

"One of the big questions is how to get those basins back in equilibrium," said Howard Watts, communications specialist with Great Basin Water Network, an organization that was formed in 2006 to protect rural water at its source and promote sustainable and transparent water policies.

The Pahrump Valley currently has 60,000 acre feet of paper water rights to pump water issued by the state, which is now overseen by Nevada State Engineer Jason King. The valley has approximately 20,000 acre feet of recharge annually.

Lacy said Pahrump has the largest concentration of domestic wells in Nevada, yet most of those wells are junior in priority to water rights in the valley.

"The large number of domestic wells make Pahrump unique so we may need exceptions to the general rule," Lacy said.

Under state law, the domestic wells would be the first pumping to be curtailed.

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Sen. Dann, chairman of the Nye County Water District Governing Board, declined to comment on the meeting, but said it was "very educational."

In a letter, King encouraged the subcommittee to consider legislation to provide an exception to the current law that would require complete curtailment of junior priority domestic wells if curtailment by priority was required in a groundwater basin.

"The state engineer encourages this committee to consider legislation that continues to refine Nevada water law and provide flexibility in the development and acceptance of groundwater management plans, whether in a Critical Management Area or not," the letter said.

Several other issues considered by the subcommittee include surface water and groundwater, perennial yield or the amount water that a basin can provide each year without decreasing, and beneficial use of water rights.

Meanwhile, Watts said Great Basin Water Network hopes for a few things.

"First, we want to make sure that the laws aren't weakened by those who would like to see more unsustainable growth or gain from a weakening of senior water rights," Watts said. "Second, we think some stronger legal language needs to be put into place to emphasize the water rights of natural water features and plants, which provide many benefits to the state."

The subcommittee plans to hold a meeting in Pahrump in July.

Contact reporter Daria Sokolova at dsokolova@pvtimes.com. On Twitter: [@dariasokolova77](https://twitter.com/dariasokolova77)

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Water District to work on domestic well BDRs



By Daria Sokolova Pahrump Valley Times
July 29, 2016 - 6:35 am

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Nye County Water District staff will work on bill draft requests (BDRs) for domestic wells for the Legislative Commissions Subcommittee to Study Water.

The county Water District Governing Board keyed in on domestic wells after discussing a number of bill draft requests that were proposed by the boards contractor, Oz Wichman, in a staff report on Monday.

(State Engineer) Jason King would like to clarify that in a legislation to where in times when the basin is in serious troubles that the domestic well owners are still allowed to use well water for indoor use, Wichman said.

Kings move would be an exception to the current law that would require complete curtailment of junior priority domestic wells if curtailment by priority was required in a groundwater basin.

King wants to amend the provision to restrict outdoor use of domestic well water in times of curtailment with no curtailment of indoor use, but members of the board made a recommendation that the measure would be done as a last resort for balance of the basin only and allow for indoor use of water and use of water for domestic animals.

King already made a recommendation to the Legislative Commissions Subcommittee to Study Water by King, however its not clear what the subcommittee will do with this recommendation.

From my seat in the fray, completely up to the governor of the state, nobody has an interest in completely shutting off domestic wells, period. Wichman said. So Jason King is looking for an exception in the law that if it does really get down to the fray, ends, that he has a way to curtail the domestic well without having to tell them that they cannot use indoor water.

Wichman said the board should support Kings idea, but board member Ken Searles said he wants to set up priority that would prevent the state engineer from taking individual water.

I would try and put a BDR to limit for indoor use and for domestic animals, as a last resort only, Searles said.

The Pahrump Valley has close to 60,000 acre feet of paper water rights and over 11,000 existing domestic wells. The valley also has approximately 20,000 acre feet of recharge.

Domestic wells are of a junior priority to most of the 60,000 acre feet of water rights on the books in the Pahrump Valley.

Fifty-six of Nevadas water basins are severely over-allocated, according to Great Basin Water Network. That means that there isnt enough water to meet the water rights that the state has dished out.

If you look at the figures, the highest use of water in the state of Nevada is for irrigation. I think thats what the state engineer is after, Wichman said.

Other proposed BDRs from Wichmans staff report that officials discussed at the meeting were water conservation plan, law changes regarding irrigation and limitations on new domestic wells.

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Management Plan.

The Legislative Commissions Subcommittee to Study Water has been gathering information from different groups across the state and will work on recommendations for future legislation during its last meeting.

The subcommittee will hold its last meeting at 9 a.m. on Aug. 26 in Carson City. The meeting also will be teleconferenced at the Grant Sawyer Building, located at 555 E. Washington Ave., in Las Vegas.

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Goicoechea returns to hear from well owners



Horace Langford Jr./Pahrump Valley Times Pahrump resident Kenny Bent and Nevada state Sen. Pete Goicoechea listen to Pahrump's well owners' concerns during the meeting on Tuesday.

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By Dana Sokolova Pahrump Valley Times
August 12, 2016 - 5:00 am

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Goicoechea, who chairs the subcommittee, heard several suggestions on how to address the overappropriated Basin 162 that has been a concern of many domestic well owners in Pahrump.

Many at the meeting spoke about their support for a moratorium on growth in town. Some suggested taxing 60,000 acre feet of water rights and questioned why certain municipalities don't have to prove beneficial use.

"We really need a moratorium until we figure this out," Pahrump resident Andy Alberti said at the meeting.

Goicoechea said a moratorium on growth falls outside of the Legislature's purview as it's typically done by local jurisdictions, such as the county commission.

"We, as a state don't deal with it," he said about a moratorium on growth.

If the Legislature taxes water rights in Basin 162, it will have to do so across the state, he said.

The Pahrump Valley has close to 60,000 acre feet of paper water rights and over 11,000 existing domestic wells.

Pahrump, however, doesn't qualify for a critical management area because its water levels aren't declining, officials said.

"I think water conservation is the key, but again, that is something that should be dealt with on a local level," Goicoechea said.

"The legislation we deal with is statewide, you have to understand that. You guys need to figure out, it's 11,000 domestic wells supported or 20,000 domestic wells supported. That's the issue in front of the people in Pahrump. At what point you no longer draw or what do you do. There is a finite amount of water in this basin," Goicoechea said.

Fifty-eight out of 256 basins in Nevada are considered to be overappropriated. The only critical management area is Diamond Valley, located in the central part of the state.

Nevada State Engineer Jason King previously said that he supports metering of domestic wells across the state, however Goicoechea spoke against curtailment of domestic wells.

"I told you, when I started this conversation, that I did not believe the state engineer has the legal authority to curtail domestic well pumping and I will support that," Goicoechea said.

Following the meeting, Goicoechea said that Pahrump residents brought up a lot of "good points" during the meeting.

"I'm grateful for the turnout. Some of them have merit. We will look at them and consider them," he said about the proposals.

Taxing water rights that are held by municipalities or making them prove beneficial use was one of those points, he said.

"It boils down to the fact that existing domestic wells are not the problem," Goicoechea said. "What we have to be concerned about is these areas that are overappropriated and could face future growth that would impact them."

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"These water issues aren't going away. In Pahrump, it's the domestic wells, that is an issue. But across the state, there are issues of every color. And again, this subcommittee is trying to deal with them, again what we deal with will be statewide."

The Legislative Commission Subcommittee to Study Water held five meetings across the state to gather input on water issues before submitting Bill Draft Requests to the Nevada Legislature. One of the meetings took place in Pahrump on July 12.

The subcommittee's final meeting will take place at 9 a.m., on Aug. 26, in Carson City.

During the meeting, members of the subcommittee will try to come up with recommendations for the Legislature for changing the water law.

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"The goal is to establish a time frame in which significant amounts of domestic wells will dry up and where," Nye County Water District Governing Board interim General Manager Oz Wichman said.

<http://pvtimes.com/post/35136>) The study is expected to be finished at the end of the year, officials said.

"This study is still in progress and is not yet ready for public release. Once the study is completed, it will need to go through internal review before it is ready for public release," Nye County Geoscientist John Klenke said.

The amount of annual recharge in Basin 162 is 20,000 acre feet. Water pumping in the Pahrump Valley hovers around the 14,000-acre-foot mark, which leaves the valley with 6,000 acre feet of additional recharge available for pumping, according to the Nevada Division of Water Resources.

The state of Nevada issued over 60,000 acre feet of water rights for Basin 162. Pahrump has 11,000 domestic wells.

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Once finished, the study will be incorporated into the Basin 162



"Within the groundwater management plan, we need to establish a time frame in which we can bring the basin to balance, the measure of annual pumpage versus net recharge," Wichman said.

The Basin 162 Groundwater Management Plan has two goals, he said. One is to reduce the overallocation, the amount of water rights on the books and to stabilize the water levels in the basin.

Recently, the Nye County Water District Governing Board voted to move forward with the water conservation plan that outlines landscaping, turf and watering restrictions for new construction in Pahrump.

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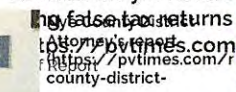
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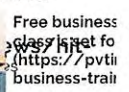
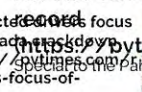
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Goicoechea puts focus on water issues in re-election campaign



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In his re-election campaign, Nevada Sen. Pete Goicoechea put a heavy emphasis on water issues in his spacious District 19.

"The biggest issue I think facing the state of Nevada today is our water resources, and we are going to have to deal with that," he said.

The Republican Eureka rancher, who represents Nevada District 19, said a domestic well is not "a transferable right."

"I continue to argue with the state engineer that a domestic well is a property right and is tied only to that property and is not a permitted right like most water rights in the state," he said.

Nevada has approximately 55,000 domestic wells, which is equivalent to 110,000 acre-feet of water rights. Nevada State Engineer Jason King previously said that he supports metering of domestic wells across the state. However, Goicoechea spoke against curtailment of domestic wells, wanting to focus on conservation.

"Just hammering on the domestics isn't going to balance this water budget," said Goicoechea, who chaired the recent Legislative Commission Subcommittee to Study Water. "We need to move well beyond that."

Banked water rights are another issue that the state currently has, Goicoechea said.

"Under the existing law, it's illegal; it's 'use it or lose it,'" he said. "And yet, we've got people through the extension process that are holding water rights for years without using them."

Water rights for future growth should be held by local governments or local jurisdictions, he said.

At the legislative subcommittee's final meeting in August, officials recommended the state limit new domestic wells to a half-acre foot annually in severely overappropriated basins and designated critical management areas along with other bill draft requests.

The proposed bill draft requests will be forwarded to the Nevada Legislature. In the initial round, Goicoechea said officials will do smaller tweaks, change definitions and clarify information.

"And then, I also think there would be the ability to move toward some water conservation measures that technically are not allowable today under the law," he said.

"I think we will probably see part of the recommendations out of the committee come forward that maybe a few are in a severely-overappropriated basin or critical management area, then the state engineer will have the ability to make some concessions for conservation," he said.

During the last legislative session, Goicoechea broke ranks with the GOP and voted against Gov. Brian Sandoval's \$1.1 billion package for the governor's education initiatives.

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Goicoechea said he opposes Nevada ballot Questions 1 and 2, which would expand background checks for private firearm sales and legalize recreational marijuana respectively.

"I've always been a proponent of the Second Amendment, and I wouldn't support that in any way, shape or form," he said about Question 1.

"Unfortunately, I hate to say it, but it's going to make criminals out of a lot of good, average people. They are not going to give their guns up."

Goicoechea, who supports medical marijuana, said recreational pot presents different concerns.

"There's gotta be some big money in it, because everybody wants to get into the marijuana whether it be dispensary or grow, and anytime you've got that kind of money floating around," he said. "There's going to be as much money under the table as there is on top of it. So, I'm afraid we will end up with more illegal activity."

He added that he believes marijuana is a gateway drug that can lead to other problems.

Goicoechea was a Eureka County commissioner for 16 years. He was elected to the Nevada Assembly in 2002. He is currently a minority leader in the outgoing Nevada Senate.

District 19 in the Nevada Senate includes Elko, Eureka, Lincoln, and White Pine counties. It also includes most of Nye County and part of Clark County.

Goicoechea is being challenged by Janine Hansen, who is running on the Independent American Party. Hansen lost to Goicoechea in 2012 in a three-way race that saw her finish third with 19.5 percent of the vote. Hansen ran for the U.S. House of Representatives in 2014, finishing a distant third.

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The county water board continues to go through the Ground Water Management Plan even though parts of it have already been forwarded to State Engineer Jason King.

During the lengthy discussion, members of the Nye County Water District Governing Board talked about how to better implements parts of that plan.

"Essentially, we are through the largest part of the (Ground Water Management Plan) except for some items that in my humble opinion, were sent to the state engineer out of context, and I want to talk about those," board interim general manager Oz Wichman said.

One of the recommendations forwarded to King by the Nye County Commission was requiring meters on new domestic wells and limiting them to a half-acre foot annually. The suggestion is based on the notion that the basin water resources cannot support the drilling of domestic wells, Wichman said.

The Legislative Commission's Subcommittee to Study Water in August agreed to allow King to limit withdrawals for new domestic wells.

"We will have to wait and see what the legislative subcommittee puts up as proposed change," board member Ken Searles said. "Depending on what comes out of that proposal, we may want to make some very serious inroads to get any language we do not approve changed."

Additionally, board members decided to continue educating new well owners on the use of supplemental water rights, another item that had been sent to King.

"Before we embark on a costly public outreach component as part of the groundwater management plan, we need to have some more facts and figures presented to us in an understandable manner," Wichman said. "So, probably the reality of this item is it would be a next year discussion."

An aquifer storage and recovery project, with redistribution of pumping; and preparation of a utility backbone infrastructure plan with the Public Utilities Commission of Nevada were included in the Professional Engineering Report.

"The place to start is to include it in the (report) subjects, capture the bang for the buck, capture some of the subtleties of dealing with PUC and utilities regulated by the PUC and frame the discussion in context with bang for the buck," Wichman said about the infrastructure plan.

Board members also discussed several items from the management plan that Nye County commissioners had taken no action on. Among them were groundwater modeling, growth control and water importation.

They said that they will monitor groundwater modeling through the Central Nevada Water Authority and other venues to see what other steps legislature will propose, and then act accordingly.

"I don't know at this point in time if this board should do anything except monitor what the state Legislature is proposing to do with the help of

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Water importation to Pahrump was held until more information is available.

"I would have to say on the information that I have at this time, if you want to grow this community north of 80,000 to a 100,000 people, maybe a little bit more, you are going to have to import water and it's got a big price tag," Wichman said.

"If this board wants to pursue this as an option, you need to budget up and you need to start today because it is a journey literally of 1,000 miles," he said.

They also discussed growth control and directed staff to pursue the item as outlined.

