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GREAT BASIN
WATER NETWORK

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June 27, 2019

The Honorable Tim Wilson, P.E.
Acting Nevada State Engineer
901 S. Stewart St., Suite 2002
Carson City, NV 89701

RE: GBWN Report on Order 1303

As a stakeholder that would be affected by potential water right developments in the Lower White River Flow System, the Great Basin Water Network (GBWN) respectfully submits the following report pursuant to Part VI, Section 2 of State Engineer Order 1303 (Jan. 11, 2019).

GBWN was formed to protect the water resources of the Great Basin for current and future residents – human, animal and plant. The Network is comprised of organizations, businesses and individuals dedicated to ensuring that decisions on all water development proposals in the Great Basin are made in the open with caution, coherence, and based on the best scientific information. GBWN also works to ensure that decisions are made without undue political and developer special interest pressure. The Network is supportive of efforts to tackle the challenging problems of water management in Nevada’s over-appropriated basins in order to correct long-term and sometimes severe overdraft.

As it relates to Part VI, Section 2, Subsections (a) through (e) of Order 1303, we see the need to ensure that the State Engineer upholds his statutory obligations to protect the public interest and be the final arbiter deciding the merits of any management plan developed in the stakeholder process. To do so, we believe that it is paramount for the State Engineer to recognize and incorporate the interconnected nature of all basins comprising the White River Flow System (“WRFS”) in his future decisions. Also critical is the need for the State Engineer to explain how stakeholder data will be evaluated in order to create a new means of regulating the hydrologic basins of the WRFS. Additionally, we want to make certain that public participation is not limited to only those who engage via the criteria outlined in Part VI, Section 2 of Order 1303. We also want to ensure the public has a robust role in the processes listed in Part VI, Sections 3 and 4 of the Order. Listed below is section by section input on Part VI of Order 1303.

Section 2(a) The geographic boundary of the hydrologically connected groundwater and surface water systems comprising the Lower White River Flow System

Pursuant to NRS 533.370 (2), we believe that in order to prevent long-term harm to the public interest and protect existing water rights the State Engineer must include in the scope of Order 1303 all interconnected basins in the WRFS such that pumping in those interconnected basins may be properly managed to ensure sustainability over the long term. We believe any calculation of water available for appropriation may not be fully informed if the State Engineer fails to take into account the interconnected nature of all the hydrologically connected basins in the WRFS.

Section 2(b) The information obtained from the Order 1169 aquifer test and subsequent to the aquifer test and Muddy River headwater spring flow as it relates to aquifer recovery since the completion of the aquifer test

Considering that the State Engineer has not determined the precise extent of the development of existing appropriations within the Lower White River Flow System (“LWRFS”) that may occur without harming the fully decreed Muddy River, we believe the State Engineer should publicly disclose how he will decide what stakeholder data are accurate, fair, and in line with Nevada water law as it relates to determining spring flows and aquifer recovery in the stakeholder process outlined in Order 1303. The State Engineer also should convey how stakeholder-submitted data points will be used to create standards, such as sustainable yield, and for determining how the State will develop and implement a framework for conjunctively managing waters in the LWRFS. The Legislature has encouraged the State Engineer to use the best science available under NRS 533.024(1) (c). It is certainly in the public interest for the public to have a reasonable opportunity to review and offer comment on how the Division of Water Resources concludes what is “the best science.”

Section 2(c) The long-term annual quantity of groundwater that may be pumped from the Lower White River Flow System, including the relationships between the location of pumping on discharge to the Muddy River Springs, and the capture of Muddy River flow

In order to maintain the integrity and long-term functionality of the essential groundwater resource that WRFS is for eastern Nevada, to protect the long-term public interest in the environment and species such as the Moapa Dace, and to prevent conflicts that would destroy the property and of senior water rights holders within the WRFS, the State Engineer must resolve the over-appropriation of the LWRFS in a way that accounts for all of the interconnected basins in the White River Flow System and the fact that any future appropriations in those hydrologic basins will affect one another.

Section 2(d) The effects of movement of water rights between alluvial wells and carbonate wells on deliveries of senior decreed rights to the Muddy River.

Because it is understood that pumping within the LWRFS has a direct interrelationship with the flow of the Muddy River, we believe that it is in the public interest to ensure that the scope of Order 1303 includes every WRFS basin with a hydrologic connection with the Muddy River. All decisions must take that connection into consideration or the State will risk continuing the unsustainable practice of over-appropriating basins.

Section 2(e) Any other matter believed to be relevant to the State Engineer's analysis.

Great Basin Water Network requests that the order provide for the following in order to ensure full public participation and transparency in this matter.

The State Engineer will continue to post on the Division of Water Resources website:

- State Engineer notices regarding deadlines or meetings.
- Rulings and Orders related to these proceedings.
- Minutes of the stakeholder meetings.
- All documents submitted by stakeholders or prepared by the State Engineer, including reports and rebuttals.
- All stakeholder proposals on how to address the future management and corrections of the over-appropriated basins.

The State Engineer will provide opportunities for concerned members of the public to provide comments to the State Engineer and stakeholders on the process, the submitted stakeholder documents, and any proposals to rectify the over-appropriation of the basins in the Administrative Unit. Areas of comment may include but not be limited to:

- Hydrologic, environmental, social, and economic impacts on the White River Flow System.
- Impacts on the Moapa Dace.
- Impacts on Moapa Warm Spring flows, on which the dace depends.

A reasonable amount of time for public comment shall be provided at all stakeholder meetings and be made part of the record.

Thank you for considering the GBWN Order 1301 report and making it part of the record.

Sincerely,

s/s

Kyle Roerink
Executive Director