

**WATER KEEPERS**

PO Box 256  
Ruth, NV 89310

December 1, 2011

Susan Joseph Taylor  
Nevada State Engineer  
State of Nevada Division of Water Resources  
901 S. Stewart St., Suite 2002  
Carson City  
Nevada 89701  
Ph. 775-684-2800

Re: Southern Nevada Water Authority Hearing on Remand  
Spring, Cave, Dry Lake, & Delamar Valleys public comment

Dear Ms. Taylor,

Thank you and the Nevada State Engineer for your diligent work in this hearing and for this opportunity to comment.

**The hearing demonstrates that the applicant agencies are engaging in the greatest attack in history on rural America**

The Las Vegas Valley Water District ("LVVWD") and the Southern Nevada Water Authority ("SNWA") and their member entities are making an unprecedented attack on Rural America in this hearing. Water wars are nothing new. This hearing, however, poses a threat unlike any before. It proposes to take water from two states by directly disenfranchising the people of both states and of many Native American tribes. The failure of a number of federal agencies, of affected Colorado River Basin states, and of other states, to be effectively involved or to be involved at all in this hearing make the rest of the county complicit in the applicant's attacks on the rural economy. It is not only economic warfare that is being waged here by SNWA. This hearing involves an attack on the rural values we hold dear as a country.

**The hearing takes place in the context of failed governance**

The State Legislature did not intend to create nor did it create one organization to govern people, basins, water, local and federal governments, government agencies, and even nature itself.

STATE OF NEVADA  
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RUTH

## Stipulations

Those making decisions pursuant to the protest stipulations are not involved in appropriate governance and do not have legitimate authority to make decisions. They were set up by a private agreement between water rights application protesters and the applicant. The stipulation decision makers are not elected and do not derive legitimate authority from any electorate or government agency. Their meetings and records are not open to the public and there is no mechanism for meaningful or effective public input to them. The federal agencies participating in them are in a rogue status outside of their statutory authority and duties. The Nevada State Engineer does not have the authority to legitimize them. To support or participate in the stipulations is to endorse SNWA's coercive use of them: it is only after a protestant joins the illusory stipulations and gives up autonomy and abandons responsibilities to the public, that SNWA will engage in the pretense of addressing project impacts. Instead, the Engineer should use his authority to set up new, open mechanisms operating under the Engineer's authority to accomplish the purposes of the stipulations. We look forward to an opportunity to participate in these new mechanisms.

## Municipalities to valleys to water rights

SNWA is attempting to capture and homogenize under its sphere the governance Las Vegas, LVVWD and Clark County, Big Bend Water District and Laughlin, Henderson, Boulder City, North Las Vegas, each other community with which it can make a deal, the ranches and allotments it can purchase, each valley and community it can dominate, and each domestic or stockwater or other agricultural water right it can obtain.

These efforts by SNWA do not represent the Nevada we know. Nevada eternally fosters individual initiative and great vision, while SNWA does the opposite.

A hazard to our democratic institutions, SNWA wants to be able to point to this hearing to justify its growing and unchecked efforts to rope in and corral each means of local governance and self-determination in sight.

## Nevada Legislature and Congress

The basins of origin are not represented in the State Legislature, the U.S. House or the U.S. Senate in a manner that gives them representation allowing them to be effective in making the laws that affect them. The State Legislature is now earmarked for the first time in Nevada history on a plan to not have one single truly rural State Senate District. Nevada does not have a truly rural seat in the House of Representatives, and both U.S. Senate seats are not longer effectively representative of rural voters. SNWA misses the point when its witnesses deride prospects for Nevada rural economic development. The Legislature has no interest in maintaining Nevada's rural economy, but it does punish local

governments that oppose the water rights grab. Agricultural legislature committees not chaired by people from agriculture do not serve the public need.

It's not only in the legislature that rural Nevada has lost its voice. The Regents are acting to ruin agricultural academic departments even though farming and ranching are dependent on science and on new generations with agricultural education.