"The groundwater management plan is about growth control," Wichman said. "It's acknowledging that we've got enough land here to grow the community to a half million people and enough water here to grow the community to 80,000 to 100,000 (people), maybe."

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Basically, all that the groundwater committee asserted was that the Pahrump master plan has already a little under these items relating to water that needs to be written in a county code, and that those need to be pursued, because the current version of the Pahrump master plan if you implement all of the policies, you are talking population of 130,000 people," he said.

Contact reporter Daria Sokolova at dsokolova@pvtimes.com. On Twitter: [@dariasokolova77](https://twitter.com/dariasokolova77)

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PAHRUMP — Nye County is gearing up for the 2017 Nevada Legislative Session that could bring changes in water laws across the state.

The Central Nevada Regional Water Authority, a unit of local government established by agreement of eight member counties, recently held a meeting in Fallon where its members discussed proposed bills for the 2017 Legislative Session.

Steve Bradhurst, executive director of the water authority, said the Legislature is expected "to address a number of important water bills."

Nevada State Engineer Jason King has already submitted four Senate bills for the 2017 session. In addition to these bills, there will be five bills from the Nevada Legislative Commission's Subcommittee to Study Water, and bills from individual legislators and legislative committees, Bradhurst said.

"It will be important to not only monitor water bills in the 2017 session but also to let legislators know what you think about the bills, including testifying on the bills, if necessary," he said.

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Bradhurst said the water authority is concerned about a recommendation from King that state law be amended to allow the state engineer to approve an application to appropriate water that conflicts with an existing water right and/or domestic well, as long as there is a mitigation plan to address the conflict.

The water authority has three position statements in the document entitled "Summary of Recommendations, Legislative Commission's Subcommittee to Study Water."

"The authority has recommended these position statements for at least the last five years, and the authority is pleased they will appear in the subcommittee's report to the 2017 Nevada Legislature," Bradhurst said. "The difficult task at hand is to implement the position statements."

One of the position statements asks to "acknowledge surface water and groundwater connectivity and the need for the Office of the State Engineer to utilize conjunctive management of surface and groundwater resources where connected."

The second position statement recommends a statewide discussion on water and encouraging various parties including the executive branch of the state government to develop a future water strategy.

The third position statement calls for local government land use plans to be based on identified sustainable water resources.

Nevada legislators will also consider the Nye County bill that proposes to repeal the Water District Act of 2007 as part of the legislation.

In August, Nye County commissioners voted to use its lone bill draft request to try to eliminate the state law that set up the Nye County Water District.

The current Nye County Water District Act that was enacted in 2007 "is not being applied as it is written," according to documents provided by the

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secure and develop sustainable sources of water," the documents said.

The act also provides for the acquisition, storage, sale and distribution of water by the district; authorizes the board to levy and collect certain taxes, and exempts the district from regulation by the Public Utilities Commission of Nevada.

Four Senate bills and the Nye County bill will go to the Senate Committee on Government Affairs, according to the documents.

The approved bills will be among hundreds of others bills that will be considered by the 2017 Nevada Legislature.

More than 1,000 bills are typically introduced during a session. However, not all of them make it to committees or are voted upon.

The session will start on Feb. 6 and end on June 5.

Contact reporter Daria Sokolova at dsokolova@pvtimes.com. On Twitter: [@dariasokolova77](https://twitter.com/dariasokolova77)

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'Water grab' feared at Nevada Legislature



President waves a sign during appearance to Sen. Pete Coicoe's community water meeting in August in Pahrump. Special to the Pahrump Valley Times

By Sandra Chereb Special to the Pahrump Valley Times
February 7, 2017 - 8:38 pm

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CARSON CITY — Well owners demonstrated before the Nevada Legislature convened Monday to protest proposed measures to regulate domestic wells that will be considered during the 120-day session.

Senate Bill 47 and other measures came out of an interim committee and recommendations from a drought task force created by Gov. Brian Sandoval to propose ways to better manage water in the driest state in the nation.

Public hearings were held in Nevada over the past year. Members of the Legislative Commission's Subcommittee to Study Water held a meeting in Pahrump on July 11. The state engineer's office has said more tools are needed to manage groundwater basins that are over-appropriated.

One measure would give the state engineer authority to limit domestic well use to a half-acre foot, instead of the two-acre feet under existing law, in distressed groundwater basins.

Rural residents view the effort as a "water grab" that will deprive them of their way of life.

"This issue for us is, we have five acres," said C.J. Ainsworth of Silver Springs, who was among about 30 people who demonstrated outside the Legislature Building early Monday.

"If this goes through our water will be cut by 75 percent, she said. "We have animals. We have a garden."

Roger Adams of Douglas County, an organizer of the protest, said the proposals expand the "authority of the state engineer to limit the amount of water we use."

Nevada water law is grounded on the doctrine of "first in line, first in right," meaning senior water right owners get their allotments first before junior rights holders. Domestic well owners do not have a permitted water right. Instead, they have a right to "use" 2 acre-feet per year and are essentially last in line.

Jason King, Nevada's state engineer, said in hearings held last year that one aspect of the bill proposal is to protect domestic well users to allow them enough water for indoor use if water curtailments are ordered because of shortages.

Hearings on the bills have not been scheduled.

The Pahrump Valley currently has 60,000-acre feet of paper water rights to pump water issued by the state and more than 11,000 existing domestic wells, which are now overseen by King.

The valley has approximately 20,000 acre feet of recharge annually.

Contact Sandra Chereb at schereb@reviewjournal.com. Follow @SandraChereb on Twitter. Pahrump Valley Times reporter Daria Sokolova contributed to this report.

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He has also proposed that under an "active" management area designation, he would be given absolute power to: limit irrigated areas and the movement of water rights; impose or authorize conservation practices that might otherwise result in forfeiture of water rights; the number of extensions of time for filing proofs of completion of construction and application of water to beneficial use; to designate preferred uses of existing rights, to assess fees to establish a fund to retire water rights and any other action the state engineer deems necessary.

Priority water rights are another issue that must be dealt with in conservation efforts, King said. Senior water right holders are protected over junior water right holders, and if there is a conflict, the senior right holder gets a priority. "That is why we want people who are using water to come up with a plan," King said. The Pahrump Basin 162 groundwater management committee has been working diligently to craft a priority list to address this concern.

King said that under current water law, he believes that his office has the authority to curtail the drilling of new domestic wells and the amount of water being drawn from domestic wells. However, he envisions domestic restrictions to apply to outdoor water use, for uses such as watering lawns or garden, washing vehicles, etc.

The state water law's "use it or lose it" component is contradictory to conservation initiatives, King said.

As an explanation of "banking" water rights, as a conservation measure, King advocated for the relinquishment of a certain number of acre feet of water rights for every acre foot to be used. The relinquished amounts would become special water rights that could not be canceled or abandoned; rather, if a developer wanted to purchase a water right, he could look to the relinquished quantity, as a reliable source of water.

King further explained that water rights in excess of what the basin can support in the long term have been issued. The "banking" concept is a method to get those excess water rights "off the books" in an effort to bring the basin into balance.

Though Oscarson says the conversation between lawmakers and the state engineer's office "are fluid," he remains largely opposed to many of the proposals. "Giving unlimited authority to the water engineer is not sustainable at all," he said. He also stood firm in the belief that priority water rights stay intact. Though, he said, "Nothing is written in stone and I encourage people to give us input."

Oscarson said he believes the state engineer has been proactive in his approach to conservation efforts and looks forward to further examination of water use impacts. King said the water problem in Pahrump, "Is not where we are today, but where we are headed."

Goicoechea foresees a struggle with the passage of both bills in their current form. Though restrictive legislation is just one way to address the projected water shortage, he would like to see other measures, such as desalination projects, considered.

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Oscarson said he would like to see aquifer water reserved for use in its basin of origination, as a conservation measure.

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Goicoechea has a "placeholder" bill reserved for consideration of other water conservation measures, but must have bill language in place by Feb. 16.

Testimony and hearings on both bills are scheduled for Feb. 11. Both Goicoechea and Oscarson encourage all stakeholders to contact their offices with input on the bills as well as other water conservation and basin-balancing proposals.

Comments on proposed Senate Bills 65 and 81 can be made and the bills can be tracked at www.leg.state.nv.us/Session/78th2015/.

Goicoechea said, "It's going to take a real effort by all of us to resolve this and we are looking forward to working together."

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Proposal to meter new domestic wells gains traction

By Lillian Browne Pahrump Valley Times lbrowne@pvtimes.com
February 25, 2015 - 7:00 am



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<https://pvtimes.com/post/17143> Eight-hour meeting of the Nye County Water District and Pahrump Basin 162 Groundwater Management Plan Committee, yielded results that will help move the county toward solving its water problems.

A controversial plan to meter new domestic wells was one of the water loss mitigation efforts approved by the county water district and water management committee on Monday.

A start date for the metering system, and other details concerning that implementation of the plan, including associated costs, were not announced.

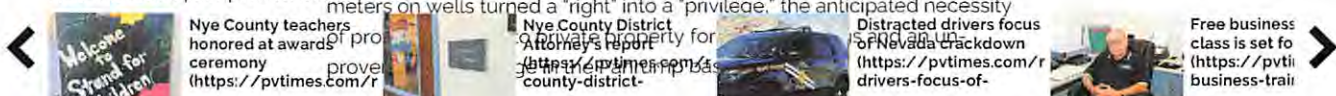
Nye County Water District member Michael Lach clarified the definition of "new" domestic wells as any newly-drilled well, excluding those parcels of property that had an unpumped well or well-casing in place. Also to be excluded from the metering plan are wells that need to be "lowered" or redrilled.

The measure, first proposed by the groundwater management committee as part of a water plan to obviate a designation of an "active" management area by the state water engineer, did not pass unanimously.

Several objections to the proposal were cited including a claim that meters on wells turned a "right" into a "privilege," the anticipated necessity

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Area 4 water district committee member Greg Dann was the sole no vote, voicing fears that if the state water engineer is able to determine through the data that the permitted two-acre feet of water per well is not being consumed, those amounts could be reduced.

The well-attended meeting, though fraught with accusations, finger-pointing and explanations resulted in meaningful progress toward implementing water conservation efforts. Those efforts include implementation of a plan to meter new domestic wells, compilation of a list of tax sale parcels that could be used to create retention basins or other water loss mitigation efforts and the award of a professional services contract to update the 11-year old county water resource plan.

Acting on Planning Director Darrell Lacy's recommendation, the water district directed that any parcels of property scheduled to be sold at auction for unpaid taxes, that could instead be used to build retention basins or for other beneficial water mitigation measures, be removed from the list of properties to be sold. Lach said the measure will remove the use of a substantial number of acre-feet of water from the basin over a period

The water district also authorized a contract with MaryEllen C. Giampaoli of Blue Diamond, to update the 2004 water resources plan, at a cost not to exceed \$80,000. The water resource plan update was identified as a priority for the groundwater management committee, according to Nye County Geoscience Manager Levi Kryder.

Dann objected to expending funds for the update and instead suggested funding the data collection and water modeling program needed to get a better idea of aquifer levels and projections for water use. Lacy said the water resource plan is used in decision making by other county departments including the planning department and the department of public works.

Following discussion, a proposed resolution implementing a three-to-one water relinquishment mitigation policy for commercial or industrial uses, was tabled for further refinement. The measure has successfully been used by the Board of County Commissioners as a special condition in granting a permit for a proposed RV park. However, prior to reducing a resolution to writing, language differentiating an agricultural versus a commercial marijuana operation will be examined.

In related business, the board also approved a water impact plan for a proposed medical marijuana cultivation and production facility located at 950 E. Anvil Road in Amargosa Valley. The plans calls for maximum annual water usage of 6.75 million gallons for cultivation and 3.4 million gallons for irrigation.

The next meeting of the Water District is March 23 at 9 a.m. at the County Commission Chambers located at 2100 E. Walt Williams Drive in Pahrump.

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Those threats include a declining valley-floor aquifer level, deemed to be caused by over-pumping, and over-appropriated water rights by the state's Division of Water Resources.

King attended the joint meeting of the Nye County Water District and the Pahrump Basin Groundwater Management Plan Committee on Monday, which was also well-attended by county residents.

King gave an update on changes made to proposed Senate Bills 65 and 81, which he presented to the Government Affairs Committee on Feb. 11.

King was the only one who spoke in favor of the bills, though many municipalities and special interest groups took a "neutral" position and advocated that they be permitted to join a workshop committee to amend the bills prior to a vote.

Opposition to the proposed bills came from Nye County residents, who gave testimony and submitted written comments calling on King to enforce "beneficial use" of water, as authorized by water law.

A notable change to proposed SB 65 is the means by which a county commission could charge annual fees to pay for salaries associated with persons designated by the state engineer to supervise a stressed groundwater basin.

The amended language states that those fees may also be used to pay for services associated with the implementation of a groundwater management plan in an area designated as an active or critical management area.

Under the new proposal, no longer will "any number of extensions" be permitted for proof of beneficial use of water. Instead, "an extension not to exceed one year from the expiration of the time otherwise necessary to work a forfeiture" will be allowed. A closer reading of the bills reveals that one five-year extension would be allowed and subsequent extensions of no more than one year at a time could be sought.

Nye County has endeavored to address the projected water shortage at the local level by identifying priority items to be incorporated in a proposed groundwater plan. Some priority items have already been acted upon though the plan is not yet complete.

The water district took action Monday to implement a requirement that all new domestic wells be outfitted with meters.

Though it is not disputed that collecting information regarding water usage does not specifically address declining aquifer levels, it will provide limited data that could, at some point, be added to a layered water model, which can help guide future water usage.

Current water law allows an annual consumption of two-acre feet of water per domestic well. There has also been conversation by the district and the groundwater committee to limit new domestic well consumption to one-half acre foot; though specific action has not yet been taken on the measure.

In contrast to Nye County Water District consultant Oz Wichman's suggestion that the groundwater plan be crafted in similar form to a Senate bill, King recommended against that. King told Nye County that

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King favored the priority list of items which include importation studies, conservation plans, water education measures, metering of new domestic wells, rapid infiltration basin projects, utility infrastructure expansion and fan to floor managed aquifer recharge projects, where reasonable.

He likewise favored a "water banking" concept pitched by Wichman as a means of bringing the basin back into balance. That imbalance, he admitted, was caused, in part, by his office over-allocating water rights. "If this banking process works, even though it goes against everything that I understand about Nevada Water Law, if it brings the basin back into balance, I say that's fine. I'm open to that," King said.

The "banking" concept which works by relinquishment of rights, many Nye residents say, creates extremely valuable water rights and is at the heart of the state's "anti-speculation" law. The host of problems the concept would create, residents said, include a willful disobedience of the law.

