

November 28, 2011

Nevada State Engineer
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Additional Information on Spring Valley Hearing
Written copy of statements by Dean Baker at Hearing on November 90

The applications by SNWA in this hearing should not be approved. My fear is that SNWA will be forced to sell this allocated water to pay for the pipeline. This could be called banking of water, trading of water, but in fact would possibly just be selling water into another state.

If approved these applications will cause draw downs that will kill vested water rights. Water in this pipeline will be an excuse for a construction project not a real need. Approval of this application would force SNWA to keep the pipeline full even if the need is not there.

These Spring Valley applications should not be approved. There is too much unknown to approve these applications now. A small part of the list of the much unknown.

- Is there enough water? It won't be known until the drawn down is known.
- Will Las Vegas need the water itself?
- Will the cost to the consumers be too much?
- Can it be made to work economically without selling water to another state?
- What will it do to the rest of Nevada?
 - Environment
 - Wild life
 - What will it do to the future of all of Nevada?

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If the water is taken it will hurt the future of Nevada. These applications have already hurt rural Nevada for the last 20 years. How much will it hurt Nevada if these just go on for many more years only creating problems like the last 20 years?

The large inter basin transfer of water is not clearly legal by Nevada law as its draw down will hurt existing water rights, many being vested. The springs dry up when the under ground water is pumped, if the water is sent away in an inter basin transfer and not put on the ground above the aquifer it kills the vested right.

Included is my written copy of my spoken testimony.


Dean Baker

Dean Baker
Statement before the State Engineer November 10, 2011

1- Spring Valley applications need to be looked at differently than any other type of normal water applications. Spring Valley applications are only part of the many applications made on October 17, 1989. These were made for a single project involving Spring Valley applications and the many other applications made at the same time. The project is an interbasin transfer to fill a large pipe line out of many basins of a large part of Nevada and send all of the water far to Las Vegas. This project if started will make adverse impacts over the whole Utah and Nevada area and may never be able to be shut down.

2- It is a principle of nature that water goes down when it can. Underground it is impossible to know where and how much water can move, but we do know that when it can, water goes down. Spring Valley is a high valley, where water can go down. Snake Valley is at least one thousand feet below Spring Valley and water is coming down from Spring Valley into Snake Valley. The negotiation group from Nevada that included SNWA, when negotiating with Utah, said that over 33,000 acre feet of water is going down into South Snake Valley from Spring Valley. Now SNWA says only 7,000 acre feet are going down to Snake Valley. This is an example of how SNWA always seems to only come to conclusions that are the best for them at the time. The water from Spring Valley can be going down to many basins below it, maybe even to the far low elevation part of Nevada, which is Clark County.

3- . In Snake Valley we have found that the usable irrigation well water is only near the surface. Once when I said Snake Valley had little water, I was told that I was wrong. The reason I said there was little water is because it has been so hard to get water to pump, but there is clearly moisture near the surface. Using plants to calculate how much water there is in basins like Spring and Snake Valleys can create a very large error of how much water is available for pumping or how much and how quickly the water will draw down. Moisture can be held near the surface for a long time. The moisture is being held near the surface by what is or is like an old sealed lake bottom. It can be fed by other moist areas but moisture that is put there is held there. In my experience in drilling wells throughout our ranch area, the moisture does not get down below the lake type seal. There can be little water below this. Eskdale's only useable irrigation wells are getting their water within 100 feet of the ground surface. UGS drilled wells to learn where and what water was in Snake Valley. UGS wells would have little water at 1000 feet down. The little water there was so old that it was not drinkable. Previous owners of our ranch land drilled irrigation wells to a thousand feet and did not find enough water for the wells to be productive for irrigation.

There are areas in Snake Valley where a few irrigation wells are able to pump enough water to serve pivots. This near- the- surface water pumping each summer draws the water level down. Each winter the water level usually comes up some but not to the level of the previous years. Nearby springs dry up and brush dies. On our ranch, we witness evidence of springs drying up and water level decline. Pumping of wells is mining water. The resource does not recover. The pumping of many wells by SNWA I believe will very quickly mine the water when it is a small amount held near the surface. This could quickly happen in Spring Valley.