Established by the legislature, SNWA is exercising its authority in the questionable manner of using its resources and powers to benefit only Southern Nevada. It's said by some that SNWA is modeled after the Port Authority of New York and New Jersey, but if true, the Legislature either ignored or is now ignoring the main economic genius of the Port Authority. New Jersey gets the massive modern ports, New York gets the World Trade Center. NJ gets Newark and Teterboro airports, NY gets La Guardia and JFK. NJ gets the PATH subway, NY gets the Port Authority Bus Terminal. Southern Nevada gets the water and Northern Nevada loses it water. Southern Nevada gets more growth, Northern Nevada loses its economy.

Constitutional challenges are sure, we believe, to redress the legislative imbalances.

### The Governor

In meetings across the west, I have listened as it's stated that Pat Mulroy is the go-to person in Nevada.

**SNWA: We are smarter than everyone else because  
we see plenty of water for housing or towns  
in Spring, Cave, Dry Lake and Delamar Valleys**

SNWA's board and witnesses have positioned themselves at the hearing as being smarter than everyone who came before them. An attitude is pervasive that those who now oppose SNWA water rights applications are less intelligent than they are.

SNWA is on the wrong side of history.

No one and no business can live in or survive in or make use of the four valleys in any way unless they pay careful attention to the effect of their actions on the environment. Based on this they must then make the correct decisions to adapt. Most who don't correctly adapt fail to see the educational signs nature has given them to pay attention to, fail to learn from their neighbors, and fail to take advantage of scientific and other business services. If they make mistakes, they might be lucky for awhile, but in the end they or their businesses cannot survive failure to respect the high desert environment.

Tribes over innumerable generations have shaped the Nevada environment we have today. It cannot have been as it is now when they arrived and put the basins and ranges to use in order to survive. As the first land managers and stewards of the four valleys, SNWA should have consulted carefully with the tribes. SNWA hasn't, but the State Engineer can make up for this failure.

The first ranchers and farmers probably could not have survived without learning from the tribes and from nature. As the second shapers of the Nevada environment, SNWA should have consulted carefully with them. SNWA hasn't and the State Engineer can make up for this failure.

My mom's family settled for three generations in Clover Valley south of Wells in 1869 when Isaac (elected to the State Assembly in 1888) and his wife Francis Standard Wiseman bought a ranch there. The Edward Michael Sullivan family from Carson City is the other half of mom's family. They saw that Clover Valley had abundant water for farming and ranching and used it for that purpose, and they sold produce in a mining district store to the south. There is not doubt in my mind that SNWA wants that water for Southern Nevada.

It's not only tribes and tribal members, farmers and ranchers, and my ancestors that SNWA thinks failed to see there is water available to develop or urbanize. It's other pioneers, miners, water surveyors, hunters, hikers, campers, fire fighters, jeepers, rockhounds, antler collectors, bird watchers, photographers, moviemakers, resort and spa owners, river rafters, and on and on. Everyone before now has assessed what the land has to provide and most of them determined to live with and to not try to outsmart physical and biological limits. The efforts to live outside the natural bounty are discounted by SNWA. We trust that the State Engineer will not take SNWA's approach.

SNWA is in effect saying, these people failed to use the water, so now you should give it to Southern Nevada. SNWA is looking outsmart nature

**Approval of the applications as proposed could facilitate the biggest public land grab in Nevada history**

The State Engineer should act based on this hearing in a manner that does not unnecessarily or unintentionally facilitate or promote either changing the current uses of public lands, or turning the public lands actually or de facto into watershed lands for southern Nevada.

**There is insufficient geological knowledge of the four valleys to approve the applications**

Witness testimony on both sides establishes that a lot of guesswork has gone into what the geology is underlying the four valleys. Modeling is flawed because

of this. The geology of the four valleys must be mapped prior to making a decision on the water rights applications. This is not the cause of delay. This is acknowledgement that Nevada has never established a state Geological Survey. Alan Chamberlain's presentation challenging the horst and graben theory of faulting in favor of overthrusting, reinforces the need for mapping the geology:  
<http://www.cedarstrat.com/view/softvnetplayer.htm>  
<http://www.cedarstrat.com/index.php#gbgeosurvey>

"Once you sink the first stake, they'll never make you pull it up."

