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Now the hard part: Parties await water pipeline decision

BY HENRY BREAN
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Friends and foes of the Southern Nevada Water Authority's pipeline project took one last opportunity to snipe at each other Friday, as a state hearing on the controversial plan finally came to a close in Carson City.

The proceeding that began on Sept. 26 wrapped up at just after 11 a.m. on its final day, following closing arguments by all the parties involved.

Water authority attorney Paul Taggart spent most of his allotted time trying to poke holes in the arguments presented against the project over the past 53 days.

But Taggart began his closing remarks with a statement everyone in the hearing room probably would agree with: "This is obviously the most important water case the state has ever heard."

The authority is seeking state permission to siphon up to 126,000 acre-feet of groundwater a year from four rural valleys in Lincoln and White Pine counties.

If stretched through reuse, that is enough to supply more than 425,000 homes in a community that now gets 90 percent of its water from the Colorado River.

The groundwater would be pumped to Las Vegas through a multibillion-dollar pipeline network stretching more than 300 miles.

Nevada's top water regulator, State Engineer Jason King, is expected to rule on the groundwater applications underpinning the project by the end of March.

He has a lot to consider between now and then.

The official record for the hearing will feature tens of thousands of documents and a transcript covering six weeks of testimony by 82 witnesses.

Taggart said it will be up to King to determine what is "substantial evidence" and what is "just paper."

Attorney Simeon Herskovits, who served as the chief voice of the opposition during the state

hearing, urged King to remember that when it comes to the water authority's voluminous evidence, "quantity is no substitute for quality."

Herskovits gave a lengthy closing statement that was cut short by chief hearing officer Susan Joseph-Taylor after it went well past the 15-minute time limit. In it, the attorney attacked the authority's tactics and its testimony, accusing the agency of putting on a "stage-managed" case filled with "extraordinary theatrics" and "heavy-handed lawyering."

Paul Hejmanowski, attorney for the Church of Jesus Christ of Latter-day Saints, urged King to reject the authority's 22-year-old groundwater applications because they are dated and flawed. He said the authority failed to prove that its plans as presented would not dry springs and damage water rights used by the church-owned Cleveland-Rogers Ranch in White Pine County's Spring Valley.

"This project will cause groundwater mining on an unprecedented scale," said Hejmanowski, who works for Lionel, Sawyer & Collins, one of Nevada's top law firms. "That ought not happen on our watch."

Attorney Paul EchoHawk from the Confederated Tribes of the Goshute Nation lashed out at the U.S. Department of the Interior and Bureau of Indian Affairs for dropping its protest of the pipeline project and entering into a monitoring agreement with the water authority in 2006. EchoHawk called it a "backroom deal" struck without consultation or consideration of the American Indians in the area.

He also renewed the tribes' cultural and spiritual objections to large-scale groundwater pumping in White Pine County's Spring Valley, the site of a 19th-century massacre of Indians.

EchoHawk said that during testimony about the massacre, one tribal member left the hearing room in tears.

Steven Reich, representing one of the hearing's most unusual participants, argued against the pipeline as a "short-term strategy that will cause long-term harm." Reich was speaking on behalf of The Long Now Foundation, a San Francisco-based group of intellectuals that wants to foster "the long view" in society by building a clock that will tick for 10,000 years.

The foundation owns ranch land in Spring Valley and an old mine in the mountains above.

Reich said the state engineer should base his decision on sound science, "not the short-term needs of a wasteful city built in an arid area."

"It's our duty to be good ancestors," he said.


The hearing's last words went to the water authority's Taggart, who noted that many of the nation's largest cities get their water from someplace outside their boundaries. It's time for Las Vegas to start doing the same, he said.

"Approve these applications to secure a safe and reliable water supply for seven out of 10 Nevadans and to secure the economic viability of the state as a whole," Taggart said.

Contact reporter Henry Brean at hbrean@reviewjournal.com or 702-383-0350.

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