King then turned his attention to the outcry by domestic well owners that their rights and entitlements were being ignored, and in some cases, violated by the proposals.

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"Our office is being accused of some big power grab on these domestic wells," he said. "We feel like we are here for the domestic well users."

One thing that gets "glossed over" in conversations about domestic wells, he said, is that domestic well owners are junior water rights holders in the Pahrump basin; and, as such are subject to curtailment along with everyone else.

King also said he favored the idea of municipal wells, or utility company delivered water, over the use of domestic wells.

Whether or not the senate bills get passed, it is likely that a groundwater management plan will continue to be debated, reworked and continuously updated. A groundwater plan, King said, is meant to be a "breathing" document. "The plan has to keep moving. There has to be a steady application to get things done," he said.

Another notable revision to proposed Senate Bill 81, is that the county commission would be able to petition the state water engineer's office to accept its groundwater management plan.

In addition, the proposal would allow 40-percent of the water rights holders, rather than a majority, to likewise petition for acceptance of a groundwater management plan.

Of the revision, King said, "I do like the idea of a lot of this coming to the county commission and them being the focal point of who we deal with."

The revised proposal also includes authorization for the state water engineer to rescind a designation of an active management area, if determined by the state engineer, that the designation is no longer warranted.

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Nye County staffers presented the results of 10 years of data collection from well level measurement throughout the Pahrump Basin to the Nye County Water District on Monday.

The results, which reflect an overall steady decline of approximately one to two feet per year in water levels in portions of the Pahrump Basin, were also exhibited at the Nevada National Security Test Site Open House and Advisory Board meeting in Beatty on Feb. 18.

The water measuring program has existed for 15 years and during that time over 12,000 measurements have been taken throughout the valley, according to County Geoscience Manager Levi Kryder.

The collected data, he said, has allowed him to look at trends in water levels over time. That, in turn, he said reflects how groundwater conditions are changing.

A groundwater flow model will be built from the existing and future data. The model can then be used as a tool to help make predictions about future water usage. The model, he said, will be useful for simulating conditions for future planning.

A total of 147 wells were measured as part of the data collection. Thirty-nine of those wells are monitored by the United States Geological Survey and five wells are measured by the Nevada Division of Water Resources.

Eleven of the 147 wells were drilled in 2010 with grant funding from the Department of Energy.

County Geoscientist John Klenke said each of the organizations are part of a scientific community that share information about water in the area.

Kryder said the results of the data collection show that water levels are rising in certain parts of the the Pahrump Basin, north of Wheeler Wash through south of Trout Canyon, on the alluvial fan portion of the aquifer.

Contextual information in the mapping is speculative. Kryder indicates that he believes increases in the water levels on the alluvial fan are due to precipitation falling on the Spring Mountains.

Also indicated is the statement that declines in the valley floor basin west into California are the results of contouring and may not represent actual water level changes.

Groundwater models, Kryder said, are only as useful as the data on which they are built. "Each additional assumption used to build the model brings with it additional uncertainty," he said. It is not disputed that modeling programs are imperfect.

However, based upon the model, Kryder said, "Some level of action is required to reach future development goals without further depleting those (water) resources."

The Water District began funding the water measuring program last year.

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Meters for new domestic wells on commission agenda for Tuesday

By Lillian Browne Pahrump Valley Times lbrowne@pvtimes.com
March 13, 2015 - 6:13 am

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Nye County Commissioners are scheduled to consider a mandate for the installation of meters on all new domestic wells in Pahrump at their meeting Tuesday.

The item appears on the agenda to be discussed at the March 17 Nye County Board of County Commissioners meeting. The topic has been widely debated in recent months by both the Nye County Water District and the Groundwater Committee for Pahrump Basin 162.

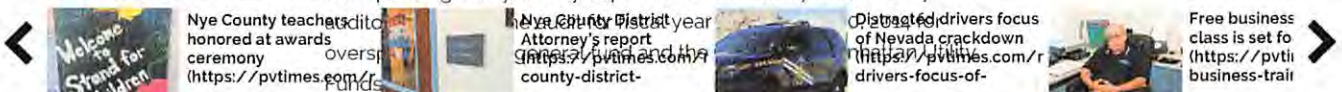
The metering of new domestic wells, was settled upon as a priority item, to be incorporated into a groundwater management plan to address a projected water shortage due to declining aquifer levels and an over-allocation of water rights in the basin.

Many residents have spoken out against the measure, citing various reasons which include the move acting as a spring-board to stringent rationing of water.

The commission will also take corrective action to prevent future over-allocating in any county department. The county was cited by state

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Nye County was also cited for overspending the public safety budget by \$478,137 and the general government budget by \$68,710. The room tax budget line item was over-expended by \$30,697 while impact fees representing payments to the town of Pahrump were over-expended by \$4,228.

Nye County asserts in documentation that it has remedied the situation with the purchase of equipment and technology.

The county will also consider approving a payment plan from Commissioner Donna Cox, following a District Court judgment levied against her, in favor of Nye County in the amount of \$3,098.65. The judgment stems from a case lodged by Citizens for a Safe Community in 2009.

Other non-inclusive items schedule to be heard include:

- A presentation on business licenses and tourism and marketing will be made.

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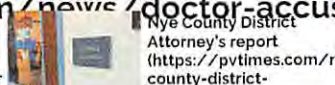
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 By Jeffrey Meehan Pahrump Valley Times

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Legislative committee to examine water bills this week



By Lillian Browne Pahrump Valley Times lbrowne@pvtimes.com
March 25, 2015 - 7:17 am

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Three water bills that could have significant impact on water users in Nye County and statewide if passed are scheduled to be brought before Nevada legislative committees this week.



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County officials are keeping a close eye on Senate Bills 81 and 65, which are scheduled for additional work groups today and Thursday respectively. Following the work groups, state Division of Water Resources Engineer Jason King will present modified bills to the the Government Affairs Committee for a work session vote. A vote on the those bills will likely not take place until April 3, or later, according to committee spokesperson Gena Plummer.

Nye County Water District Consultant Oz Wichman reported at a monthly meeting of the district on Monday, that the three work group sessions have previously been held on the modified bills, originally introduced in the Senate on Feb. 11.

Though Wichman said he has not heard outcry from any Nye County Water District board members, people state- and county-wide seem to be divided into two camps regarding bill language.

One group wants the state water engineer, who is tasked with enforcing Nevada Water Law, to have the "administrative flexibility" to perform the duties of the state engineer. The other group, he said, is worried about future abuses of authority.

Nye County Commissioner Dan Schinhofen shared his view of the proposed language. "My understanding of the water issues in this state is that there is the state engineer and then there is God. So I don't see how he (King) needs any more authority than he has."

Those fears may be driven by the insertion of bill language which includes words such as "may," "shall," "at his discretion," and "without limitation."

Wichman said his personal view of the changes in the proposed bills is that they will still allow "plenty of administrative wiggle room" for the state water engineer to do his job.

Whether the bills are reflective of Nye County's position with regard to the future permitted use and restrictions of water, one thing that remains clear, Wichman said is that, "It's not a one-size-fits-all world."

Of note in Senate Bill 81 is a proposed language that will permit "water-banking," advocated for by the Nye County Water District. Though at odds with current Nevada water law, it would allow the state water engineer to endorse and ultimately enforce the concept if placed in an approved municipality's groundwater management plan.

Assembly Bill 347 appeared on the agenda for Tuesday, March 24. That bill, if passed, will allow the state water engineer to require the drilling of a conservation well, rather than a domestic well, with a water consumption restriction of no more than one-half acre foot per year – as opposed to the two-acre feet per year currently allowed.

Under the same proposal, the well owner would be required to install a meter which calculates water withdrawals and file an annual report of those results with the state water engineer.

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All these bills can be found at www.leg.state.nv.us/Session/78th2015.



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Dann noted that neither the water district or the groundwater management committee – tasked with formulating a plan to avert water restriction by the state water engineer – have done anything to protect domestic well owners' rights. Instead, he said, a non-municipal organization, the Private Well Owners Cooperative, has initiated legal action to prevent the state water engineer from reducing domestic well use from two-acre feet per year to one-half-acre foot per year. The

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Not supported by the board or the public was an increase of the current parcel fee of \$5 to \$30. Board members Michael Lach and Greg Dann spoke at length against the increase proposed by Chairman John MacLaughlin.

Lach said he would favor an increase if it were tied to a specific project that would benefit taxpayers and protect the water supply. "But I can't get behind an increase for the sake of an increase," he said.

Dann also opposed the parcel fee increase and instead suggested the water district initiate a water right tax to help combat an over-appropriation of water rights often cited by the state water engineer as a threat to the Pahrump aquifer.

According to a presentation given by MacLaughlin, the current \$5 parcel fee on the district's 52,300 lots generates \$261,608 in revenue for the district. An increase of that fee to \$30 would generate \$1,569,000 for the district.

MacLaughlin said the additional revenue would pay for two new vehicles and accessories, totaling \$57,800; an increase for an administrative assistant to work 40 hours per week, with benefits, raising the budget line item by \$13,677.50; an additional geoscience hydrologist position for a total increase of \$76,135.68, and a "Tech Incentive" line of \$6,000. Vehicle operations expenses are proposed to be raised an additional \$10,000 from \$3,000 to \$13,000. Also proposed is an additional \$523,000 for well drilling and monitoring; \$100,000 for the groundwater management plan committee; \$250,000 for future studies and \$3,000 for unforeseen purchased "or not specifically itemized."

Lach said there was no justification for the parcel fee increase. "We don't just take money, put it there, and then find a way to use it," he said.

No action was taken by the board of the proposed budget. Instead a public budget workshop session will be held on April 27 at 9 a.m., followed by the regular monthly meeting at 1:30 p.m. The meeting will be held at the County Commission Chambers, 2100 E. Walt Williams Drive, in Pahrump.

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COMMENTARY: Help pass SB81 to give the Division of Water Resources more flexibility in state

By Tim Hafen Special to the Pahrump Valley Times
May 6, 2015 - 7:26 am

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Senate Bill 81 is extremely important to the future well-being in Pahrump. It will give the Division of Water Resources sorely needed tools to correct an over-appropriated basin (Basin 162).

Let me give you some background. I have lived in Pahrump for 64 years. I farmed cotton through 1982 and alfalfa through 1996, as well as raised some cattle. I took a deep interest in water rights and water law.

Over time I acquired a fairly large acreage of farmland as well as some commercial property. At this time I am a residential and commercial land developer. We own and operate a small state-regulated utility providing water and sewer services. In addition, I served in the state Assembly for four terms from 1966 through 1974. We own a substantial amount of water rights in the utility company, as well as some rights outside the utility

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Now, let me tell you about Pahrump Valley's water problem. There are currently more than 60,000 acre feet of permitted water rights. There are approximately 11,000 domestic wells in Pahrump that are allowed 2 acre feet annually (AFA). There are approximately another 9,000 parcels of land of one acre or more that are eligible for domestic wells.

According to the Division of Water Resources, there is a perennial yield to the valley of 20,000 acre feet annually. Meaning that's how much water comes into the valley each year on average.

When you add 60,000 AFA of appropriated water to 11,000 domestic wells allowed 2 AFA or 22,000 AFA, you get a total of 82,000 AFA. Then you add another potential 9,000 domestic wells at 2 AFA (or 18,000 AFA) with potential withdrawals of 60,000 + 22,000 + 18,000 AFA or 100,000 AFA, which far exceeds the 20,000 AFA annual recharge.

We need SB 82.

The majority of permitted water right holders have, and will continue to stand ready to make substantial reductions. Domestic well owners must also participate in reducing their use.

Understand that most domestic wells are junior to permitted rights and would be the first to be curtailed if they don't participate in voluntary reductions and the State Engineer uses the priority system established by Nevada law.

M. Kent (Tim) Hafen is one of the founders of modern-day Pahrump

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By Dan Harris Special to the Pahrump Valley Times
May 8, 2015 - 6:21 am

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channels, and therefore a component part of the earth, has no characteristic of ownership distinct from the land itself, and therefore is not subject of appropriation by another, but belongs to the owner of the soil." [Mosier v. Caldwell, 7 Nev. 363 (1872)]

Sec. 4. In considering a groundwater management plan pursuant to NRS 534.037 for a basin or portion therein designated as an active management area pursuant to section 3 of this act and in addition to any other power granted by law, the State Engineer may approve a plan to:

1. Limit the quantity of water that may be withdrawn under any permit or certificate to conform to priority rights.

3. Establish a fund to retire water rights or implement conservation practices. For purposes of the fund, the State Engineer may:

(a) Assess fees on appropriators of record of groundwater rights, owners of parcels and owners of domestic wells; and

(b) Receive money from any other source.

4. Authorize the voluntary relinquishment to the groundwater source of a portion of a groundwater right in exchange for granting an exemption on the unrelinquished portion of the groundwater right from any provision that requires the filing and approval of extensions to avoid the cancellation or forfeiture of the groundwater right during the period that the plan is in effect. Any right that is not voluntarily relinquished is not exempt from regulation by priority.

Frank Maurizio is president of the Private Well Owners Cooperative.

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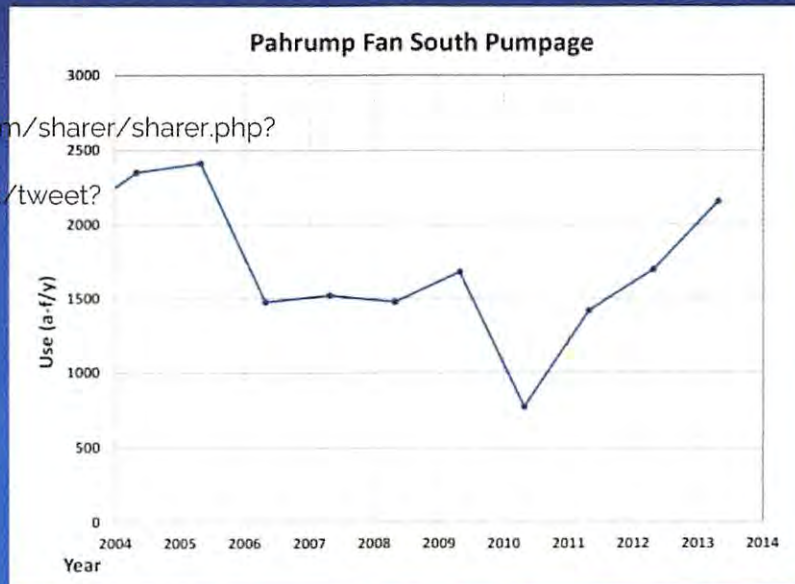


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Study shows diminishing levels in Pahrump Valley

Aquarium City Well Area Pumpage



By Daria Sokolova Pahrump Valley Times
September 30, 2015 - 8:32 am



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The hydrostratigraphic assessment and climate response studies were conducted by Leising Geoscience and initiated by the Nye County Groundwater Management Plan Advisory Committee to identify areas in the Pahrump Valley where water levels are dropping and possibly try to move pumping to the areas that have more water available.