Speaking of infrastructure and development in New York City, we are closing with the above quote from Robert Moses. It is apt here.

Sincerely,



Michael Garabedian, President  
916-719-7296

P.S. A copy of the write-up of the notes used for our October 7, 2011 public hearing presentation are attached.



- SOME FOR DOING TOO MUCH
- SOME FOR NOT TOO LITTLE
- SOME LIKE SO. NV, DOING BOTH TOO MUCH  
AND TOO LITTLE

AND

b. WITH THE RECORD, TO KNOW

- WHERE THE SCIENCE WAS RIGHT
- WHERE THE SCIENCE WAS WRONG
- AND WHICH SCIENTISTS FAILED IN THEIR  
ETHICAL DUTY TO DO NO HARM

(THAT IS, SCIENTISTS AND THEIR SCIENCE

HERE BECOME MAJOR HISTORICAL FORCES)

HOW DID WK COME TO BE HERE TO LEARN?

1ST (OTHER GROUPS)

--OTHERS ARE DOING A TERRIFIC JOB AT THIS HEARING. WHAT WE COULD ADD IS OUTWEIGHED BY OTHER THINGS TO DO<sup>1</sup>

-- OUR GROUP IS NEW &

SEEKING HOW TO BE EFFECTIVE AGAINST INTERBASIN TRANSFERS, THE TASK WE AS VOLUNTEERS HAVE TAKEN ON

2ND (SETTLEMENTS)

SETTLEMENTS ARE UNDERMINING THE

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<sup>1</sup> The current BLM process is illegal due to the absence of public involvement r-o-w rules and regulations. Nevada's 14 rural counties with 10% of the state's population and an average population of 19,472 (a range of 783 in Esmeralda County to 51,980 in Lyon County) are subject to unconstitutional legislative apportionment. My great great grandfather Isaac Wiseman was an Assemblyman elected from Elko County in 1888 when the county had two Assembly seats.



- NSE PROCESS.....AND
- THE ORGANIC LAWS OF THESE ROGUE FED AGENCIES WHO SETTLE (THE LAWS MANDATE PUBLIC INVOLVEMENT)

THE USFS IS THE LATEST FEDERAL KINFE IN THE HEART OF CITIZENSHIP AND THE COMMUNITIES. THE (U.S.) F.S. AND OTHER IN SETTLEMENTS SAY,

"TO BE PART OF THE PROCESS YOU HAVE TO SETTLE" /GIVE UP YOUR AUTONOMY

SETTLEMENTS THAT EXCLUDE THE PUBLIC IN THEIR MAKING AND IN WHAT IS CREATED BY:

---SNW EXHBT 418, "STIPULATION

CONSULTATION AND DECISION MAKING

PROCESS"

---SNW EXHBT 370, NATURE CONSERVANCY  
MODIFIED CONSERVATION ACTION  
PLANNING/CAP

AUBSE OF TNC PROCESS TO TREAT SMALL  
"SPECIAL" AREAS ISOLATED FROM WHOLE  
VALLEYS.

THE CAP SAYS IDENTIFY STAKEHOLDERS  
TO SPOT FRIENDS OR FOES:  
DOESN'T SAY TO INFORM THE PUBLIC ABOUT  
WHAT YOU ARE DOING

(PRIEUR/PUBLIC INVOLVEMENT/MONITORING)

LOOK AT MR. PRIEUR: HE TESTIFIED HE WENT  
TO THE USGS-NPS MEETING IN ELY AND  
LEARNED ABOUT THE GB NP MONITORING  
PROJECTS (ME TOO, 2 OR 3 TIMES)

**DID IT NOT CROSS HIS MIND THAT HE  
DOESN'T DO THE SAME KIND OF PUBLIC  
OUTREACH WITH HIS WORK?**

(BLM PERMITS)

WK DECIDED TO ENTER THE MONITORING  
PROCESS THROUGH THE BLM PERMITTING/R-O-  
W PROCESS

---1ST ELY BLM FIELD OFFICE VISIT (ME) A BIG  
SUCCESS – INFO, ETC.

