

Questions and Answers from the Southern Nevada Water Authority development project in Eastern Nevada Meeting

1) Is the project really going to be built?

Answer: Las Vegas has a critical water resource problem with few alternatives. Either they control growth to fit the existing water resource or they must find more water quickly to support growth. The present thinking is to find water rather than control growth. There are a limited number of in state opportunities to develop water, but political pressure and cost constraints force Southern Nevada to look to in state resources before attempting to solve their water problems externally. It appears Southern Nevada is very serious about building this project.

2) If SNWA drops Snake Valley from their project is the agreement still a requirement?

Answer: HR4593 requires the agreement “prior to any transbasin diversion from ground-water basins located within both the State of Nevada and the State of Utah”. Our position is that the agreement is required if the developed water resource has consequences in Utah.

3) Will it be possible to develop enough science to adequately understand the groundwater system and impacts of pumping in the timeframe that has been established?

Answer: Obviously the timeframe is too short, and the extent of the project too large for the ground-water study or the EIS to develop significant new data. However, we believe it is an opportunity to identify and focus in on potential pitfalls of the project. We believe the USGS will approach the study rather conservatively choosing to use existing study data to provide most of the required deliverables rather than risking failure. In the end it isn't a perfect scenario but it is a step forward and we need to make the best of it.

4) What tools does Utah have to monitor impacts?

Answer: Although no talks have been initiated with Nevada we are hopeful the Nevada State Engineer will be supportive of monitoring as he has demonstrated in recent opinions on similar applications. Hopefully any agreement reached will include long-term monitoring requirements.

5) Some data collection is underway locally. Who is involved in data collection from a State level?

Answer: Water Rights contracts with the USGS to operate a statewide ground-water data program. Recognizing the importance of additional data collection to establish a baseline in this area we will need to either expand the network in this area or supplement the existing network with a separate data collection effort. We like to use the USGS for these work activities because of their neutrality, experience, and established methods, but cost can become an issue. We will look into the possibility of including this in the groundwater study proposal and make a decision about the best way to proceed by the end of April 2005. We would appreciate any input water users may have on the subject.

6) What is the Utah's ability to control Nevada's use by priority?

Answer: The filing of litigation is perhaps the only real tool available to us. Such litigation is very costly and requires significant effort. It often takes some time but education and cooperation are usually more effective, less expensive, and produce better solutions.

7) How much water level decline will be tolerated?

Answer: That is an issue the water users need to consider and provide some feedback to the State Engineer. We have generally looked to water users to help define impairment and different standards have been adopted basin by basin. One of the issues that needs to be considered is not just locking out Southern Nevada, but a working standard users in the basin could tolerate from each other. Ultimately a water level decline standard could be implemented as part of the Nevada/Utah agreement and become a meaningful tool to avoid injury.

8) What differences would be expected between irrigation seasonal pumping and a municipal year round pumping pattern?

Answer: Although one would expect differences in pumping pattern from agriculture to municipal use (seasonal versus more year round pumping) the long-term effects on the aquifer will likely be similar and be more related to the volume of water withdrawn than the seasonal pattern of withdrawal. Some local effects on water level fluctuation differences are probable but the impact on the basin generally would be similar regardless of the pumping pattern.

9) Does Las Vegas have a responsibility to conserve water and control growth?

Answer: Although many of us may have feelings about this issue and what Southern Nevada's policies should be, this is not an issue for the State Engineer and we have no ability (nor do we want any) to steer their growth decisions.

10) Is it appropriate for the BLM to be addressing groundwater withdrawal in the EIS or will their efforts in the area foreclose opportunity to address that issue separately?

Answer: The limits of the NEPA process associated with the BLM right of way are not clear at this time and there may be some disagreement between the parties regarding this issue. Obviously the existence of HR4593 makes this right of way NEPA process different than under normal BLM rules but the BLM seems to be treating it almost without regard to the bill's influence. There is a sense at BLM and possibly at SNWA that the NEPA work needs to be exhaustive enough to avoid legal challenge, which may be why they are addressing the withdrawal issue.

11) Who is paying the \$6 million dollars for the groundwater study?

Answer: It is our understanding HR4593 allocates that money from the BLM land sale proceeds in Southern Nevada.

12) Can the water supply ever satisfy uncontrolled growth, which Las Vegas seems to be supporting?

Answer: The water supply is limited and cannot accommodate open-ended growth. Southern Nevada has other water project plans, which we presume they will continue to pursue.

13) Can provisions to limit pumping if impacts are encountered be included in the agreement with Nevada? If not, what is the value of the agreement?

Answer: We are hopeful they can become a part of the agreement and that both states will be willing to live by the terms and conditions of any such agreement.

14) Is this area of Utah open to appropriation?

Answer: Yes, this area of Utah is open to new appropriation of water. The State Engineer policy has been to cautiously approve applications, allow reasonable time for development, and monitor resource response. At the present time we are not seeing any impacts that shows us we need to curtail new appropriations.