Joseph Leising, principal at Leising Geoscience, who presented the results of the hydrostratigraphic assessment and climate response evaluation in the Pahrump Valley to the Nye County Water District Governing Board on Monday, said the hydrologic similarity between the Pahrump and Las Vegas Valleys was at the basis of the study.

"Within the (Pahrump) Valley, I looked at the Pahrump sub-basin up in the northern part of the valley, I looked at half of it and estimated the amount of water that is not being recharged based on pumping, based on water changes down below and water assumptions," Leising said.

According to the study, Pahrump Valley has an estimated recharge of 20,000 acre feet of perennial yield, and the depreciation of water levels occurs in the most populous parts of Pahrump.

While the study showed water declines occur below the areas that are pumped the most, it also identified water resources on Trout and southern Carpenter fans and source areas on Pahrump and possibly Manse fans.

Earlier analysis of 10 years of data from well level measurement throughout the Pahrump Basin showed an overall steady decline of approximately one to two feet per year in water levels in portions of the Pahrump Basin.

"The best fit that I obtained suggests that domestic use in the vicinity of half an acre foot or maybe 27 of an acre foot per year per domestic well," Leising said.

Nye County Water District Governing Board Chair Greg Dann said the high concentration of water production wells along the Highway 160 corridor contributes to the diminishment of the water farther downstream from the Spring Mountains.

"As far as the domestic well owner, I think there's sufficient information out there now for the make of proper choice where they want to live and at what depth of water they want to pump up from the ground to their house," Dann said.

Several Pahrump residents however argued about the efficiency of the assessment.

"In my opinion, and what I would tell anybody is it didn't do anything to address the water situation," Pahrump resident Dwight Lilly said.

"There's one thing that we can utilize this for in a very short-term fashion," said Nye County Planning Director Darrell Lacy. "We, as a board, are reviewing water rights transfer in a basin today. This is (to) help us to identify basins that are essentially fully appropriate or some basins within the overall basin and we can utilize it if someone wants to make a large move of a water right to an area that's based on this study doesn't have the water available to us, then we can count down if you want to use this

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development of the plan would require more funding.

"When he comes back with his final presentation, his final report, and maybe in a binder, that gives everybody up here, seven people here, the staff, the county commissioners, it gives everybody something to go by where they can make appropriate decisions," he said.

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Groundwater management plan spurs debate among residents, officials



By Daria Sokolova Pahrump Valley Times
October 14, 2015 - 8:32 am

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https://pvtimes.com/% Management Plan

51% (http://www.nyecountywaterdistrict.net/attachments/File/documents/presentations/DevilsHole2014/Lacy
4321= times.com/% sparked a heated debate among officials and Pahrump residents, resulting
54% in a number of proposed changes that are expected to be incorporated in
584&via=% the coming months.

times.com/% The Nye County commission chambers were filled to overcapacity on
Management% Monday morning as the Basin 162 Groundwater Management Plan
an% Advisory Committee and the Nye County Water District Governing Board
urs% sparred over some hot-button items from the plan that had been in the
le Date% works for almost two years.

10% Dozens of Pahrump residents were upset about proposed regulations that
91% aim to meter and place pumping restrictions on new domestic wells. The
als&body=You overcrowded event drew the Nye County Sheriff's Office and Pahrump
icials) Valley Fire Rescue as dozens of attendees dotted the parking lot in front
sted of the county commission chambers ahead of the meeting.

wing
://pvtimes.com/post/24584) Merrilee Spoor, who moved to Pahrump from Bakersfield, California five
years ago, lambasted the proposed plan.

"We don't want it because we bought the property as our property with the (water) rights, with the water underneath it and that is ours for generations to come and now they are trying to take that away from us and we don't want it," she said.

Several other Pahrump domestic well owners echoed Spoor's comments, adding that officials haven't done enough to educate residents on the issue.

"I'm totally against it. When I bought the property, I bought my percolating water, that's part of the soil in my property. Nobody can take that away from me and I can't sell it," said another Pahrump resident, Michael Page.

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In a letter addressed to Pahrump residents ahead of the meeting, an alternate of the Basin 162 Groundwater Management Plan Advisory Committee Kenny Bent said most of the details that residents are concerned about are not in the plan but will be discussed as it's being developed.

"Zoning, growth ordinances, taxes, etc. will be discussed and implemented by changes to county ordinances – we all agree to get educated and get involved. But trying to kill the plan is counterproductive and doing nothing will force the state engineer to manage the basin with the tools he currently has – curtail based on priority date," the letter said.

"Domestic wells are exempt from permitting requirements under state law as long as they pump less than 2 acre feet annually. We have over 8,000 lots larger than one acre, with many more allowed to be parceled or subdivided under current laws. If they are allowed to be drilled and pumped, it will put existing wells at risk," Bent added.

Nevada State Engineer Jason King, who also attended the meeting, said there has been a lot of misinformation about the plan coupled with misunderstanding of Nevada water law.

King said he understands domestic well owners are upset about this (plan), but there's also a (Nevada) water law that has to be followed and domestic wells have a priority of the date that they were drilled, they are some of the most junior rights in the basin. And it's OK to be upset, but it doesn't change the law."

King said the pumpage in Pahrump Valley currently stands between 13,000-to-14,000 acre feet, while an estimated recharge comes to 20,000 acre feet of perennial yield. Pahrump isn't over-pumping, however King said over-allocated water rights in Basin 162 could bring the town to a critical level.

"That's why I think timing is everything. Let's get this plan going now before all the pumping gears up again and the water level starts to decline," King said.

The plan also requires a change to the state law. If passed, it will apply to every domestic well in the state that the state engineer deems to be in an area of critical management, Bent said.

Earlier analysis of 10 years of data from well level measurement throughout the Pahrump Basin showed an overall steady decline of approximately one to two feet per year in water levels in portions of the basin.

"I think it's a really good first step," King said about the plan. "It still has a ways to go because there's not a number for everything on what they are proposing, but I think it's a great first step and I appreciate all the effort that went into it."

Some of the recommended changes to the plan involve table 3 from the groundwater management plan that specifies adjustment for over-allocation by crediting reuse, recharge and over-dedication of water rights. Officials are set to bring the plan for discussion on Jan. 26, 2016.

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Groundwater management plan moves to county commission



By Daria Sokolova Pahrump Valley Times
October 28, 2015 - 7:32 am

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But 14 years later, Trenner, a California native, was frustrated to hear about the proposed Basin 162 Groundwater Management Plan that seeks to regulate new domestic wells and water usage in Pahrump.

"To come out here and have that kind of false representation and then now, all of a sudden find out that they are thinking about cutting water down to a half an acre foot from two acre feet, that's a lot of water they want to take away," Trenner said about the plan.

During the Monday meeting, members of the Nye County Water District Governing Board decided to pass the sixth draft of the plan to Nye County commissioners, adding that each member of the board will add their comments to the plan after a day-long discussion on some of its components.

The revised version of the plan presented on Monday included recommendations for water education and importation, limit on new domestic well usage to 0.5 an acre foot, construction of rapid infiltration basins and a water conservation plan that included restraints on water uses for agriculture, utility customers, government and school facilities.

"The plan today in my mind, represents a great of work that needs to be done," said Nye County Water District Governing Board contractor Oz Wichman.

While officials touted the plan as a tool for water management, many of the local residents spoke against it.

"There are things to draw from this plan, it doesn't have to be completely scrapped," said Kenny Bent, an alternate of the Basin 162 Groundwater Management Plan Advisory Committee.

"The reason we are in here is because we didn't have proper management and for you people to diminish the importance of management, it's not good, it's not good," said Greg Dann, board chair. "We need proper management. It starts at the local level, the public, that's what I'm talking about. The public. We need proper management and we haven't had it for 50 years, there's been a lot of negligence on the part of the town, there's been negligence on the part of the county, there's been negligence on the part of the state."

Existing domestic wells aren't included in the plan, officials said. In addition, existing domestic wells that require any type of rehab, refurbishment or replacement are recommended to be exempt from being considered new.

For Trenner, who has planted close to 40 trees on her property, water regulations could be devastating.

"The thought of losing my trees is just horrific," she said to the board.

"When I water my trees, I count. Some of them are on bubblers, but if I go out with a hose, I count and when I hit 30, I stop. Is that enough? I think so."

Both Trenner, Bent and numerous other Pahrump residents argued that plan contained special interests, including developers and utility

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Nye County commissioner
management plan on T

Nye County commissioners are set to discuss the groundwater management plan on Tuesday, but some say it's too early to make any decisions.

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Commissioner Butch Borasky said he still wants to hear from more well owners before officials determine the fate of the Basin 162 Groundwater Management Plan (<http://pvtimes.com/news/groundwater-management-plan-spurs-debate-among-residents-officials.html>) that seeks to regulate new domestic wells and water usage in Pahrump.

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://pvtimes.com/post/26580)

"I'm trying to make sure that everybody has an opportunity to put input into what's going to happen," Borasky said ahead of the meeting.

During the meeting in October members of the Nye County Water District Governing Board decided to pass the sixth draft of the plan to Nye County commissioners, after it drew ire from local residents. The decision came after the plan had been in the works for almost two years.

The revised version of the plan presented at the October meeting included recommendations for water education and importation, a limit on new domestic well usage to 0.5 an acre foot, construction of rapid infiltration basins and a water conservation plan that included restraints on water uses for agriculture, utility customers, government and school facilities.

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commission's decision.

"There are a lot of people out there telling me that they haven't had a chance to voice their opinion," Borasky said.

The meetings are scheduled for Friday, Dec.18 from 6 to 8 p.m. and Saturday, Jan.9 from 10 a.m. to 12 p.m at the Bob Ruud Community Center, located at 150 N. Highway 160.

-Contact reporter Daria Sokolova at dsokolova@pvtimes.com (mailto:dsokolova@pvtimes.com)

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Groundwater management plan tabled until January

By Daria Sokolova
Pahrump Valley Times
December 16, 2015 - 10:20 am



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The highly-contested Basin 162 Groundwater Management Plan (http://www.nyecountywaterdistrict.net/attachments/File/documents/GWMP_Draft_6__Stage_1__October_) that aims to regulate new well owners across Pahrump Valley will wait at least another month until officials take a vote.

Nye County commissioners tabled the sixth draft of the plan until Jan.19 during the Tuesday meeting that drew many upset Pahrump residents who once again aired their concerns on the matter.

(<http://pvtimes.com/news/groundwater-management-plan-spurs-debate-among-residents-officials.html>)

The plan has been in the works for 21 months and drawn ire from many Pahrump residents concerned about their water rights. It was forwarded to Nye County commissioners by members of the Nye County Water District Governing Board in October.

Tension rose during the discussion Tuesday after some members of the audience called on County Commission Chairperson Lorinda Wichman to abstain on the item because her husband Oz Wichman works as a contractor for the Nye County Water District Governing Board.

"My husband has a contract with the Nye County water district, that has nothing to do with the Board of County Commissioners," she said.

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Commissioner Donna Cox said she didn't see any sense in making a decision on the plan, but commissioner Dan Schinhofen said a postponement was "kicking it down the road."

"There are decisions we can make now," he said. "If we decide anything today, or if we wait till January and we decide it, whatever we decide in that plan is going to go back to the water board, to decide what parts of it they are going to implement and pay for and then, when they are done with that, they are going to send it back up to us to see if there's parts that we are going to implement or pay for and then, if there's ordinances out of this, then that will be set for 30 days. There's a whole lot more talking to be done on this plan before anything is in concrete."

The revised version of the plan presented at the October meeting included recommendations for water education and importation, a limit on new domestic well usage to 0.5 an acre foot, construction of rapid infiltration basins and a water conservation plan that included restraints on water uses for agriculture, utility customers, government and school facilities.

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Commissioner Butch Borasky, who previously said it was too early to make a decision on the plan, wasn't present at the commissioners' meeting.

Contact reporter Daria Sokolova at dsokolova@pvtimes.com (mailto:dsokolova@pvtimes.com). On Twitter: @dariasokolova77

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By Jeffrey Meehan Pahrump Valley Times

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More solutions arise during second well owner meeting



By Daria Sokolova Pahrump Valley Times
January 13, 2016 - 3:33 pm



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Dozens of Pahrump well owners packed the Bob Ruud Community Center for a second educational meeting that had been organized by Nye County Commissioner Butch Borasky in an effort to address concerns associated with the Basin 162 Groundwater Management Plan.

The plan that sought to address water issues in Basin 162 had been tabled by Nye County commissioners until Jan. 19 after its development had been stalled amid residents' backlash. Many claimed that the plan had failed to address the issue and represented special interests.

During the meeting, Pahrump well owners continued venting their frustrations about the plan and making suggestions on how to address the diminishing water supply in the Pahrump aquifer.

The Pahrump aquifer currently has 60,000 acre feet of paper water rights that were given out by Nevada State Engineer Jason King that allow people to pump water that excludes domestic wells. The valley has 20,000 acre feet of recharge, according to estimates provided by several independent agencies.

King previously said the pumpage in Pahrump Valley stands between 13,000-to-14,000 acre feet. Pahrump isn't over-pumping, however King said that over-allocated water rights in Basin 162 could bring the town to a critical level.

"We have to get this number down, we are over-allocated. This is the target, this is the bad guy," Nye County Water District Governing Board Chair Greg Dann said during the meeting.

Among some of the most often-mentioned solutions were stopping development in town, limiting population, changing water laws and limiting water usage.

"If you really want to save this valley, what you have gone here for was rural lifestyle, stop the development. That's the first thing you've got to do is stop the development. The second thing that's got to be done, we have to get legislature put in to stop the sale of water rights," one resident said.

The Basin 162 Groundwater Management Plan had been in the works for 21 months before it was forwarded to Nye County commissioners by members of the Nye County Water District Governing Board last October.

The revised version of the plan that seeks to regulate new domestic wells and water usage in Pahrump presented at the October meeting included recommendations for water education and importation, a limit on new domestic well usage to 0.5 an acre foot, construction of rapid infiltration basins and a water conservation plan that included restraints on water uses for agriculture, utility customers, government and school facilities.

Pahrump activist Kenny Bent, who headlined the meeting, said the proposed solutions need to be narrowed down to a smaller list.

"We don't know what we are doing, this is an ad-hoc kind of thing. I do want to start refining some things. I think in a big room like that, you will have a lot better success broken into smaller sub-committees when we get down to refining them," he said

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Following the meeting, several well owners signed up for a sub-committee that will look into the matter at private meetings and outline

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Arnold M. Knightly From the Editor
January 15, 2016 - 9:32 am

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How much, really, is two acre feet of water?

