

Supreme Court won't wade into fight over Las Vegas water pipeline

By HENRY BREAN LAS VEGAS REVIEW-JOURNAL

May 23, 2015 - 2:58pm

For the second time this year, the Nevada Supreme Court has declined to dip its toe into a legal dispute over controversial plans to pipe groundwater to Las Vegas from across eastern Nevada.

In an unpublished order issued Thursday, the court said it would not review several key technical questions raised by a 2013 ruling by Senior District Judge Robert Estes that effectively stripped the Southern Nevada Water Authority of water rights for its proposed pipeline.

Estes ruled that the state's chief water regulator failed to adequately support a decision two years earlier to allow the authority to sink its wells in four rural valleys in Lincoln and White Pine counties.

Specifically, Estes ordered State Engineer Jason King to recalculate and likely reduce how much groundwater the authority should be allowed to pump from Spring, Cave, Dry Lake and Delamar valleys to avoid draining the basins and causing conflicts with other water rights holders in the area.

He also directed the state engineer's office to develop a detailed monitoring and mitigation program, with clear triggers for corrective action should large-scale groundwater pumping result in damage.

The state engineer and the water authority appealed Estes' order to the Supreme Court a little over a year ago.

The high court dismissed that broader appeal in February. With the court's decision not to hear the technical questions either, the state engineer might have no other choice than to follow Estes' direction and rehear the water authority's massive application for enough groundwater rights to supply more than 300,000 Las Vegas Valley homes.

In a written statement issued Friday, water authority officials said they were disappointed but undeterred. "SNWA remains confident that the additional data Judge Estes required can be gathered and presented to the state engineer so that this unused, available groundwater can be developed for the benefit of two million Nevada citizens in accordance with Nevada water law."

Opponents of the pipeline said the Supreme Court decision is a victory and a vindication. Environmental attorney Simeon Herskovits, who has been fighting the groundwater project in court for years, called it "a devastating defeat for SNWA and the state engineer and their efforts to circumvent sound science."

"We hope SNWA and the State Engineer will take this opportunity to reconsider their prior efforts to green light this unsustainable and ultimately devastating groundwater mining project. It is time that they and Nevada generally get down to the necessary work of developing sound, sustainable approaches to meeting this great state's legitimate long-term water needs," wrote Herskovits in an email Friday.

This won't be the first time the authority's plans have been challenged and overturned only to be heard again. Estes' ruling marked the second time since 2009 that a judge has stripped the authority of permission — at least temporarily — to siphon billions of gallons of groundwater a year from across eastern Nevada.

Since 1989, Las Vegas water officials have been pushing plans to import groundwater from as far north as Great Basin National Park to fuel growth and provide a backup supply for a community that gets 90 percent of its drinking water from the overused and drought-plagued Colorado River.

The idea has drawn fierce opposition from a broad coalition of rural residents, ranchers, American Indian tribes, conservationists, outdoor enthusiasts and even the Mormon Church, which operates a large cattle ranch in Spring Valley. Critics argue the project will drain a large swath of arid eastern Nevada, destroying the area and the livelihoods of those who depend on it — all while producing too little water to justify the project's enormous expense.

The water authority has already spent tens of millions of dollars on permitting and preparation work for the project. Construction of the more than 300-mile network of pumps and pipelines could take 10 to 15 years and top \$15 billion, including financing costs.

Contact Henry Brean at hbrean@reviewjournal.com or 702-383-0350. Find him on Twitter: [@RefriedBrean](https://twitter.com/RefriedBrean).

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