15) Will the study provide baseline monitoring data, and will a long term monitoring plan be required?

Answer: It is an issue that needs to be addressed in the study plan, but the study plan is still being developed. We we can't say at the present time if there is a component proposed in the plan. One of the strategies being pursued by the USGS (recognizing weakness in the study schedule and funding) is to propose ongoing study as an outcome of the study so it is likely they would defer long term monitoring to a supplemental study.

16) What percentage of the water in Snake Valley is appropriated?

Answer: I don't have that number available, and it isn't the way the State Engineer normally approaches appropriation of water. Studies that the State Engineer has cooperatively completed with the USGS identify quantitatively the extent of the resource in terms of average annual recharge and discharge. The resource is appropriated in terms of compatible diversions and uses that allow for it's maximum utilization without impairment of existing rights and resource values, which need to be protected.

17) Utah's history of defending water rights against other states is weak (Locomotive springs cited as an example). What can we expect from the state in this instance?

Answer: We would not characterize the situation at Locomotive Springs as being simply Idaho pumping and impairing Locomotive Springs. Utah's response to this issue is substantially more than doing nothing. Utah has been in communication with Idaho about the state of the groundwater resource in Curlew Valley and Idaho, to the best of our knowledge is not appropriating additional water from the basin. There are water users in the basin from both Idaho and Utah and both have contributed to the problem. We are studying the connection between Curlew Valley and Locomotive Springs and will continue to work cooperatively with water users and Idaho to solve the problem as our understanding improves.

18) Have there been any wells drilled in the carbonate aquifer? Is it's potential from a quality and quantity standpoint really established or is it a speculative source?

Answer: There have been a number of exploratory holes drilled into the carbonate aquifer; some as part of the MX project a number of years back and some drilled recently. There are a limited number of production wells completed in the aquifer. All indications are that the aquifer is viable from a quantity and quality standpoint. SNWA is expected to drill additional test wells possibly this summer, which will yield additional information on that topic.

19) Las Vegas (urban) economics are quite different from rural agriculture economics. How can we compete with an interest with so much money?

Answer: I don't know but it is an issue people need to consider because they will likely be confronted with it before this project is complete. From a Utah perspective we think the water resource should be available to support Utah economic growth.

20) How are we going to decide how much impact is tolerable to divide the water with Nevada as the agreement language dictates?

Answer: Utah will cover existing rights and negotiate for a block of water for future use. These types of settlements typically consider the extent of the resource available for division, the proportionate share generated in each state, the historical priorities of individual users, and many other factors.

21) Concern was expressed regarding confidence in the process and collection of scientific data. What can be done to improve the science so we have more confidence in the process?

Answer: The uncoupling of the EIS from the groundwater study and lack of progress on the groundwater study are troubling. Utah is a partner (one of three) in the groundwater study and has a responsibility to see that it produces good scientific data. There are also cooperating agencies from Utah in the EIS process. The timeframe and extent of the work required make new science suspect but it is an opportunity to look at the existing science and work towards the best answers that can be found.

22) How would an agreement that addresses average conditions work in times of drought?

Answer: Good question, we need to think about how the system will respond when stressed versus current conditions and develop a method to mitigate during times of drought.

23) Will the State of Utah benefit in any way from the Las Vegas project?

Answer: Not significantly. There may be some incidental benefit from construction activities.

24) Can the State of Utah force compensation for injury like drawdown increases?

Answer: As the project is evaluated hopefully we will be able to develop some data on this issue. If it is determined to be significant then the issue should be addressed in the agreement.

25) Locally, selling out is a dangerous alternative. While the short-term gains may be attractive it will render the land worthless and endanger the continued existence of those who choose not to sell out. Is there a way to present the economics of that alternative in a way people can catch the entire vision of the consequences?

Answer: This is an important issue and one that people here need to be discussing.

26) This project will only result in expensive lawsuits. Is it appropriate to even consider agreeing to a shared use of the resource, or should our approach be to “never place in jeopardy that which you cannot afford to lose”? Is there any way to avoid the litigation and the jeopardizing of the resource?

Answer: Litigation is an ever-present threat. I don't know how to stop it except to try and agree on something that represents the needs of both sides. I worked to get the agreement provision in HR4593 because I felt like it was the most productive way to try and solve the issue. Don't assume I'm in favor of Southern Nevada's project because we are going to enter into an agreement. I too wish it would just go away, but it won't, so we are going to have to do something. Taking a no compromise stand on an issue in another state is a risky proposition. You may end up with no bargaining position. I presume if we don't negotiate in good faith at some point they will seek additional legislation or file legal action. Trying to compromise seems a better solution than either of those possibilities.

27) How can we go about collecting independent data that would be useful as a factual argument?

Answer: We need to work together and leverage resources that are available. The Division of Water Rights will look into getting a baseline monitoring component in the ground water study. We will also look at using some limited staff resources to help get some monitoring set up.