

Senator Dennis E. Stowell proposes the following substitute bill:

JOINT RESOLUTION REGARDING ACTION

ON GROUNDWATER IN SNAKE VALLEY

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard W. Wheeler

Senate Sponsor: Dennis E. Stowell

- | | | | |
|----|--------------------|-----------------------|------------------------|
| 7 | Cosponsors: | Lorie D. Fowlke | Kay L. McIff |
| 8 | Douglas C. Aagard | Craig A. Frank | Ronda Rudd Menlove |
| 9 | Sheryl L. Allen | Gage Froerer | Karen W. Morgan |
| 10 | Sylvia S. Andersen | Kerry W. Gibson | Michael T. Morley |
| 11 | Roger E. Barrus | James R. Gowans | Carol Spackman Moss |
| 12 | Ralph Becker | Keith Grover | Paul A. Neuenschwander |
| 13 | Ron Bigelow | Neil A. Hansen | Merlynn T. Newbold |
| 14 | Jim Bird | Wayne A. Harper | Michael E. Noel |
| 15 | Jackie Biskupski | Lynn N. Hemingway | Curtis Oda |
| 16 | DeMar Bud Bowman | Neal B. Hendrickson | Patrick Painter |
| 17 | D. Gregg Buxton | Christopher N. Herrod | Paul Ray |
| 18 | David Clark | Kory M. Holdaway | Phil Riesen |
| 19 | Stephen D. Clark | Gregory H. Hughes | Stephen E. Sandstrom |
| 20 | Tim M. Cosgrove | Fred R. Hunsaker | Jennifer M. Seelig |
| 21 | Bradley M. Daw | Eric K. Hutchings | LaWanna Lou Shurtliff |
| 22 | Brad L. Dee | Christine A. Johnson | Gordon E. Snow |
| 23 | Glenn A. Donnelson | Brad King | Kenneth W. Sumsion |
| 24 | John Dougall | Todd E. Kiser | Aaron Tilton |
| 25 | Jack R. Draxler | Bradley G. Last | Mark W. Walker |
| 26 | Carl W. Duckworth | David Litvack | Mark A. Wheatley |
| 27 | James A. Dunnigan | Rebecca D. Lockhart | Larry B. Wiley |
| 28 | Ben C. Ferry | Steven R. Mascaro | Carl Wimmer |
| 29 | Janice M. Fisher | John G. Mathis | Scott L Wyatt |
| 30 | Julie Fisher | Rosalind J. McGee | |

31

32 **LONG TITLE**



33 **General Description:**

34 This joint resolution of the Legislature expresses to the Governor the will of the
35 Legislature regarding the division of the aquifer shared with Nevada.

36 **Highlighted Provisions:**

37 This resolution:

38 ▶ urges the Governor to:

- 39 • consider the consequences of a potential groundwater development project;
- 40 • involve the citizens in developing the division agreement with Nevada; and
- 41 • refrain from entering into the division agreement with Nevada until scientific
42 studies have been completed; and

43 ▶ directs a copy of the resolution be sent to various parties.

44 **Special Clauses:**

45 None



47 *Be it resolved by the Legislature of the state of Utah:*

48 WHEREAS, there is an interstate aquifer underlying Snake Valley in western Utah and
49 eastern Nevada;

50 WHEREAS, this aquifer is the source of the springs, seeps, and wells that support the
51 citizens' livelihoods and fragile ecosystem in Snake Valley and other areas of western Utah;

52 WHEREAS, the Southern Nevada Water Authority has filed groundwater applications
53 with the Nevada State Engineer to pump 50,680 acre-feet of water annually out of the aquifer
54 as part of the Clark, Lincoln, and White Pine Counties Groundwater Development Project;

55 WHEREAS, the impacts this groundwater development project could have on the water
56 resources, land, economy, wildlife, and overall quality of life in western Utah greatly concern
57 the citizens of the state;

58 WHEREAS, Public Law 108-424, the Lincoln County Conservation, Recreation, and
59 Development Act of 2004, requires the United States Geological Survey, the Desert Research
60 Institute, and a designee from the State of Utah to conduct a study known as the Basin and
61 Range Carbonate Aquifer System Study;

62 WHEREAS, the steps of the study required by the Lincoln County Conservation,
63 Recreation and Development Act of 2004 are:

64 (1) investigate groundwater quantity, quality and flow characteristics in the deep
65 carbonate and alluvial aquifers of White Pine County, Nevada;

66 (2) investigate groundwater quantity, quality, and flow characteristics in any
67 groundwater basins that are located in White Pine County, Nevada, or Lincoln
68 County, Nevada, and adjacent areas in Utah;

69 (3) include new data and review existing data;

70 (4) determine the approximate volume of water in the aquifers;

71 (5) determine the discharge and recharge characteristics of each aquifer system;

72 (6) determine the hydrogeologic and other controls that govern discharge and
73 recharge of each aquifer system; and

74 (7) develop maps at a consistent scale depicting the aquifer systems and the
75 recharge and discharge areas of such systems;

76 WHEREAS, the Bureau of Land Management's environmental impact study for the
77 groundwater development project will analyze the environmental impacts associated with the
78 anticipated groundwater withdrawal;

79 WHEREAS, the Lincoln County Conservation, Recreation, and Development Act of
80 2004 requires that, prior to any transbasin diversion from groundwater basins located both
81 within the State of Nevada and the State of Utah, Utah and Nevada shall reach an agreement
82 dividing the water resources of the interstate groundwater flow systems in which those
83 interstate groundwater basins are located; and

84 WHEREAS, the Governor has assured the citizens of western Utah that he would not
85 approve a project that would compromise peoples' lives and livelihoods, and there would be
86 some continuity to their quality of life:

87 NOW, THEREFORE, BE IT RESOLVED that the Legislature urges the Governor to
88 carefully assess the groundwater development project's potential economic, social, and
89 environmental consequences in Utah, including assessing impacts to indigenous flora and
90 fauna and modeling groundwater behavior under any proposed pumping plan.

91 BE IT FURTHER RESOLVED that the Legislature urges the Governor to allow public
92 participation in the development of the agreement with Nevada by inviting a citizen from
93 Snake Valley to participate in the negotiations with Nevada and allowing public review and
94 comment on a preliminary draft of the agreement.

95 BE IT FURTHER RESOLVED that the Legislature urges the Governor to refrain from
96 entering into an agreement with Nevada until:

97 (1) all steps of the scientific study required by the Lincoln County Conservation,
98 Recreation, and Development Act of 2004 are complete to ensure that there is an adequate
99 scientific basis on which to form an agreement; and

100 (2) the terms of the agreement itself provide for how to divide the water resources of
101 the interstate groundwater flow systems in which the interstate groundwater basins are located,
102 as required by the Lincoln County Conservation, Recreation, and Development Act of 2004.

103 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Governor of
104 the state of Utah, the Governor of the state of Nevada, the Executive Director of the Utah
105 Department of Natural Resources, the Director of the Nevada Department of Conservation and
106 Natural Resources, the Utah State Engineer, the Nevada State Engineer, the General Manager
107 of the Southern Nevada Water Authority, and a representative of the Snake Valley Citizen's
108 Alliance.

Fiscal Note

**H.J.R. 1 1st Sub. (Buff) - Joint Resolution Regarding Action on Groundwater
in Snake Valley**

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
