

State engineer hit with many questions

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There were plenty of questions and comments after the crowds in Yerington and Smith Valley heard the state engineer's announcement last Thursday that supplemental water rights would be cut by 50 percent.

In Smith Valley Thursday evening, where more than around 130 attended, many domestic well owners, while about 80 attended the Yerington meeting, many involved with agricultural water usage, so the questions varied.

Several questions raised early in the Smith Valley meeting were related to the water rights for the Smith Valley Dairy.

The second question of state engineer Jason King referenced a meeting he conducted in Smith Valley last year to discuss the dairy's water rights application to move place of use to a well near the proposed dairy site, which drew opposition from neighbors.

That question last week charged that during the prior meeting Smith had told the crowd there was plenty of water in the aquifer while that night they were told there wasn't, so the resident charged he'd lied to them at one time or the other.

King, though, said the approval of that water rights application was based on prior appropriation, according to Nevada water law, as it was an older priority water right. He added he took offense being told he had lied.

"You told us there was plenty of water," the Smith Valley resident replied, while another responded to his comment about prior appropriation, "That means all the domestic wells (nearby) could go dry and the dairy still gets its water?"

King said they were sidetracked from the issue at hand that night, noting the lowering groundwater level was a reason for the 50 percent curtailment order on supplemental rights.

"Priority is king," he said of Nevada water law. "Senior water rights holders are satisfied first," following the "first in time, first in right" concept. He added that had been the law for 111 years.

To which a resident responded, "There was plenty of water 111 years ago."

At the Yerington meeting, there were questions regarding a charge that some who pump using their supplemental water rights were over pumping beyond the water rights they held.

When another comment seemed to deal with the dairy situation, King said that resident seemed to be focused on 278 acre-feet involved in that water rights application, while there were 17,000 acre-feet involved in the supplemental rights pumpers.

Farmer Nat Lommori said the farmers who don't pump more than they have rights for, who "obey the rules," were being punished the same as others who were in violation. A former school superintendent, he said this was like when parents complained when a teacher punished everyone in class when a few did something wrong.

"A lot of hard-working farmers have abided by the rules," Lommori said.

King at one point said he didn't want to tell residents to tell on their neighbors but if someone wanted to give them names or proof of people violating water usage, they would accept it and investigate.

In response to one Yerington meeting comment about only going after farmers, King said domestic well users consumed only a small amount of water compared to irrigation well pumpers. "I try to target the big users," he said, to make the best positive result. He added domestic well users "are not within my purview."

Only a permit is required for a domestic well as there aren't water rights associated with them, as long as they pump within the allowed 2 acre-feet.

There were several questions about temporary permits and one person said they didn't think any should be approved but King said if they are allowed by law it is hard to deny them.

Rancher Bryan Masini at the Yerington meeting said he appreciated the way King had done this but he also cited a bill draft for the 2015 Legislation related to water rights and Masini added, "In my mind ... you might be ahead of the game."

King, though, said he didn't think the bill had much to do with the action being discussed that day. He said one of his office's bill drafts deals with management areas.

Jim Aiazzi asked how the 50 percent figure was derived, was it based on a formula.

King said there was no formula. He said they felt 25 percent was too low and they "wouldn't get much return (improving groundwater level) at that figure and while they thought perhaps a higher amount could be needed, they thought anything higher "would be draconian", so they tried for a balance.

Aiazzi said some people plant in the fall and so this is coming late for them.

Masini said with the current climate situation and the premise of "climate change" this action could be permanent.

King said that could be true but they hear many things about climate change, with some thinking the recent dry and warmer temperatures "are the new normal," as in the '50s and '60s they didn't have the big gap between the wet years like they've had in the 2000s.