That unit of measurement has been used in these pages since I arrived 16 months ago, and I'm sure for decades before me. But how much, exactly is two acre feet?

According to my trusty online calculator, an acre foot is roughly 326,000 liquid gallons. So right now in Pahrump, domestic well owners can pump nearly 652,000 gallons of water under state law.

That is an insane amount of water that I guarantee no homeowner on or off a well in the Pahrump area uses.

So how much water is two acre feet? According to the U.S. Geological Survey's Water Science School, old showers use up to 5 gallons of water per minute, while water-saving shower heads produce about 2 gallons per minute. So let's split the difference and say your shower uses 3.5 gallons per minute. If you got up, went in your shower and turned it on and didn't return until mid-May, that would use just under two acre feet.

Or if you want a more proactive experiment, flush the toilet 217,000 times and you will get in the ballpark of using two acre feet.

So why are we talking about this now? Because there are close to 11,000 household domestic wells in the Pahrump basin that the state would like to take conservation measures on by cutting the allocation to 0.5 acre feet per acre. 0.5 acre foot is less than a bathtub.

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e. 0.5 acre foot is less

Dennis Myers: Will nuclear power comeback revive Yucca?
average home in

Letters to the
the Pahrump
Times
(<https://pyti.com>)

the Las Vegas Valley uses annually.

This obviously has some domestic well owners concerned. The problem is that water is not an unlimited supply, and the state is in an unprecedented drought.

In late September, there was a three-day summit and public workshop about drought and water rights in the state. And almost everyone believes there will be a intense discussion in the 2017 Legislature over state water management.

According to the Las Vegas Review-Journal, an eight-member drought forum was created by Gov. Brian Sandoval in April to analyze Nevada's water situation and recommend ways the driest state in the nation can prepare for sustained drought.

Sandoval has said he will take the forum's suggestions and probably incorporate them into his office's 2017 legislative agenda.

Jason King, Nevada's state water engineer, who has a lot of vocal

<https://www.facebook.com/shares/share.php?source=share.php> is trying to wade through growing water concerns not only in Pahrump but statewide.

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As many domestic well owners here remember, King sought unsuccessfully for authorization to cap and meter wells "in overly-taxed and distressed groundwater basins such as Pahrump."

Most urban and town residents such as myself have water meters, but domestic wells in the state have remained unregulated even though they are limited to that two acre feet by the state.

"If you can't measure it, you can't manage it," King said late last year. "Why shouldn't we know how much water we're using?"

Some domestic well owners in Pahrump would answer him with a variety of answers ranging from personal rights to fear of setting the stage for municipal or utility control of water, to well meters would move the town a step closer to incorporation. The last two are cost-prohibitive so it really is only the personal rights issue, in my opinion.

This is a discussion that will continue well into the next Legislature and beyond. But the water problems are a statewide problem, and the household domestic well owners of Pahrump may be left feeling all wet.

Arnold M. Knightly is the editor of the Pahrump Valley Times. Contact him at akinghtly@pvtimes.com (<mailto:akinghtly@pvtimes.com>). On Twitter: [@KnightlyGrind](https://twitter.com/KnightlyGrind)

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Groundwater management plan to focus on over appropriation

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Other items that had been bounced back to the water board by county
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construction of rapid infiltration basins (RIBs) in areas of declining water levels, creation of incentives for domestic well owners to a utility, investment in existing and future development agreements.

After several other items that fall outside of the purview of the county commissioners had been sent to King, county Water District General Manager Darrell Lacy penned a letter to King outlining commissioners' action on the item.

"I was instructed to do so by the (Board of County Commissioners) when they were discussing the agenda item. They voted to send some of the items to DWR and wanted me to document and inform him of the BOCC action," Lacy said in an email.

Among the items that were sent to King were a requirement for meters on new domestic wells which would limit new domestic wells to 0.5 an acre foot per year, education of new well owners on the use of supplemental water rights, proposal of aquifer storage and recovery, allowing utilities to put back new infrastructure with Public Utilities Commission approval to reach more lots and a conservation credit program for water rights.

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"Most of the recommendations are not ready to implement and the vote recognized that additional information was needed," the letter reads.

"While the vote did not endorse all of the recommendations, the ones that passed have sufficient merit to justify additional work and discussion. Once the details, cost and implementation strategy are complete the BOCC would like to have additional public discussion on each recommendation as part of an implementation and code adoption process."

Pahrump currently has 60,000 acre feet of paper water rights that were given out by King that allow to pump water with the exception of domestic wells. The valley also has approximately 20,000 acre feet of recharge. Officials said to balance the water in the Pahrump Valley they need to get overallocated water rights off the books.

King previously said the pumpage in Pahrump Valley stands between 13,000 to 14,000 acre feet. Pahrump isn't overpumping, however King said that overallocated water rights in Basin 162 could bring the town to a critical level.

According to the documents, completing table 3 and clarifying the extent of overappropriation represents several subtasks which will take several months to complete and will involve coordination and staff time commitments of the Nye County Water District Governing Board, Nye County Planning Department, the Nevada Division of Water Resources and to some extent, utility companies in Pahrump and the Nye County Public Works Department.

"The most effective thing we can do as a body is take control locally and get the problem fixed," water board Chairman Greg Dann said.

The subtasks outlined in the documents include identifying overdedication of water rights to each assessors' parcel number and providing overmedication potential; identifying existing reuse projects and reuse potential; and identifying existing recharge projects and providing projected recharge potential.

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The Nye County Water District Governing Board will address overdedicated water rights after most of its members rejected the idea of looking into beneficial water use.

The board initially sought legal advice about proof of beneficial water use in Basin 162 from George Benesch, legal counsel for the Nye County Water District at the January 25 meeting.

In a letter addressed to Nye County Water District General Manager Darrell Lacy on Feb. 12, Benesch said that the board didn't have the authority to demand to direct Nevada State Engineer Jason King to prove beneficial water use.

"It would be a futile act for the district to direct the state engineer to call for proof of beneficial use in the Pahrump Hydrographic Basin," Benesch said in a letter.

Benesch said that state law provides for a groundwater management plan for the Pahrump Hydrographic Basin and such a plan has been drafted and is in the process of being approved at the local level.

"The ongoing proceeding of adopting such a plan would be the appropriate place to bring the proposed action that is the subject of this letter to the attention of the state engineer," he said in a letter.

Most members of the board abandoned the idea after hearing the letter, but chair Greg Dann said he still wants to pursue the plan.

"The longer we put off rectifying this problem, it will come back, I guarantee you, to every single domestic (well) owner in this valley, no doubt in my mind," he said.

Nevada water law follows the doctrine of prior appropriation, or "first in time, first in right," which means that the first person to file on a water resource for beneficial use is typically considered first for a permanent right to the water. This, however, is subject to the state engineer's determination of available unappropriated water, according to Southern Nevada Water Authority.

Per the board's request, Oz Wichman, contractor for water board, will draft a letter for a clarification of overdedicated water rights.

"Overdedication is a large part of getting the overallocation amount in line with perennial yield," Wichman said after the meeting.

The state of Nevada issued over 60,000 acre feet of water rights for Basin 162. The amount of perennial yield in Basin 162 is 20,000 acre feet. This leaves the Pahrump Valley with 40,000 acre feet of overappropriation.

Wichman said when a developer creates a subdivision, the state of Nevada requires them to dedicate water rights some 3-to-4 times greater than anticipated actual use. Only 25-to-30 percent of those water rights are pumped, he added.

"So the question is what happens to everything that is overduplicated," Wichman said.

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Contact reporter Larria Sokolova at dsokolova@pvtimes.com.

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By Daria Sokolova Pahrump Valley Times
April 27, 2016 - 6:22 am

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Study Water continued





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The subcommittee has been gathering information from different groups and will work on recommendations for future legislation during its final meeting in August.

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Reno Gazette Journal - Mar 21-1986

PSC official: Pahrump utility 'not fit'



SPRING SKIING: Lucille and Russ Lowery of Reno spend the first day of spring skiing Mount Rose. The pleasant weather is expected to continue through Saturday with highs today in the upper 60s. See story, page 2C.

Mark Crossen/Gazette-Journal

Advises denial of developer's expansion plan

By Doug McMillan/Gazette-Journal

PAHRUMP — Central Nevada Utility Co.'s application to expand its already large water service area in Pahrump Valley should be rejected, Public Service Commission staff members recommended Thursday.

PSC Water Engineer Tim Holt said the company, a subsidiary of Preferred Equities Corp., the state's biggest land subdivider, "is not fit to be a regional water purveyor."

Holt strongly questioned the utility's ability to serve the 27,000 vacant lots its parent company has created in the southern Nevada desert.

PSC staff members also questioned the financial ability of Preferred Equities itself. PSC Senior Auditor Mary Keating testified she found the financial condition of Preferred Equities very weak. Debts of the Las Vegas-based real estate concern are outpacing its equity by a ratio of nearly 4-1, she said, with borrowing increasing faster than it is retiring the debt.

Since Preferred Equities has poured more than \$4 million into the little water and sewage utility, Keating said, "the utility is not financially viable" on its own.

It will take at least another two months before the five-member PSC can rule on the case.

The testimony of the two PSC staff members ended five days of hearings on Central Nevada's application to expand its service area to take in another 1,800 Preferred Equities lots in the Calvada Valley Unit 9B subdivision.

The company dropped another large subdivision from the request because Nye County, also concerned about the developer's ability to extend water and sewer to its vast domain of lots, has refused to approve any more Calvada subdivisions unless the utilities are installed or first

See PAHRUMP, page 2C

Mineral County OKs operation of boys camp

By Wayne Melton/Gazette-Journal

HAWTHORNE — Mineral County commissioners informally decided Thursday to permit the controversial Rite of Pas-

Bankrupt Las Vegas sports book revived

By Cy Ryan/UPI

CARSON CITY — The Nevada Gaming Commission Thursday approved a license for a Los Angeles husband and wife attorney team to take over the bankrupt Santa Anita Race and Sports Book on the Las Vegas Strip, but warned them their legal raining doesn't guarantee success in the gambling business.

The commission licensed Frederick and Pamela Lawson, who will give up their 5-year law career in Los Angeles to move to Las Vegas to operate the race and sports betting business. The business went into bankruptcy when it could not pay off several hundred thousand dollars in wagers.

Commission Chairman Paul Bible told the Lawsons, "Because you have a legal background doesn't insulate you from

Because you have a legal background doesn't insulate you from failure."

Paul Bible/chairman
Nevada Gaming Commission

failure." He said sports and race betting was the "toughest part of the (gaming) business" and there is a concern about their lack of experience.

Lawson told the commission he is "going to protect the public" from the problems of the past. Two race and sports books in Las Vegas closed their doors because they could not pay off the bets.

The commission, to ensure bettors are

better protected, imposed a number of conditions, including additional bonding for the Lawsons, who said they had no problem in meeting the higher standards.

The commission overrode the recommendation of the state Gaming Control Board that the license be limited to two years.

Also Thursday, after being cleared of charges of skimming, the Nicholas Robone family received a license to operate the La Mirage Casino in Las Vegas.

Lawyer Jeff Silver, representing the Robones, referred to the charges made two months ago as "sewer" allegations.

The commission granted a 12-month license to Nicholas Robone and his wife Mary for 47.5 percent each and their son

See SPORTS, page 2C

The Bureau of Printing and Engraving is considering 11 cities for a western branch office and has solicited offers.

The city of Las Vegas and the Clark County Commission have pledged \$1 million each. Bryan, in his original letter, agreed to match the local contributions on a dollar-for-dollar basis up to the maximum \$3 million.

But state Budget Director Bill Bible said Wednesday the governor has decided to back the full \$3 million state contribution, despite only \$2 million from the two local governments.

The proposal to pledge the money must be approved by the Legislative Interim Finance Committee which meets Monday.

The governor said federal legislation on nuclear wastes recently imposed a new surcharge for burial of the radioactive materials. He said this would mean \$1.3 million this fiscal year and almost \$2.1 million next fiscal year in surcharges for low-level waste shipped for disposal at Beatty in central Nevada.

"These monies represent 'windfall' monies to the state of Nevada, are not currently budgeted to support any of the state's expenditure activities and would, therefore, be available to support this project," he said in a letter to Connie Ryan, chairman of the board of the Nevada Development Authority which is pursuing the project.

Summa Corp., has pledged about 100 acres for the project and Nevada Power Co., Southwest Gas Corp., and the Las Vegas Valley Water District have agreed to provide utility service.

The proposed project calls for four buildings, including administrative offices, printing plant and museum facilities. It would mean about 200 new jobs at an average annual salary of about \$35,000.

The governor said, "The project would have a substantial indirect economic effect when additional jobs are created throughout the community as the printing plant secures ancillary services."

the city controller agreed with an ad hoc committee's determination that rate increases aren't needed this fiscal year.

Although city consultants in the past have called for increases, City Controller and Acting City Manager W.T. Golden said Thursday, "My office recommends no increases in user fees for the year ended June 30, 1986."

But he warned, "The future must clearly address user fee increases."

Earlier in the evening, Golden angrily read a statement saying he was "sandbagged" two weeks ago when the ad hoc committee said proposed 75 percent sewer rate increases and 64 percent water rate increases weren't needed. The committee, made up of residents,

embarrass them.

Mary Keating, a rate specialist with the state Public Service Commission, is also on the committee.

Swirczek asked why \$1.3 million was transferred from the sewer fund to the Airport Industrial Park Complex yet was not listed as a budget expenditure.

Golden said he didn't know why the amount wasn't listed, but said it was not "an illegal decision." It was transferred to pay for a sewer extension project, he said.

Swirczek also questioned why water-connection fee increases were in the budget but weren't implemented. He said the increase from about \$1,200 to \$2,500 would leave the water fund with

became angry at Swirczek's questioning, which resulted in a challenge from Swirczek to "come down here" to the podium and question him. He also challenged the supervisors "to resign tonight" if they insisted on using a tone that he said wasn't "civil."

Mayor Dan Flammer broke up the confrontation by apologizing for the board's perceived hostile attitude and the meeting calmed.

Golden said he recommended the audit because "at this time and considering the temperature of the (residents) ... I doubt very much that they would buy any numbers that come out of my office."

Pahrump utility

From page 1C

guaranteed by performance bonds. Holt testified that those kinds of financial arrangements also would satisfy the PSC staff.

Preferred Equities President Warren Church, who also doubles as president of Central Nevada Utility Co., said his companies cannot change the way they bond required improvements, but said he stood ready to meet four major conditions recommended by Holt before the PSC even considers expanding the 42-square-mile water service area.