4- This project starting with Spring Valley will take many old vested water rights. It is clear there will be an impact to our water rights from Big Springs and Burbank in Snake Valley. These rights were created in the 1800s by many settlers getting their property rights and using the water. The Gonder family still owns land in Burbank and Garrison. There is documentation in the Millard County, Utah courthouse of the Gonders being there in 1862. The land at Burbank Meadows was surveyed in 1879. It is easy to see how in the 1800s the water and land rights were developed together. There are many old log houses around Big Springs and Burbank Meadows. One of our log houses has newspapers printed in the 1800s still on the walls. The cemetery has graves starting in 1882. There is much historical evidence today of the people who lived in Burbank in the 1800s. Most of the water rights of Baker Ranches Inc. are vested springs, streams, surface rights and sub-irrigated meadows. Our well right applications were applied for before the October 17, 1989 date of the SNWA applications. But even before the settlers came, the waters of Burbank and Snake Valley sustained many Indians for a very long past time.

5- It is clear that SNWA has known that this project will take vested water rights. They bought the ranches in Spring Valley to avoid this problem. Representatives of southern Nevada water interests spent three years trying to get us to sell our ranch. I can give a clear history of time spent on me trying to get our ranch. On the last call from the persistent representative, he asked if we really did not want to sell the ranch. I said no. He then said he thought that I had only been maneuvering over the last three years to obtain the highest possible sales price. He did not know what was wrong with me. He then hung up. At a later time he made the statement that when the project was in use and it was a critical source of water for people it would be very hard for anyone to shut the water pipeline down regardless of the impacts. It is hard to tell if monitoring and mitigation will have any value if this large project is put into production. The subject of whether we wanted to sell the ranch was carefully discussed by me and my sons, who are the stockholders of Baker Ranches Inc. We made the decision we did not want to sell the ranch for any amount of money that was offered. This decision was made before I went to the first SNWA Integrated Water Planning Committee where I represented White Pine County. This was also before the time of knowing that they did plan to buy our ranch. Two years of the SNWA Integrated Water Planning Committee was very educational for me. The SNWA people and the people on the committee were very nice and good to me. Some of the committee members gave me more education when we were away from the meetings. I tried to tell SNWA about springs and water and help them to get permission to measure springs. SNWA did only really look at south Big Springs, not State Line Spring (Dearden) and the many small springs that will be affected.

6- I do not want to see rural Nevada hurt as this project will hurt all of Nevada. I believe that if the applications and the project are allowed to go forward in the end it will not work and will hurt Las Vegas and will hurt all of Nevada. I do not oppose Las Vegas, just this project which will hurt them and the rest of Nevada. It is not known if they will need more water. If they really need water for the future they must move forward without trying to create this destructive project. I very much hope they begin to make realistic judgments for their future.

7- Food production for the increasing population of the world is and will continue to be a factor for human life. Rural Nevada has potential to be a much larger source of food if the water is left there. Food is a clearer long term need than the future growth of Las Vegas.

8. When SNWA invests in a \$15 billion pipeline and put it in place, then even if they do not need the water for municipal purposes, they will keep pumping. The extent of their costly pipeline investment will force them to sell the water and profit from the water at the expense of the people and environment in rural Nevada and the entire state. This is wrong. This money can be gotten in ways like letting more water stay in the Colorado River. The promise that a future State Water Engineer will judiciously consider their water use for profit is no comfort or solution. The best way to stop Nevada's water from becoming a commodity is to stop the pipeline being built and stop Spring Valley water applications be approved for the pipeline. It is clear that the value of water is increasing. Speculators want to buy our ranch to make money on the water. One of the farm developers that is causing springs to dry up and impact State Line Spring (Dearden) told me he was developing these water rights to sell them. Is this what SNWA is doing in building this project? Las Vegas may not grow and not need the water if they get these applications. Nevada Department of Agriculture opposes this project because it decreases agriculture which the Department of Agriculture was created to protect by state law in the early 1900's.