---2ND VISIT (JON AND ME) NEW PERSON IN  
CHARGE OF THE PERMITS WHO HAD NO IDEA  
WHATSOEVER WHAT THE PUBLIC INPUT  
PROCESS WAS, AND THER WAS NONE EXCEPT  
NEPA

(FOR WEEKS E-MAILS WITH LITTLE  
PIECES/NOTHING)

---BECOMES OBVIOUS BLM MAKES UP ITS  
PUBLIC PROCESS AS IT GOES ALONG.

---MEANWHILE WE STARTED IDENTIFYING  
SPRINGS IN SPRING VALLEY TO FORM OUR  
OWN OPINIONS ABOUT WHICH ONES SHOULD  
BE MONITORED

& FOUND THE SNWA SPRINGS DATA  
IDENTIFIED AT NSE ONLINE COULE NOT BE  
OPENED

---WAS NOT ACTUALLY ONLINE

--- CALLS TO NSE LED TO MY CALL TO MR.  
MARSHALL.

--- NOR WAS IT AVAILABLE IN ANOTHER FORM  
(CONCLUSION ABOUT MONITORING  
INVOLVEMENT:

- NO INPUT THROUGH STIPS
- NO INPUT THROUGH BLM

WK RECOMMENDS THAT BEFORE YOU MAKE  
WATER RIGHT DECISIONS YOU REQUIRE  
COMPLETION OF THE NECESSARY STUDIES  
INCLUDING:

---THE RESEARCH USGS DEFINES AS BEING  
NECESSARY BUT HASN'T DONE

---PUBLIC DISCLOSURE OF CURRENT  
MONITORING, NEW MONITORING PROPOSALS  
PROPOALS AND SIX-MONTH PROGRESS  
REPORTS WITH PUBLIC QUESTIONS AND  
COMMENT

---PUBLIC OBSERVATION AND INPUT TO THE  
DMONITORING DECISION MAKING BODIES.

WHICH BRINGS UP TO A KEY POINT ABOUT  
THESE HEARINGS

COMPARED TO THE FIRST HEARINGS ON THE  
FOUR VALLEYS (PRESENT THE TWO WEEKS OF  
THREE VALLEYS HEARING)<sup>2</sup>

---LOOK HOW FAR WE HAVE COME IN GETTING  
INFORMATION HERE.

---BUT WE'VE COME SO FAR ONLY BECAUSE  
SO.NV DID SO LITTLE IN THE FIRST HEARINGS.

THIS HEARING IS NOT THE NEEDED STARTING  
PLACE

===TO MAKE DECISIONS OR

===FOR THE PUBLIC TO BE ADEQUATELY

INFORMED

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<sup>2</sup> Tag's use of "CDD" must confuse/drive away the online public.

I ADDRESS ONE EXAMPLE BASED ON MY  
BACHELOR'S DEGREE IN FORESTRY &  
CONSERVATION<sup>3</sup>:

NAMELY,

MR. MC LENDON STATED HIS CURIOSITY ABOUT  
THE AGE OF THE TREES. HE IN 15 TRIPS TO  
THE GREAT BASIN DIDN'T MANAGE TO BRING AN  
INCREMENT BORER ALONG TO TAKE TREE RING  
CORES.

--THINK ABOUT WHAT AGE MEANS TO PLANT  
SUCCESSION

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<sup>3</sup> Forestry study includes biology, physics, chemistry, organic chemistry, geology, civil engineering, ecology, fire, soils, economics, silviculture, genetics, plant pathology, public land policy, and so on. Most disciplines are more narrow. Most biologists, for example, don't have courses in physics, chemistry and geology.



