

## **FOR RELEASE**

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## **CONTACT**

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### **Draft Agreement Released on the Management of the Snake Valley Groundwater System**

After almost four years of negotiation, Utah and Nevada are releasing a draft agreement for the management of the Snake Valley Groundwater System. The agreement, mandated in 2004 by the United States Congress, concerns the establishment of a cooperative relationship between the two states regarding the allocation and management of the groundwater resources in the valley that straddles the state line. (A map is available in the link below.)

“The goal of the agreement is to protect the way of life of the water users in Snake Valley,” said Utah Department of Natural Resources Executive Director Mike Styler.

“This agreement is a fair and equitable sharing of the water resources of Snake Valley,” said Nevada Department of Conservation and Natural Resources Director Allen Biaggi. “Most importantly, it protects existing water rights owners in both states and establishes a long-term monitoring program for the valley’s water, air and biological resources.”

The agreement is the culmination of years of work by a committee comprised of state water experts, landowners and legal advisors. The issue of appropriately managing the aquifer which is used by both states came to light after the Las Vegas Valley Water District filed water right applications in Snake Valley and announced its intention to build a pipeline to carry the water to Las Vegas.

In 2004, Congress required Utah and Nevada to reach an agreement regarding the division of groundwater resources, which protects existing water rights and allows for the maximum sustainable beneficial use of water prior to any exportation of water from the Snake Valley basin.

The intent of the agreement is to define the water resource management responsibilities of each state; create a framework for cooperation between the states on natural resource issues of mutual interest; and provide protections for existing water rights and the health of the aquifer.

## Agreement Summary

The agreement includes the following:

1. Existing water rights in both states are preserved and protected.
2. The "Available Groundwater Supply" is defined in the agreement as 132,000 acre-feet (af), and is divided between Nevada and Utah. This amount of water is taken from the Basin and Range Carbonate Aquifer System Study (BARCASS), conducted by the U.S. Geological Survey. Both states agree that this study represents the best scientific data currently available.
3. Prior to action by the Nevada State Engineer, there is a requirement in the agreement for the gathering of hydrologic, biologic and other data in the basin. Actions on the Snake Valley applications are postponed until September 1, 2019.
4. The water resources of the basin were divided into three separate categories:
  - *Allocated*: water set aside for existing rights with a priority date prior to October 1989 (the date of the Las Vegas Valley Water District applications in Nevada). These amounts are 55,000 af in Utah and 12,000 af in Nevada;
  - *Unallocated*: water available to the state engineers of both states to appropriate in accordance with the laws of their respective jurisdictions. Utah 5,000 af, Nevada 36,000 af;
  - *Reserved*: water the State Engineers may grant when and if reliable data is gathered indicating this water can be safely and sustainably withdrawn without impacting other water rights holders. Utah 6,000 af, Nevada 18,000 af. Overall this is a 50% split of 132,000 af between the two states.
5. Monitoring will continue through the Monitoring and Management Plan when and if pumping begins to determine if withdrawals are creating adverse impacts.
6. If an adverse impact is identified, the agreement establishes a review and appeal process to address the impact and remedy it through pumping management, compensation or other actions.
  - SNWA has agreed to address adverse impacts to Utah water rights. SNWA has agreed to a process where potentially injured parties register a simplified claim with SNWA. SNWA may immediately offer mitigation, and if the water user finds the mitigation unacceptable, the user may appeal to a two-state panel.
  - Nevada agrees to address adverse impacts to Utah water right holders in accordance with Nevada law administered by the Nevada State Engineer which simplifies the process to resolve these claims if the injured party wishes to participate.
  - An injured party gives up no legal right to pursue these issues in an alternate legal forum if they choose to do so rather than participate in the process established in the agreement.
7. A monitoring and mitigation fund will be established by SNWA to provide compensation for impacts.
8. There are requirements to make all data generated by the agreement open to the public and available on Nevada and Utah websites.

9. There is a requirement for periodic reevaluation of hydrologic data and water availability by the two states.
10. Utah and Nevada will conduct public information meetings on the Agreement and Plan. These meetings are scheduled to be held in Baker and Las Vegas, Nevada and Salt Lake City and Delta, Utah.

Water officials in Utah and Nevada believe this agreement protects existing groundwater rights and fairly divides the Snake Valley aquifer.

### **Download**

The draft agreement and plan may be downloaded at:  
[www.waterrights.utah.gov](http://www.waterrights.utah.gov)

### **Public Meetings**

Public meetings on the agreement will be held at the following locations:

- **August 17, Baker, Nevada**, 1 p.m. at the community gymnasium
- **August 17, Delta, Utah**, 7 p.m. at the Millard County Fair Building, 81 Manzanita Ave.
- **August 18, Salt Lake City, Utah**, 10 a.m. to noon at the DEQ, Building #2, conference room 101, 168 North 1950 West
- **August 20, Las Vegas, Nevada**, 9 a.m., at the Southern Nevada Water Authority Board Meeting, Molasky Corporate Center, Southern Nevada Water Authority Board Chambers, 100 City Parkway, Suite 700 (7th floor)

### **Written Comments**

Written comments about the agreement will be accepted until September 14, 2009. Comments may be sent by email to:

[snakevalley@utah.gov](mailto:sakevalley@utah.gov)  
[snakevalley@water.nv.gov](mailto:sakevalley@water.nv.gov)

Comments may be submitted in writing to:

Snake Valley Agreement  
c/o Nevada Department of Conservation  
and Natural Resources  
Suite 5001  
901 S. Stewart St.  
Carson City, NV 89701

Snake Valley Agreement  
c/o Utah Department of Natural  
Resources  
Division of Water Rights  
1594 West North Temple, Suite 220  
SLC, UT 84114