Vested water rights predate Nevada water laws and the creation of a Nevada state engineer. The decision on these large multiple applications for inter basin transfer from Spring Valley or other basins that have the many unrecorded vested rights must have a total adjudication of these basins and rights before any of these many applications are approved. The farm and other wells now causing draw downs are a drop in the bucket compared to SNWA's inter basin transfer project.

I hope these applications are not approved at this time. A new approach must be used that protects existing rights and the environment and does not allow the large potential impacts created by this large long length inter basin transfer that will be impossible to shut down. There are really many unknown needs and results in these applications.

Dean Baker, November 10, 2011
Background statement

My life has been long with agriculture, crops and livestock needing water. Over fifty years I have been in Snake Valley and in what has become Baker Ranches as it is today. Before that I grew up on farm and ranch land with my family in both Millard County and Snake Valley. All of this life water has been the limiting factor of production, either on the farm or on the grazing land. This Baker Ranch land is near 500,000 acres in Snake Valley mainly with some land used by cattle in Spring Valley.

When we leased the main ranch in 1959, the owner before the owner we leased from had lost the ranch. A major reason being is that he had spent much money drilling wells, at least two over 1000 feet deep. One other ranch we bought had drilled two wells over 1000 ft. deep. When Assemblyman John Carpenter owned ranches we now own, he bought a drill rig and drilled wells on that land, but only one produces a little water. Not being able to get these wells to produce any productive water was a reason why the owners left these three ranches. There were other wells on land we bought, some productive some not. We own 3 drill rigs. Two times we have hired licensed drillers, both working years running our rigs. We have hired a number of experienced commercial drillers to drill with their rigs. Our first commercial driller contracted in Snake Valley on Silver Creek Ranch was in the mid 1950s drilling an irrigation well that did not produce. There are many homes on ranches that we have, most with house wells. We have built many miles of concrete lined ditches to move and save water. We have also built many miles of pipelines. Some lines are long and water cattle. Some lines are large to move irrigation water. We have hired camera professionals to go down wells to show us why wells didn't produce or had problems. The Utah Geological Survey in their study have drilled wells on our private and grazing land, and this has given us education. Over 50 years I have learned a lot about the water in Snake Valley. There have been springs dried up. There have been changes and death in plants. There have been wild horses die when a spring dries. Brush land has become productive food producing land.

Most of our water is vested right water that is surface and spring water. These all predate Nevada water laws. All of this water use was started by the whites coming into Snake Valley in the mid 1800s. Most are rights that came to the squatters on the land that water is used on. History says the Burbank meadow was surveyed in 1879 to get the titles to the squatters. There are log homes built in the 1800s all around the meadow. One of our log homes has newspapers dated in the 1800s that cover the walls. I took pictures of these papers. I wanted to put these pictures in this hearing record but did not get it done soon enough. The Big Springs Water Company was made in 1911, before Nevada water law, to divide the water ownership to the Burbank land. Below the meadow the Garrison dam was built in 1911 to store the winter water from Burbank and the two big springs flow through the meadow and also water from the many smaller springs in and around the meadow. This was to store water for Garrison farms and Baker farms in the summer. The dam and ditch rights were provided by the federal government. The Garrison farms were started in the 1850s when Brigham Young sent some of his members there in 1850. When Nevada was created, history says the Burbank and Garrison people believed they all lived in Nevada. When the state line was finished they found they lived about a mile or two inside Utah.

All of these rights can be hurt by Spring Valley water being put into inter basin transfer. It seems all hydrologists agree that water comes from Spring Valley down into Snake Valley. Water always goes down when it can and Spring Valley is above Snake Valley. When a pipe leaks the water can be seen if the water can only go above the pipe and there is pressure to put it up. With coarse gravel below it and little pressure, it is hard to find because the water just goes down. How the water comes down and how much is only a guess, it can't be seen.

Water rights given in Spring Valley will hurt the Big Springs and the Burbank water, clearly acquired before Nevada's water laws were created.

I have flown hydrologists from different sources over Spring and Snake Valleys.

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