--WHAT STOPPED HIM FROM TAKNG AN INITIAL  
STEP ON THE WAY TO AGING TREES

(NOT EXPOSED TO FORSTRY? -- UNLIKELY

(NOT ASKED TO OR ALLOWED TO BY SNWA?

(NOT KNOW OF USE OF TREE AGING LIKE  
DROUGHT TREE-RING STUDIES?)

NO MATTER: THE EFFECT IS THE SAME

SO.NV. IS

--KEEPING SCIENCES IN ISOLATED BOXES

--NOT DOING INTERDISCIPLINARY STUDIES

--BLENDING SCIENTIFIC INPUT WITHOUT THE  
SCIENTISTS WHO DO THE SCIENCE

--MISUSING SCIENTIFIC INPUT

--THIS SECOND SO.NV HEARING ITERATION IS  
FAR SHORT OF WHAT IS NECESSARY.

MOST FRUSTRATING ABOUT WHAT WE ARE  
LEARNING IN THIS HEARING, THOUGH, IS THAT  
BLM'S DEIS COMMENT DEADLINE IS TUESDAY.

THERE'S NO OPPORTUNITY TO RESPOND.

DEIS COMMENT DEADLINE SHOULD BE AFTER  
OR AT THE SAME TIME AS YOURS.

BUT SO.NV. IS USING THESE HEARINGS TO  
RESPOND TO DEIS COMMENTS.

A BIG EXAMPLE: AT A DEIS HEARING WK MADE  
IT CLEAR THAT THE COLORADO RIVER  
COMPACT DOES NOT REQUIRE SO. NV TO GO  
OFF RIVER TO DEVELOP WATER.

HERE SO NEV. SAYS THAT IT HAS TO DEVELOP  
NEVADA GROUNDWATER BECAUSE THIS IS  
WHAT THE OTHER COMPACT STATES INSIST.  
BUT NO CURRENT EVIDENCE AND AN OLD  
COLORADO LETTER

SO.NEV. SAYS IT HAS TO BALANCE NEVADA  
GOUNDWATER IMPACTS WITH IMPACTS ON:

===THE CALIFORNIA DELTA;

===DESALINIZATION IMPACTS ON CA COAST

SNWA, CREATED BY NV LAW SAYS IT'S GOING  
AFTER NEVADA GROUNDWATER BECAUSE  
CO, CA, WY, NMEX, AZ, UT SAY SO?

IF IT'S TRUE CALIFORNIA IS BOSSING SO.NV.  
AROUND, LET'S SEE HOW CA MANAGES ITS  
GROUNDWATER:

==CA HAS NO STATEWIDE SCHEME LIKE  
NEVADA

==CA HAS NO STATE PERMITS FOR WELL  
WATER RIGHTS.

THIS WEEK WE HEARD TESTIMONY ABOUT THE  
CA CENTRAL VALLEY GROUNDWATER MODEL.  
SO.NV DIDN'T TELL US THERE IS NO STATE  
GROUNDWATER MANAGERMENT PROGRAM  
THROUGHOUT THE CENTRAL VALLEY.

A GOVERNOR'S COMMISSION REPORTED THAT  
OVERDRAFT HAS BEEN CALLED THE "MOST  
COMMONLY RECOGNIZED GROUNDWATER  
PROBLEM IN CALIFORNIA." THIS WAS IN 1918,

IN 1975 CA WAS USING ABOUT 15 MILLION ACRE  
FEET OF GROUNDWATER EACH YEAR, ALMOST  
40% OF THAT STATE'S YEARLY APPLIED WATER  
NEEDS. (PER 1976 STATE COMMISSION ON  
WATER RIGHTS REPORT)

WE BELIEVE YOU WOULDN'T WANT TO FOLLOW CALIFORNIA'S EXAMPLE.

NV HAS NO REASON TO GAMBLE WITH ITS WATER FOR A STATE WITH NO COMMITMENT TO MANAGE ITS GROUNDWATER LIKE NV. DOES

INSTEAD YOU CAN SHOW CALIFORNIA HOW TO PROTECT AND MANAGE GROUNDWATER.