

# State Engineer releases water right rulings for SNWA's pipeline project

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## DIVISION OF WATER RESOURCES NEWS RELEASE

CARSON CITY, Nev. – Nevada's State Engineer Jason King released rulings today for the Southern Nevada Water Authority's proposed pipeline project from eastern Nevada.

Four rulings were issued – one each for Spring Valley, Cave Valley, Dry Lake Valley and Delamar Valley.

The rulings could allow the pumping of up to 83,988 acre-feet of water to SNWA, which had applied for 125,976 acre-feet in its original applications for water rights in the four valleys. SNWA's most recent request asked for 104,856 acre-feet of water.

The total amount ultimately permitted for use is dependent upon staged pumping in Spring Valley. In addition to staged pumping, other safeguards include two-years of biological and hydrological data collection, a groundwater flow model and a monitoring, mitigation and management program for each basin prior to any export of water.

In formulating the decision, the State Engineer's Division of Water Resources conducted a thorough review of all evidence, testimony and exhibits, along with taking into consideration all public comment. The best science available was identified, and Nevada's water law was applied in the rulings. Four applications were denied in Spring Valley due to potential impacts to existing water rights.

King found that the approval of the remaining applications as outlined in the rulings will not conflict with existing rights or protectable interests in domestic wells, will not prove detrimental to the public interest and will be environmentally sound.

He further found that SNWA justified the need for the water, it has a plan for water conservation in place that is being effectively carried out and, by appropriating the amounts set out in the ruling, will not limit the future growth and development of the basins of export.

“The State Engineer worked very hard to provide in these four rulings an unprecedented level of insight into the analysis used to reach his decisions in each of the valleys,” said Leo Drozdoff, director of the Department of Conservation and Natural Resources, the parent department of the Division of Water Resources. “It is interesting to note that although the 2011 hearing brought forward greater data collection and use of enhanced scientific techniques by both the proponents

and the opponents, in the end the findings are very similar to those in 2007 and 2009, which reinforces the sound nature of the State Engineer’s conclusions to date about these valleys.”

The use of monitoring, mitigation and management plans, along with adaptive management of the pumping regime, are key components to the development of these water resources.

Should there be any unanticipated impacts to existing water rights, conflicts with existing domestic wells or the pumping threatens to prove detrimental to the public interest – or is found not to be environmentally sound – SNWA shall be required to take any and all measures, including the curtailment of pumping, to mitigate the impacts.

The rulings are issued following a six-week hearing held last fall where 84 witnesses comprising more than 6,500 pages of testimony were heard. More than 800 exhibits were presented, and more than 23,000 public comments were submitted.

This is the second time the State Engineer has issued rulings on these applications. The State Engineer previously issued a ruling on the Spring Valley applications in 2007 and for Cave, Dry Lake and Delamar Valleys in 2009. The applications were ordered to be reheard as a result of a 2010 Nevada Supreme Court decision.

The rulings are available online at [water.nv.gov](http://water.nv.gov).

## **KEY FINDINGS**

### **SPRING VALLEY**

- Four applications are denied due to potential impacts to existing rights.
- Fifteen applications are granted for a total combined duty of 61,127 acre-feet annually (afa) to be developed in a staged approach as follows:
  - Stage 1 development of 38,000 afa over 8 years
  - Stage 2 development of an additional 12,000 afa over 8 years may be granted depending on Stage 1 pumping
  - Stage 3 development of the entire amount may be granted depending on Stage 2 pumping
- The applications are granted subject to:
  - Existing rights
  - A minimum of two years of biological and hydrological data collection, as approved by the State Engineer, prior to exportation.
  - A hydrologic monitoring, mitigation and management program
  - A biologic monitoring plan
  - A computer groundwater flow model that must be updated as directed by the State Engineer to help predict impacts

## **CAVE, DRY LAKE AND DELAMAR VALLEYS**

- Cave Valley applications are granted for a total combined duty of 5,235 acre-feet annually
- Dry Lake Valley applications are granted for a total combined duty of 11,584 acre-feet annually
- Delamar Valley applications are granted for a total combined duty of 6,042 acre-feet annually
- All the applications are granted subject to:
  - Existing rights
  - A minimum of two years of biological and hydrological data collection, as approved by the State Engineer, prior to exportation.
  - A hydrologic monitoring, mitigation and management program
  - A biologic monitoring plan
  - A computer groundwater flow model that must be updated as directed by the State Engineer to help predict impacts