, Salt Lake City

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joined the National Guard Army Band from which he ultimately got a discharge as a conscientious objector.

Kathy's parents homesteaded in Snake Valley, and Kathy and her seven siblings grew up from Partoun to EskDale to Pleasant Valley. Kathy herded and milked cows and raised any orphan available--lambs, calves, goats and even a mustang. She attended Utah State University and planned to major in veterinary science. But one weekend, a U of U friend introduced her to someone named Ken....

Ken and Kathy moved to Pleasant Valley in the mid '70's. When the ranch sold, they and their three children moved back to Partoun. Ken became the pastor of a small Christian fellowship and Kathy taught elementary school for thirty years. Kathy retired this past year and Ken is employed by the school as part time secretary and EdNet facilitator. Ken and Kathy are doting grandparents of one grandson, and an essential part of the Great Basin Water Network.

Denys Koyle, Baker, Nevada

Editor's Note: Denys plans to do a profile for each issue of Water Gab. Stay tuned...



Steve Erickson reports on Utah's water protest activities at a July water meeting

Opposition to an agreement remains strong among Utah elected officials



Ken, the mastermind of the David and Goliath float in the Snake Valley Festival parade.



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News from the Great Basin Water Network Heartland

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Great Basin Water Network is on the Web
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Protests Must Continue to Stop the Water Grab

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**Goliath Water Grab felled by
Desert Davy**

In 2010, in response to SNWA refiling their 1989 applications, over 2,300 protests were filed with Nevada's State Engineer by 150 individuals and families, 18 local governments, 16 ranches, 12 civic and religious groups, 9 conservation groups, 7 tribes, 5 federal agencies, 3 state government agencies, and others. Thank you for your outpouring of support and concern which clearly shows the State Engineer and the Courts that this preposterous pipeline project is still controversial, a generation after the original protests were filed. The war is not won, only a few battles. But everyone WILL have the opportunity to file new protests on old SNWA applications whenever the new protest periods are opened. Every one of you, please consider rounding up three of your family or friends or neighbors to protest one or more applications. The cost to protest is \$25 per application. Sign up at info@greatbasinwaternetwork.org to receive alerts via email!



Great Basin Water Network needs your support in its efforts to protect the water resources of the Great Basin for current and future residents—human, animal, and plant. Join GBWN's list of supporters through our website greatbasinwater.net or call 775/786-9955. Join the Email Action Alert Network: info@greatbasinwaternetwork.org.

"Without Water We'll Croak" t shirts are \$15 and are available at the Border Inn and T&D's Restaurant & Grocery. For 2011 Snake Valley calendars (1 for \$15; 2 for \$25), email Gretchen at C_G_BAKER@yahoo.com.

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 weekly news updates: www.greatbasinwaternetwork.org.

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