Preferred Equities would appoint a separate set of officers for Central Nevada Utility and bring in several people from Pahrump to sit on its board of directors.

PSC officials say that while there appears no way to separate the water company from the developer, that might at least reduce the conflict of interest.

"The utility has grossly overcommitted itself for the developer's benefit," Holt said. "This practice must stop because it

can be characterized as nothing less than irresponsible on the part of the utility."

The company would place \$250,000 in escrow to install a 250,000-gallon storage tank and automation designed to reduce water-pressure problems in the far-flung system.

It also would set aside \$20,000 a year for a water rights study and protection fund since the state has granted three to four times as many water rights as the valley receives annually from natural sources.

The two companies will do as much as possible to separate their finances and make Central Nevada Utility Co. stand on its own.

PSC member Thomas Stephens, who conducted the hearings, said Central Nevada officials could continue to try to negotiate a settlement with PSC staff up to May 20. After that, he said, they will have to abide by what the commission decides.

But Holt cautioned the commission against letting Central Nevada expand its service area before the recommended improvements are made.

"There no longer is room for eternal negotiation. This is one of the ploys used

by developers to obtain government approvals," Holt said.

The PSC has been trying to get the company to do these things for almost three years, but only after it belatedly discovered that Calvalda Valley Unit 9B wasn't in its water service area did it finally try to make commitments.

"Until the facilities are actually in the ground or adequate financial assurances exist that construction will occur, their response is inadequate," Holt said.

The proposed expansion is critical for Preferred Equities since it continued to sell lots in the subdivision after the PSC and Nye County discovered it wasn't in the water service area. A good portion of the 1,500 lots — no one at the hearing could establish how many — were sold with assurances to the buyers that they were in the service area of a utility approved by the Nevada PSC.

Holt testified that the commission should deny the expansion application even if it brings legal action.

"Regardless of the consequences, it is time to honestly portray the capacity of this utility," he said.

Job fair

From page 1C

Another popular agency was the Washoe County Sheriff's Department, where students learned about drug abuse symptoms and took the Breathalyzer test, just for fun.

"Kids come and think they can beat the machine," said deputy Doug Brady. "I tell them they can't beat it, but they don't believe me until they try."

Brady said his reason for being at the fair was more to teach students a lesson in growing up rather than offer a possible career.

"I'm showing them what could happen if they are arrested for a DUI," he said. "We're trying to give them a halfway decent chance of surviving out on the streets."

89-year-old woman slain

LAS VEGAS — An 89-year-old woman was found slain in her home Thursday, police said.

A family friend found the fully-clothed body of Gertrude McFadden hanging by the neck from a doorknob in her bedroom. The friend had gone to check on the elderly woman at 10:30 a.m.

McFadden would have celebrated her 90th birthday April 9, police said.

Vegas attorney

From page 1C

try is needed in Nevada. We must diversify," Brown said.

"We must also reinforce our efforts to promote Nevada tourism," he added.

Both Brown and Miller are well known in populous Clark County but concede they lack strength in northern and rural Nevada. Brown will be in Reno and Gardnerville over the weekend.

"I told Bob (Miller) I hope we remain friends when this is over. I am running on my merits. I will run a positive, upbeat campaign," Brown said.

Laxalt, national Republican Party

Chairman Frank Fahrenkopf, former GOP state chairman Marilyn Gubler and Attorney General Brian McKay urged Brown to run. Several hundred people attended both news conferences. Gubler attended Brown's Las Vegas news conference. McKay attended the Reno news conference along with Laxalt's son, John Paul, Sen. Bill Raggio, R-Reno, and Laxalt's Washington, D.C., aide Ace Robison.

Asked how much he intended to spend on the campaign, Brown said he didn't know.

"I do intend to spend every bit I raise," said Brown, who now has \$2,025 in donations.

Obituaries

James M. Desmond

CARSON CITY — A memorial service is scheduled for 2 p.m. today at Walton's Chapel of the Valley for James M. Desmond, 62, who died Tuesday in a Carson City hospital.

George F. Gadda

Visitation is scheduled from noon to 9 p.m. today at the O'Brien-Rogers and Crosby Funeral Home for Truckee, Calif., native and long-time Reno resi-

Schiro and Jemma Reynolds, both of Sacramento; and two grandchildren.

A memorial mass is scheduled for 11 a.m. Saturday at the Holy Family Catholic Church in Portola, Calif.

Tourment will be at the

A native of Markleeville, Calif., he was born May 30, 1910, and had lived in Topaz for 65 years.

He owned and operated a ranch, and was active in ranching at the time of his death.

Surviving are his widow, Alice, and a daughter, Madeline.

DEATH NOTICES

FRED P. SPERLING

71 years old, of Lodi, CA, died 11 morning in a Carmichael hospital following short illness. Survived by 3 sons, Springfield, Reno, NV, Jerry Sperling of 219 S. Tenth, Corvallis, OR.

PSC staff scrutinizes subdivider

By Doug McMillan/Gazette-Journal

PAHRUMP — The Nevada Public Service Commission staff has taken a hard-nosed look at a big southern Nevada land and sales company that has created thousands of lots in Pahrump Valley without extending water or sewer service to them.

Preferred Equities Corp., the state's largest subdivider and one of the biggest of sales operations in the nation, might have to change its development and marketing methods if the five-member Public Service Commission follows its staff's recommendations to deny expansion of the developer's water service area.

The Las Vegas-based company has carved 27,000 residential lots in the southern Nye County valley. Of those, 23,000 are worthless without water and sewer service, yet the developer's utility subsidiary, Central Nevada Utility Co., has connected only 370 water customers.

In hearings completed Thursday in Pahrump, PSC water engineer Tim Holt recommended the commission deny any further expansion of the company's ready huge service area until it can show how it can extend utility services to more than 20,000 lots its parent company, Preferred Equities, has sold to people from all over the nation and the world.

"It is my recommendation that eventually the utility's service area be limited only to those areas it actually serves," Holt testified.

Should the commission follow that staff recommendation, Preferred Equities' multimillion-dollar land sales operation could grind to a halt. If Central Nevada Utilities couldn't expand, Preferred Equities couldn't create new subdivisions and could run out of lots to sell.

The decision of the five-member commission won't be known for at least two months until it has a chance to review transcripts of the complicated case and attorneys file summations of their arguments.

PSC staff members also raised concerns about the financial condition of Preferred Equities, which has been subsidizing the utility company at the rate of about \$250,000 a year. And they questioned whether Pahrump Valley has enough water to support the thousands of lots in Pahrump.

However, it may be difficult — if not impossible — for the PSC to deny the water company's current expansion application because it includes an 1,800-lot subdivision Preferred Equities already started selling, even though it is not in its water company's service area.

"There could be as many as 1,500 people who bought property outside the water service area who might have thought they were in the water service area," Nye County planning consultant Steve Bradhurst testified. "I think those people have been hurt because they don't have water today and they have an even lesser chance if they stay outside the service area."

Nye County intervened in the case because of its concern about the ability of the developer and its water company to

See PSC, page 3D

PSC scrutiny

From page 1D

service the 23,000 Calvada lots. Bradhurst said the county approved Calvada Valley Unit 9B because Preferred Equities told county commissioners it was in the water service area.

Even so, Holt recommended that the PSC deny the expansion until Central Nevada Utility Co. can prove it can actually extend utility services to any property owner who demands them in its 42-square-mile service area.

PSC Chairman Scott Craigie worried that this would jeopardize \$16 million to \$18 million in lot sales that Preferred Equities already has done in Unit 9B.

The typical Preferred Equities land sale, as shown in state and federal property reports, and confirmed in testimony by Preferred Equities officials before the PSC, works this way: The company sells lots that cannot currently be developed because they have no water and sewer service and are less than an acre. It promises to provide those services at some future, unspecified time, through its utility, Central Nevada Utility Co.

But lot owners who want to build now must exchange their property with one of 200 to 400 lots Preferred Equities is holding back in what it calls a "buildable area," a central core actually served by Central Nevada Utility Co.

"Are you suggesting because of this arrangement, we put a higher standard on this company requiring the build-out of the system to all the lots?" Craigie asked. "The people who need the water service of this company may not get there in another 20 years."

PSC Senior Auditor Mary Keating replied that the PSC staff is not suggesting that the utility lines be extended to all 27,000 lots now, but that there be some arrangement to insure the services would be available to those lot owners who need them and want them.

She said the company really has only 194 "buildable" lots available to exchange with the 20,000 buyers of lots without utilities who may want to take advantage of the exchange offer.

Keating also questioned the ability of the developer to keep subsidizing the utility in view of "the bleak financial position of PEC."

She said the big land sales company has a debt-to-equity ratio of 4-to-1 — 79 percent debt and 21 percent equity — and borrowed more than 1.5 times the amount

of debt it retired last year. It borrowed three times the amount of debt it retired in 1984.

It has even borrowed \$760,000 on the \$2 million in insurance policies taken out on the life of Preferred Equities founder and former board chairman Leonard Rosen, she noted.

But Central Nevada attorney Mike Soumbeniotis asked Holt how many water companies, large or small, had no debts, had facilities installed for 4,000 lots and stood to collect \$7 million in "betterment fees" to go toward the construction of new facilities. The betterment fees are collected from each lot owner when he wants to build. They total \$2,380 for water and sewer for each single-family house.

Holt said Central Nevada also is unique in this respect, but said the utility system installed so far could break down at any point because of "gross inefficiency."

"They have installed a facility that is entirely useless. If anything, it puts this community at jeopardy."

"We realize that the betterment fee is a complex program that is not going to be acceptable to the county or the PSC," said Preferred Equities president Warren Church.

But Church defended the unique lot exchange program.

Utility company auditor Randall Thoman tried to counter Keating's testimony that Preferred Equities faces a bleak financial situation.

He testified that the company generated \$25 million in cash and showed a \$3.8 million profit last year.

He said its lot sales, mostly in Pahrump, increased from \$9.6 million in 1984 to \$22.7 million last year, although much of the increase was due to a change in accounting methods.

Soumbeniotis frequently objected that the PSC was going far afield of its jurisdiction inquiring about the finances of the parent real estate company.

Church said to refund the lot sales of Calvada Valley Unit 9B would be very damaging to the company.

At the very least, he said, the state Real Estate Division would require the company to notify 9B lot owners they aren't in the water service area, if the PSC turns down the expansion request.

But Real Estate Division administrator Lynn Luman testified that he thought the omission of the subdivision was inadvertent and repeated his assessment that Preferred Equities has responded to consumer complaints in "an exemplary manner."

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The fallout continued Monday at a Nye County Water District Board Monday after a joint meeting with county commissioners and State Engineer Jason King Sept. 17 over plans to curb water use in Pahrump Valley.

Echoes are still reverberating from a workshop King held at the Bob Ruud Community Center last October in which he warned Assembly Bill 419, passed by the 2011 state Legislature, allows the state engineer to designate a groundwater basin a critical management area if withdrawals of groundwater exceed the perennial yield. If a groundwater basin continues to exceed the perennial yield for 10 years and there's no groundwater management plan drawn up, the state engineer has the right to permit water rights by the priority date.

At the Sept. 17 workshop, King said he expected Nye County would have already started drafting a water management plan for the Pahrump Basin, where the state estimates there's 12,000 acre feet of recharge to the aquifer and 62,540 acre feet of permitted water rights, not counting another 11,106 domestic wells with a potential for another 8,500 wells.

It should be pointed out that the 11,000 domestic wells in Pahrump have the lowest priority should it come to managing the basin by water right priority. I don't think we should lose sight of that," former county consultant Walt Kuver told the board. "There seems to be an attitude to demonize the 8,500 or so vacant, domestic well lots, potential domestic well lots, as if that was going to be the cause of the aquifer decline in the future."

He said the impact of 19,500 homes that could be built on permitted subdivisions would be more detrimental, adding 46,000 people to Pahrump's population. He advocated controlled growth.

Tim Hafen, a Pahrump resident since 1951, a former state assemblyman and developer of the Artesia and Cottonwoods subdivisions, begged to differ.

"You can demonize the domestic wells yes. But he kind of demonized the developers with the smaller lots who use 150 gallons per person," Hafen said.

He said residential water users of Pahrump Utility Company in his subdivision consumed an average of 260 gallons per day, one-fourth of the water amount the state engineer calculates.

Some domestic wells have started flowing again after cotton production in the Pahrump Valley ended in 1982, Hafen said.

"State agencies can be wrong," Hafen said. "I'm not satisfied that 12,000 acre feet of water is what the perennial yield in Pahrump is and I think that's a major problem. A major job of this board is to determine what really is the perennial yield in Pahrump Valley."

Nye County Water District General Manager Darrell Lacy said hopefully scientific work the county is working on will enable them to sit down with the state engineer and get a figure closer to the correct number. There have been estimates the recharge could be 19,000 acre feet.

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If someone develops more than a small number of lots, say 15 or 25, they have to become a state regulated public utility company, which the state engineer doesn't want, Hafen said. In his subdivisions, he said, "we have a huge number of lots in our service territory that are just sitting there idle but they are going to be served."

The release of a final Nye County water supply appraisal investigation report by Glorieta Geoscience that will be presented to the U.S. Bureau of Reclamation provided fresh fuel for arguments. The exhaustive study included projections of future water use, data on water systems in Nye County and recommendations for dealing with future water supply issues. Water board members were told to provide comments by Oct. 17.

"As I read this information I was reminded we have the potential of 495,000 people in this valley with the land divisions in the valley we have right now. I have to wonder why we're allowing any more divisions period. I'm probably going to get shot for that," said water board member Donna Lamm, a member of the Amargosa Conservancy.

Water board member John MacLaughlin wanted to know how much underlying water is held by the utility companies that may not be used for a long time in the future.

The water board has had a standing item on its last few agendas to consider recommendations to curb water use in Pahrump Valley, based on suggestions by the state engineer. They include controversial steps, lots that are parceled up may be no smaller than five acres, if they are on land zoned for single-family residential that's outside of a utility service area. Another provision would require the relinquishment of three acre feet of water rights, instead of two acre feet, for each additional parcel created not inside a water service district, which would be relinquished to the state engineer's office.

Hafen objected to a plan to require a water impact report for properties outside a water service district. The requirement may be waived if the Nye County Water District staff finds it's not necessary. It would be required to be prepared by a qualified engineer and must include methods of disposing sewage, controlling water pollution, ensuring the quality of water and providing facilities for water supply for the proposed development.

"What you're getting into with the water impact report is a real can of worms of unintended consequences. If you've got a valid water right, you've got a valid water right. And if you're going to do any kind of a large development, you either are going to form a utility company or you're going to be annexed in," Hafen said. "I don't think the state engineer would let you form another little utility company out here."

