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SNWA pipeline opponents fear political meddling

By JOHN PLESTINA
Ely Times Reporter

The attorney representing protesters to the Southern Nevada Water Authority's applications for Eastern Nevada water rights said he is concerned about what he believes is high-level political pressure being applied downward to federal agencies.

White Pine County, several ranchers, the Sierra Club and the Lund and Preston irrigation companies have retained Taos, N.M., attorney Simeon Herskovits to represent their protests to the SNWA's proposal.

Herskovits made the comment Monday to the Ely Times in response to several environmental groups sending a letter to Secretary of the Interior Dirk Kempthorne last week seeking open and full participation for the Snake Valley Water Hearings. The hearings are scheduled before the State Engineer for September and October 2009.

Disputes over Western water rights date back to 19th Century settlers resolving them with six shooters and range wars as depicted in numerous motion picture adaptations of the Old West. Fast forward to the SNWA's current applications for a substantial portion of the Eastern Nevada's water rights and the root issues are similar, just the players have changed.

The water authority's controversial proposal includes acquiring water rights and then transport the water to Clark County through a pipeline they propose to build across more than 250 miles through four Nevada counties. To gain access to the water sought, the SNWA has purchased seven ranches totaling more than 23,000 acres and a lot of water.

Some hearings have already been held and more are scheduled before State Engineer Tracy Taylor.

When asked to elaborate on his comment about high-level political pressure being applied to federal agencies, Herskovits said he would not name individuals but it had been told to him by multiple sources that politics are effecting positions.

"When I get repeated statements from both within the agencies and outside the agencies I give it some credence," he said.

Herskovits called the letter a well placed attempt to pressure the highest levels of the Dept. of Interior to pursue a course of action within the hearing system.

He said the SNWA has a lot of political connections within Nevada as well as in Washington.

"Before the Spring Valley hearing the (National) Park Service produced a hydrologic study showing a high likelihood of damage to Great Basin National Park because of the pumping by drawing down groundwater sources," Herskovits said, adding that the study was never entered into the record.

"It all comes down to science," he said.

Hydrologists and scientists all agree that this is going to be harmful, Herskovits said.

The Center for Biological Diversity, Southern Nevada Sierra Club, Great Basin Water Network, Progressive Leadership Alliance of Nevada, and 19 other conservation and environmental organizations from Nevada and Utah signed the letter to Kempthorne.

The groups wrote that they feared that Kempthorne could order the agencies to designate their participation out of the Snake Valley hearings.

"Previously, under the watchful presence of the Department (of the Interior), the Bureau of Land Management, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, and National Park Service all

signed stipulated agreements with SNWA that included dropping their protests of water applications in Nevada's Cave, Delamar and Dry Lakes valleys," the letter read.

"My understanding of the letter is that it has been occasioned by the fact that there has been a pattern of the federal agencies abandoning their protests before hearings," Herskovits told the Ely Times.

He cited political pressure on the part of the SNWA and its supporters, adding that the BLM, Forest Service and other federal agencies have concerns.

"Politics trump that or appear to have trumped that in the past," Herskovits said.

"I think that's the bottom line here is that there appears to be legitimate scientific evidence," he said.