



TOIYABE CHAPTER OF THE SIERRA CLUB
PO BOX 8096
RENO, NV 89507

Office of the State Engineer
Nevada Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

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STATE ENGINEERS OFFICE
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Re: remand of the water permit applications by SNWA in the Spring, Cave, Dry Lake, and Delamar Valleys

Introduction

I am David von Seggern, chair of the Toiyabe Chapter of the Sierra Club here in Nevada and eastern California, representing 6,500 members. I am commenting on the water permits sought by the Southern Nevada Water Authority in Spring, Cave, Dry Lake, and Delamar Valleys in the case remanded to the State Engineer by the Nevada District court. Our members from California have experienced first-hand the environmental and social damages and the costs of LA's interbasin water transfer from the Owens Valley.

1) Uncertainties in hydrologic models.

I am a scientist who has spent over 40 years in the field of seismology that has inherent large uncertainties. For instance, prediction of future earthquake times and locations is still beyond our abilities and may always be. I am not a professional in hydrology, nor claim any expertise in that field; but I see similar problems and uncertainties. Predictions of large-scale water resources and water movements at subsurface depths must be viewed with extreme caution and suspicion. An excellent paper on the uncertainty in hydrologic models is that of Konikow and Bredehoeft ("Ground-water models cannot be validated", *Advances in Water Resources*, v. 15, pp. 75-83, 1992). I firmly believe that the SNWA model cannot reliably dismiss a massive, unintended

impact on water supplies and biological resources over the entire region of the valleys in question if most or all of the requested permits were approved.

2) Necessity for these water permits.

SNWA has not made a convincing case for the necessity of these water permits. SNWA must seriously address its conservation programs. A request for further water from the eastern Nevada region should only be made after SNWA has done everything possible to lower demand in southern Nevada.

3) Adverse effects of these water permits.

In this unprecedented request for water importation from several basins to the Las Vegas area, the NSE should consider the grave consequences for a western, rural life style, for the small communities, and for the wildlife, all dependent on the small amounts of water available to them on a sustainable basis. In spite of SNWA testimony, there are credible studies to show it is likely that this region has already neared or surpassed a long-term, sustainable water withdrawal rate. Indeed the EIS shows a net loss of groundwater in many areas. The additional water withdrawals of SNWA will only hasten the time when the human and wildlife communities will be diminished or eliminated. In particular, SNWA's "3M" plans will not effectively mitigate these damages.

4) The unbearable pressure of continued proceedings.

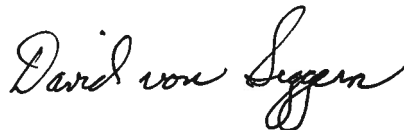
SNWA has marshaled a host of attorneys, water experts, and local boosters to support obtaining these water permits. Those opposed to these permits have had meager resources in comparison. This is true now and will be true in the future. When SNWA's pumping causes a landowner or tribal entity in eastern Nevada to see his/her water allocation be threatened, will these individuals or groups have the resources to challenge SNWA successfully? The history of Owens Valley

shows that it took decades to begin to right the wrongs associated with LADWP's over-pumping of water from the valley, far longer than inhabitants could manage with diminished water supplies. Even court orders could hardly interrupt the foot-dragging of LADWP in re-watering Mono Lake and Owens Valley in recent decades. The valley's impairment is still evident today, and those that may have fought it simply moved on or were bought out.

In summary,

I submit that SNWA has no right to appropriate the water from a large region of eastern Nevada; has not established the need to do so; cannot accurately predict the impact of the increased withdrawals from these valleys; nor provided sufficient information on whether and how it could mitigate damages to both the environmental and existing water rights. We are opposed to a favorable ruling for SNWA on these permits.

Respectfully yours,

A handwritten signature in cursive script that reads "David von Seggern". The signature is written in black ink and is positioned below the "Respectfully yours," text.

David von Seggern, Chair
Toiyabe Chapter, Sierra Club