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Planning restrictions designed to
increasing the number of water
parcels and increasing minimum
County Water District Board last

The recommendations go to the

The water board also adopted a
for Alameda County commissioners

Planning restrictions designed to reduce future water usage, like increasing the number of water rights that must be retired when creating parcels and increasing minimum parcel sizes, were passed by the Nye County Water District Board last week.

The recommendations go to the Nye County Commission for approval.

The water board also adopted a suggestion by member James Eason to Se (418) County commissioners appoint members of a committee to draft a ground water management plan, but the water district would provide the research.

After months of discussion, the water board voted to increase the amount of water rights that must be donated for the creation of each parcel from two acre feet to three acre feet. They also voted to require parcels created for single-family residential use to be no smaller than five gross acres. The proposed amendments to the Nye County Code also forbid parceling up any lots smaller than 10 acres if they are outside of a utility service area.

The larger lot sizes and additional water rights were suggested by the state engineer during a presentation in Pahrump in October 2012. Board member Roberta "Midge" Carver said her biggest concern was the planning department getting information to prospective home builders about the water overdraft situation in the Pahrump Basin.

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"It says this is where you're moving, it is a desert and we're anticipating the things you might do to maintain a water supply that is sufficient to everyone," Carver said. "I want people to understand there's not infinite amounts of things."

Water board general manager Darrell Lacy said lots within utility districts don't have to abide by the 10-acre minimum size to submit parcel applications because there won't be any additional domestic wells sunk. But Utilities Inc. of Central Nevada Regional Director Wendy Barnett said there are some lots in her service territory that were designed to be served by a domestic well by Preferred Equities Corporation that are still that way. Barnett said it would be up to the state engineer to approve any additional wells for those lots.

Water board member John MacLaughlin said the Pahrump Regional Planning Commission has been expressing a great concern over water usage in the last six months, they're getting frustrated waiting on guidelines from the water board. Last month the RPC decided not to grant a waiver allowing lot sizes smaller than 8,000 square feet on plans that were resubmitted by Shadow Mountain Construction for a 16-acre subdivision on East Simkins Road. But Eason said Desert Utilities, which provided a will-serve letter for some of those lots, is regulated by the Nevada Public Utilities Commission so there's no need for the water board to weigh in on that decision.

Developer Tim Hafen recently objected to the cost of providing water supply impact reports for new projects. The board voted not to enact that requirement. Lacy said when the new groundwater management plan is approved for the Pahrump basin new developments will have to conform to it.

Lacy told the water board, "Quit kicking the can down the road. If we don't make some tough recommendations for a water plan for this valley, the state engineer is going to move on without us."

"If you defer development approval to things like the PUC and the bundle of water rights that a utility has, you're not addressing the problem because remember, given the official perennial yield figures three out of four water rights have no water behind them, they're hollow and they're not," said Walt Kuver, a former Nye County consultant. He said if the county doesn't have a groundwater management plan, the state engineer has the right to regulate water rights by priority under Assembly Bill 419 passed in the last legislative session.

"Everything should be examined whether it's inside a service district or not. Hotels, great, we absolutely need a hotel here. I would gladly sacrifice 100 domestic wells to have a hotel. It's an economic necessity. But we can't just let it run rampant and say oh gee let's put a lake in next to the hotel. Everything has to be examined including how much water it will use," Kuver said. "What we want to do is build broad awareness of water. If I was king I'd shut down that stupid fountain on (Highway) 160."

RPC Chairman John Koenig said when water concerns come up on his agenda he calls somebody from the water board.

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"Direction from the water board toward my whole board would be appreciated. I guess inside or outside the water district there's a big pool."

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water from," Koenig said. "If they keep pulling too much my well is going to go dry. I don't want that to happen. I want direction when that's applicable."

Lacy suggested the groundwater management committee be no more than seven members, to avoid being too unwieldy and include numerous stakeholders, like water rights holders and utility companies. He also recommended the charter authorize the committee to serve a short time frame of perhaps one year to issue recommendations. The water board could be consulted, but Lacy said the Nevada Division of Water Resources is getting impatient to see the board set up.

County Commissioner Frank Carbone said the state engineer and State Sen. Pete Goicoechea, R-Eureka, the author of AB 419, would also like to have input in the plan. He said it would be used as a model for other parts of Nevada where groundwater basins are overallocated for water rights.

"The outcomes of this group will have to be approved at the county commission level. We don't have the authority to do it," Lacy said.

using anywhere near their entitlement of 1,800 gallons per day, but instead use 500 or 800 gallons, he said.

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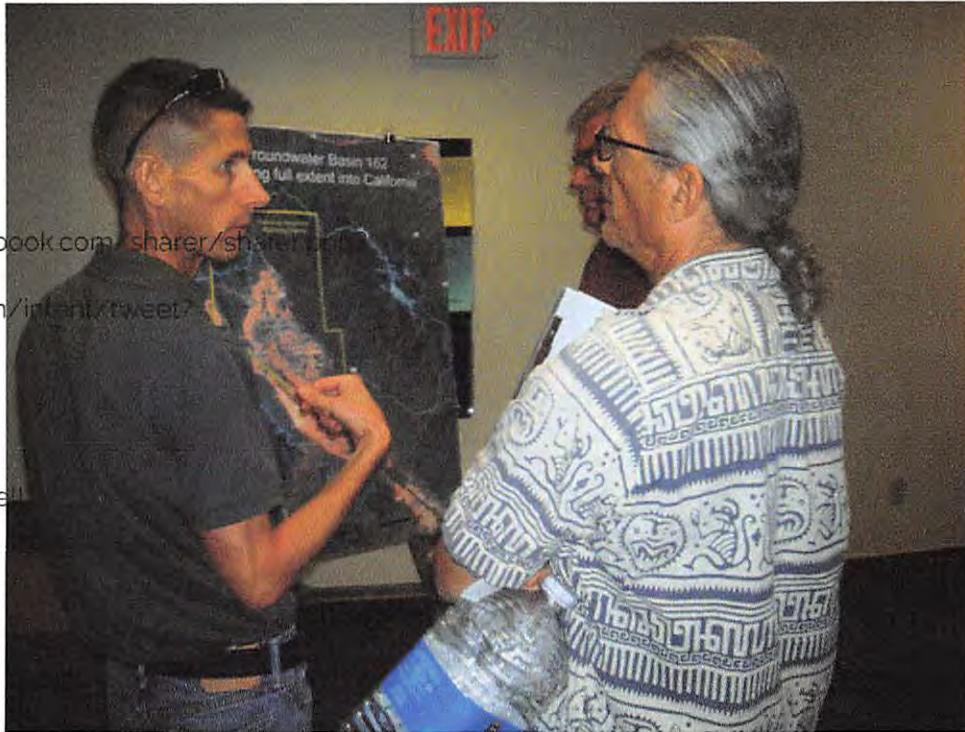
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Well owners, utilities quarrel over water plans



By Mark Waite Pahrump Valley Times mwaite@pvtimes.com
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Deputy State Engineer Kelvin Higginbotham said his office could take other steps to avoid listing Pahrump as a critical management area for water under a new state law, like declaring it a less severe "active management area."

He also pointed to proactive measures taken recently by his office, like revising figures upwards on the potential recharge into Pahrump Basin from 12,000 acre feet to 20,000 acre feet.

"That still doesn't mean the basin's not in trouble. The potential's there for 62,000 acre feet of groundwater being pumped as well in permitted and certificated rights and up to 20,000 acre feet in domestic wells," Higginbotham said. "It's still a basin that's very sensitive. We know that we issued the water rights. We know it isn't the residents of the basin or the county or anybody else so we have to take responsibility for that. Even though it wasn't us, it was still our office and we have to figure out a way for everyone to have water for their future needs."

Higginbotham took responsibility for his office, in a four-hour workshop that included finger pointing between well owners and developers.

Bill 419 passed in the 2011 Nevada Legislature allows the state engineer to designate a groundwater basin where water is over-appropriated a critical management area in 10 years, unless a groundwater management plan is approved. The Basin 162 groundwater management plan committee was appointed in January.

Nye County Water District consultant Oz Wichman said metering domestic wells will help provide math to explain to the state Legislature that drastic measures won't have to be taken.

"I have been trying to make the argument that to do nothing is a valid option because if you look at the few meter readings we have, it shows that domestic well owners, frankly stated, are pretty water-conscious. I'm seeing a fair amount of paranoia about metering of domestic wells but my honest question to the people of this community is if I don't have good math, decisions will be made," Wichman said.

Nye County Water District General Manager Darrell Lacy said water levels are dropping on the west side of Pahrump Valley where there are a lot of domestic wells, but rising in areas to the east, like the Manse Spring. Meghan Hodgkins, from Glorieta Geoscience, suggested injecting water from Manse Spring into two wells on the valley floor.

"We've chosen the two areas where the well density is the highest, which corresponds to areas of the basin where ground levels are dropping the fastest," she said.

Committee member Greg Dann wants meters on domestic wells, he said only 8,582 acre feet of water rights out of the 62,504 acre feet on paper are presently being put to beneficial use. He also wants to prevent outflows to California and pumping should be spread out on the alluvial fan and reduced on the valley floor.

Dann said the importation of water will play a big role, but it's not going to happen tomorrow because of the exorbitant cost. But he doesn't see

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Dann conceded "I'll probably get shot down" on suggestions for a valley-wide public water system and conceded there isn't money for it. But his other controversial idea, a moratorium on development, he called "the meat and potatoes" of his plan, in particular restricting big water users like any future golf courses. The committee could institute a water rights buy back program, Dann said.

Dann claimed private utility companies have 53,958 acre feet of water rights "just sitting in the cloud."

"It's not costing people in the municipal world to just hold their water so they just hold it. They can hold it for 200 years from now. I don't think that's a good incentive for the benefit of the valley," Dann said. He added, "I would like to propose that all new wells to be drilled in the valley for domestic use only be allocated a half acre foot per year."

Board chairman Greg Hafen II read off a list of suggestions for the committee: metering consumption to raise awareness of water use; prohibiting private wells inside a utility service territory; allowing utility companies with infrastructure to reach more lots; an aggressive program to remove vegetation consuming lots of water like salt cedars; creating incentives to voluntarily connect to public water systems where feasible; stripping unused water rights and an aggressive water conservation plan.

Committee member Kristian Bentzen disagreed with the suggestions.

"I'm having a hard time believing anybody in the community would propose more taxes, higher property taxes, sales taxes and impact fees. That is under the heading of suggestions," Bentzen said. "I haven't found anybody that I talked to that is in acceptance of putting a meter on their wells."

Developer Dan Harris suggested the committee require additional water rights for new construction and retire those water rights to the state. The committee should establish a fund to purchase water rights, which Harris said were being sold last year for an average price of \$3,026 per acre foot, according to a study, the lowest in several years. The county could retire those water rights or keep them for a future credit back to the new builders and then retire them, he said. The Nye County Water Board could hold a reverse auction, by sealed bid, where water right owners offer to sell their water rights at the lowest price, Harris said.

"If the production of new domestic wells is a concern then it stands to reason these potential new domestic wells should be a part of the solution. However all owners of empty lots should have a chance to build their homes," Harris said. He added, "we should not be required to meter existing domestic wells. If you want to volunteer that's fine."

To stabilize the water table where domestic wells are having problems, Harris proposed drilling wells in the southeast part of the Pahrump groundwater basin where there's no wells, to capture water draining into California and pipe it north to the three utility companies. Another suggestion was to send treated effluent to areas where the water table is dropping.

Harris, whose family ran Desert Utilities, said banking of water rights by utility companies isn't a bad thing.

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"The formation of the three utilities was a stroke of luck for all of us. Without the utilities a lot of us would still be farming and we would be pumping several thousand more acre feet than what we are pumping now," he said.

Harris said high density development isn't the problem, 100 homes on quarter-acre lots using a total of 35 acre feet is better than 100 homes on acre and a quarter lots using 50 acre feet.

Vicki Hafen Scott, with Pahrump Utilities Inc., said though her company may not be pumping all their allotted acre feet of water rights they are still obligated to serve future development.

Frank Maurizio, president of the new Private Well Owners Cooperative, said the committee can only do what the state Legislature allows under Dillon's Law. If the engineer doesn't say the basin is over-appropriated the committee is wasting its time and violating the law, he said.

John Bosta wants the state engineer to call for a beneficial use status on all water rights in the Pahrump basin with all unperfected water rights subject to forfeiture in an attempt to bring down the water rights on paper to more balance the recharge rate.

"This will solve that big discrepancy of numbers and I believe it is this board's obligation to protect the domestic wells of 11,200 people," Bosta said.

Committee member Wendy Barnett, president of Utilities Inc. of Central Nevada, said there are already 11,106 domestic wells in Pahrump, if the state didn't reduce their two acre foot allotments that would still be 22,392 acre feet of water used annually, above the perennial yield.

Fred Sobel said he wants to drill a well on his property in a neighborhood commercial zone on Calvada Boulevard. But Higginbotham said, "once you start drilling domestic wells in a service area where you can be served, you are then going to cause harm to that utility that's set up to serve the area."

Higginbotham, agreed with Bosta's comments the state engineer's office is required to protect domestic well owners, but he said that could include requiring them to hook up to a utility system. The state engineer already has a lot of powers, Higginbotham said, including the authority to limit the extraction of water from any well, even when it's not in a critical management area.

Former deputy state engineer Bob Coache said the committee could look at the groundwater management program in Las Vegas.

"They did set up a tax directly on that, it's \$30 per domestic well, \$30 per acre foot and then they had a breakdown in that \$30 what each dollar was used for. It was used for permanent recharge, it was used for a groundwater connection program where domestic wells failed, they subsidized that. A substantial portion was used for education," Coache said.

