Currently, the annual recharge volume remains unchanged. Recently, an additional recharge volume of 8,000 acre-feet (per year) was touted, but this recharge bypasses Basin 162 and flows into California. The proposed bills to “solve the water problem” must first solve the driving factor, i.e., the fraudulent speculation in “water rights,” in particular, those “over allocated,” for which the legislature has been approached to artificially preserve some fictitious dollar value, by commandeering 75% of domestic well water allotments (unrelated to the above-mentioned fraud) through the implementation of the subject bills.

The early 1970’s Preferred Equities hype of copious flows of water to prospective tract housing developers was fraud. This has left Nye County with the task of bankruptcy maintenance on 17 defunct water and/or sewer utilities from never-completed tract housing ventures including the bereft workforce villages of played-out mines. The present use of “water rights” to justify the creation of artificial lakes, e.g., 7 acres and 4.4 acres in size, evaporating groundwater at a rate of half an inch a day, or 7 acre-feet and 4.4 acre-feet every 24 days, respectively, as a strategy to promote business, is an unrestrained abuse of a limited resource. When I inquired at a Basin 162 meeting, whether a 7-acre lake is a “high use” water fixture, I was told “no.” A high use water fixture is a washing machine. Walt Kuver inquired into the definition of “quasi-municipal” without satisfaction. Distribution problems exist due to the location of utility production wells. However, these are various downstream effects of the original fraud.

How should the legislature take this matter in hand? Perhaps the Securities and Exchange Commission can be of assistance. The Nevada Supreme Court ruled (2009) that “water rights” are real property. Therefore, they are taxable. Further, they are viewed as an investment (however unwise and speculative), they vary in dollar value, they are associated with specific basins and are privately bought and sold. Could they be considered an unregulated futures commodity? Is their existence not predicated upon rainfall and annual recharge? Should they be traded under regulations statewide or nationwide, which guarantee that they are not worthless pieces of paper without a drop of water behind them? Since the Office of the State Water Engineer produced the problem, is that Office really the best resource to propose a credible and equitable solution? Please ask your committee to consider these questions.
Private Well Owners Cooperative of Nye County

Signatures for Votes Against SB-65 and SB-81

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