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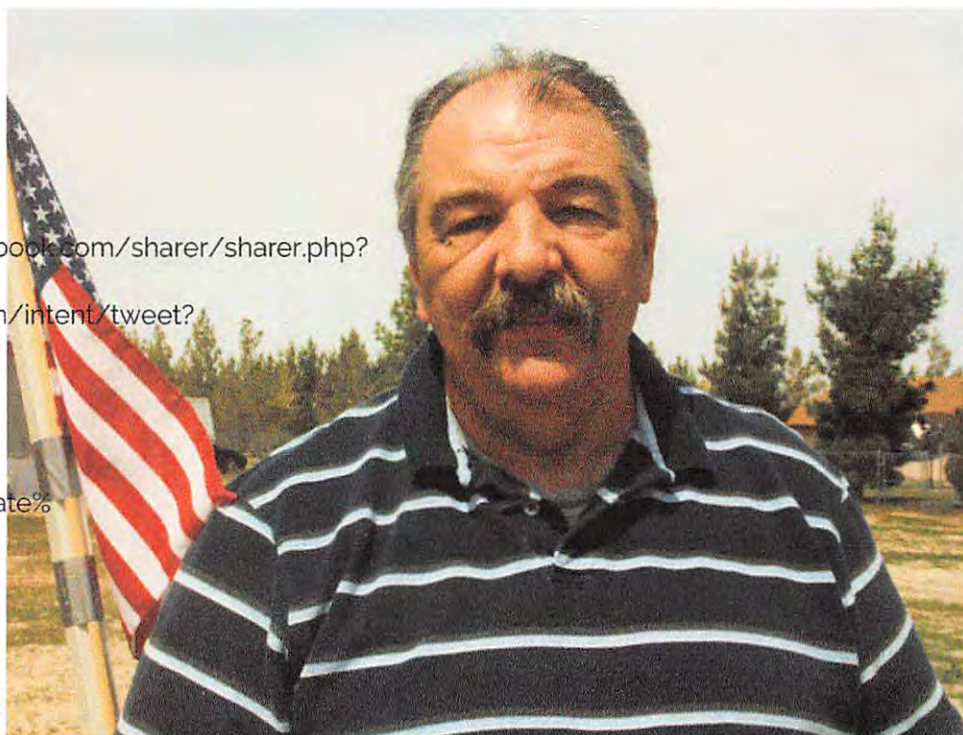


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State engineer to well owners: Be part of solution



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State Engineer Jason King urged the Private Well Owners Cooperative of Nye County to compromise and be part of the solution, in a response to that group's call for proof of beneficial use of all perfected water rights in Pahrump Valley.

Frank Maurizio, president of the well owners group, wrote a letter to King dated June 30, stating the group wouldn't accept any reduction of water for a domestic well below two acre feet per year.

"Any language requirement less of 1,800 gallons a day is unacceptable," he wrote.

The private well owners recently organized as a nonprofit group that formed under the Internal Revenue Code as a water cooperative utility. Maurizio said the state Legislature in 1993 created a protectable interest in domestic wells, which he says isn't subject to forfeiture.

"In Nevada, wells for domestic use are the only type of water wells that are exempt from the state's water rights permitting process," Maurizio wrote. "Domestic well use is not a water right use."

Domestic use exempt from the water rights process includes water used for ordinary use and household purposes related to a single-family dwelling, including watering a garden or animals, he wrote.

Maurizio wrote that the most important objective of the new committee drawing up a water plan for Pahrump Valley, the Basin 162 Groundwater Management Plan Advisory Committee, is to follow the state Legislature's policy to protect the water supply of two acre-feet per year of the 11,200 domestic wells from what he called unreasonable adverse effects caused by municipal, quasi-municipal, commercial or industrial uses that can't reasonably be mitigated.

Maurizio said Greg Dann, a groundwater plan committee member, presented statistics that only 8,582 acre feet of water were being used out of 62,450 acre feet of water rights.

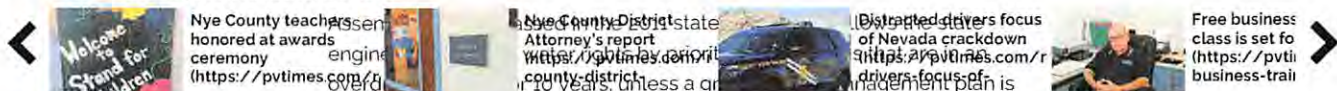
Maurizio specifically keyed in on Utilities Inc. of Central Nevada, which he said banks water rights as a tool for developers and property owners to transfer water to UICN to hold for future use. A water supply appraisal investigative report by Glorieta Geoscience reported UICN had 25,603 acre feet of water rights out of a total of 30,050 acre feet of water rights owned by community water systems, but the study said UICN only used 3,625 acre feet in 2010 for homes, businesses, golf courses and irrigation.

In his reply, King said the state engineer's office can call for proof of beneficial use as an option in drawing up a Pahrump groundwater management plan. But if that option were chosen, it would be administered throughout the basin, he said.

"I will take this opportunity to again try to impress upon you and your organization the importance of domestic well owners being willing to compromise and be a part of the solution to the overdraft situation in the basin. It appears the position your organization is taking is that every water user in the basin except domestic well owners should be curtailed," King wrote.

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A photograph of three men seated at a long, dark wood conference table. The man on the left is older, with white hair and a beard, wearing a light blue shirt. The man in the center is younger, with dark hair and glasses, wearing a blue and white plaid shirt. The man on the right is older, with white hair and a beard, wearing a blue and white plaid shirt. They are all looking down at papers or devices on the table. An American flag is visible on the left side of the frame. A circular seal is mounted on the wall behind them. The image has a watermark overlay that reads "facebook.com/sharer/sharer.php?r.com/intent/tweet?".

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A proposed tax on water rights was quickly doused with cold water by Greg Hafen II, manager of Pahrump Utilities Inc. and a member of a prominent local development family that created Artesia and Cottonwoods subdivisions.

Newly-appointed board member Greg Dann, who ruffled feathers on the Basin 162 Groundwater Plan Advisory Committee with a proposal to enact a moratorium on building until they finished drafting a groundwater plan for Pahrump, suggested implementing a water rights fee per acre foot. The fee would be used to fund a full-time water district administrative director and an employee out in the field.

"I want to pick up the domestic well owners on that. We're all for one and one for all," Dann said.

But suggestions of a fee of \$1, \$5 or even \$10 per acre foot would be astronomical, said Hafen, who sits on the groundwater basin advisory committee.

"I feel the fees collected by the Nye County Water District should include everyone," Hafen said. But he added it would be equivalent to increasing the fee paid by parcel owners to the water district from \$5 to \$71.

"My base rate for my customer is \$11 per month. I believe if you impose a parcel fee and water rights fee, you're double taxing," Hafen said. But he added, "I want to make sure that everyone does end up contributing and it doesn't get passed on and borne by the utility customers only."

Hafen said the only place he found a tax on water rights was in California and it was only 5.3 cents per acre foot.

"I'm pretty sure no rancher up in northern Nye County that I know would want taxes or fees added to their water rights to support the majority of that going to Pahrump," board member Jay Dixon said, who is a hydrologist for Round Mountain Gold in Big Smoky Valley.

Water district general manager Darrell Lacy suggested a special improvement district, where impact fees could be charged for developments contributing to the growth of the community. Lacy also wanted an emphasis on landscaping requirements for new homes in subdivisions.

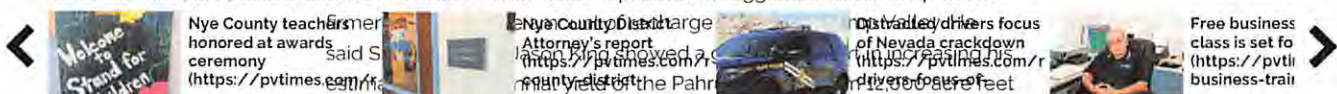
An increase in the per parcel fee from \$5 was supported by different board members. Chairman John MacLaughlin suggested doubling it, though Dann said after talking to utility companies he scratched the idea from his list.

MacLaughlin wanted to develop flood retention basins on the alluvial fan that could regenerate the groundwater through rapid infiltration basins. He also suggested pumping excessive effluent into the RIBs to receive credit for permitted water rights.

An idea that had almost a consensus was updating the 2004 Nye County Water Resources Plan, drawn up by the former county hydrologist the late Tom Buqo back in 2004.

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More in News (<https://pvtimes.com/news/>) Board member Michael Lach repeated his suggestion to come up with a



to 20,000 acre feet. The valley has 62,000 acre feet of water rights on paper, the separate groundwater committee is trying to bring the numbers more into balance. Lach said the water district could never buy back enough water rights to make up the difference.

Utility companies claim customers only use 500 gallons of water per day, which would lower the usage if they can incorporate usage by well owners, he said.

Lach also suggested importing water from Trout Canyon. The idea of importing water was also a popular priority among the board.

Talk of importation also led to suggestions by board member James Eason, Tonopah's town manager, to talk with the Southern Nevada Water Authority about their water right applications in Railroad Valley and their possible pipeline project. Eason said the reason for the creation of the water district was to have standing with the SNWA. He added the longevity of water usage in the Pahrump Valley is based on water importation, like the SNWA is doing, only importing from within Nye County.

Lacy said the Nye County Water District needs to be a wholesale water purveyor in the future, providing water to local utilities as needed. He thinks the committee should start looking at moving water around the Pahrump groundwater basin to areas where it's needed.

Lach also suggested upping the required donation of water rights to \$4 per acre foot per parcel. The county commission recently passed an ordinance increasing the donation for new residential lots from \$2 to \$3 per acre foot. An acre foot of water costs more than \$2,000.

"If 15 years from now, four acre foot per lot is out of line it can be adjusted. But for now, I believe it's something we should look at to prevent more subdivisions from being made when there are plenty of lots to put houses on," Lach said.

Nye County Geoscience Manager Levi Kryder suggested an infiltration study on whether leach fields from septic systems recharge water or are just evaporated. The county could construct a leach field for testing purposes and inject water from household use.

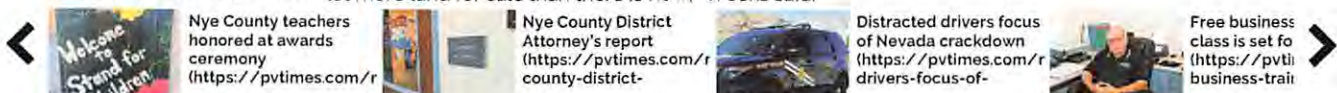
Dixon wanted to require companies planning to do hydraulic fracturing to extract oil and gas to apply for a conditional use permit.

"All I'm trying to do is propose transparency," Dixon said. "I don't believe we need to have a technical review, we don't want to hold them up. It just forces them to keep us in the loop."

Board member Jim Weeks, from Beatty, thinks the water district should prepare for the transfer of federal land from the U.S. Bureau of Land Management to the state of Nevada. Assembly Bill 227, which passed the last session of the Legislature, set up a committee to study the land transfer.

"If you sell land it isn't any good without water so that's going to create an additional demand wherever they sell land and probably there would be a lot more land for sale than there is now," Weeks said.

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A group of people, including several children and adults, are standing on a paved street. A white car is parked on the left side of the frame. The background shows some greenery and a clear sky.

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Well driller Debra Strickland, who is co-owner of Strickland Construction, said she was re-drilling a well Friday for a large family on Thousandaire Boulevard. The dig was scheduled to go as deep as 260 feet.

"They'll have a huge usage, a big family. The water table may be at 75 feet but they're sucking it because it's their old, old, old, old well," she said. "Their water use is tremendous and that's a guy that would not benefit from a meter."

The Basin 162 Groundwater Management Plan Advisory Committee issued a controversial recommendation last week that all new wells drilled be metered and those new well owners be limited to half an acre foot of water per year, which equals 450 gallons per day. Strickland said that shouldn't create a hardship in most cases.

"It's a no-brainer because we're not using the water that we could use," she said.

The policy would mean more money for well drillers because they get to charge for a meter, which Strickland estimated costs about \$450. She said homeowners are charged about \$21 per foot for drilling a well, then \$1,650 for a one-horsepower pump.

But Strickland asked, "If we start installing meters today, who's going to read them?"

The advisory committee decided against Smart Meters, used by utilities like Valley Electric Association, where meter readers can scan readings just by driving past a home. Instead the property owner would be required to self report the meter reading every year to the Nevada Division of Water Resources.

For Strickland, her business includes construction and real estate. She said there hasn't been much demand for drilling new wells lately with the slowdown in the economy.

Committee member Greg Dann, who was appointed to represent well owners, has offered to do free static testing on water levels for well owners. Dann told the board when he's asked how deep to drill a well, he always tells homeowners to go deeper than what the well driller tells them. Dann's resume states he worked for a company that installed a pipeline to Yucca Mountain, was the general foreman of a pumping station for the Southern Nevada Water Authority's second straw project at Lake Mead and supervised the construction of air-cooled condenser duct work for Bechtel at the Ivanpah solar project.

Committee chairman Greg Hafen II said if people want to drill a well more cheaply and go 80 feet deep they could run dry in nine years. But the committee decided against a proposal to require a minimum depth on drilling domestic wells, as an educational tool.

The recently-formed Private Well Owners Cooperative of Nye County, in a recent letter to the state engineer, pledged to fight for the right of well owners to use up to two acre feet of water per year, or 1,800 gallons per day. Cooperative leaders plan to discuss their concerns with State Engineer Jason King, during a series of listening sessions he has planned.

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The idea of water co-ops is nothing new, a group of 70 customers at Shoshone Estates Recreational Vehicle Park in Carvers, in Big Smoky Valley, took over a struggling water system Jan. 1 and are working to comply with tough, new, federal arsenic standards.

Nye County Water District General Manager Darrell Lacy told the groundwater committee the lowest per capita water usage among communities surveyed in the Southwest was Santa Fe, New Mexico, where residents averaged 52.4 gallons per day for residential use, the average was 102 gallons when all water users were included. Las Vegas calculates a net usage of 75 gallons residential and 133 gallons per day including all users, after a 40 percent credit for recharge into the Las Vegas Wash, which is about 120 gallons per day residential and 220 or 230 gallons per day for all users.

Lacy suggested Prescott, Arizona, would be a fair comparison with Pahrump; residents in that community average 98 gallons per day for residences and 163 gallons for all users. Tucson averages 102 gallons per day residential use and 155 gallons total, he speculated the higher usage in Phoenix of 123 gallons per day residential and 220 gallons total could be due to all the golf courses.

"We're using 120 (gallons per day) on a utility type per capita residential use and 256 (gallons per day) is actually our per capita residential use and I based that on the most recent pumpage reports," Lacy said.

The U.S. Geological Survey in 2005 estimated Nevadans' per capita water use was 190 gallons per day for domestic use only. The estimated per capita use in Nye County was between 205 and 335 gallons per capita per day, with an average of 266 gallons. A water supply investigation report performed by Glorieta Geoscience said Utilities Inc. of Central Nevada customers averaged 299 gallons per capita per day, Desert Utilities customers 221 gallons per capita per day and Pahrump Utility Company Inc. 223 gallons.

"Our goal maybe is not unrealistic, for one, and there are areas that are doing better than our goal," Hafen said.

Lacy said there are 8,000 lots larger than one acre in the Pahrump Valley that could potentially have new wells.

The Nevada Division of Water Resources database lists more than 11,000 wells already drilled in the Pahrump groundwater basin. The Glorieta Geoscience report said they could potentially use 5,600 acre feet of water per year, approximately 40 percent of total annual water use currently in the valley.

The report said there are 5,905 lots between one and 2.5 acres that are currently platted, but vacant, that could install a domestic well and another 822 lots between 10 acres and less than 100 acres that could be subdivided to create additional residential lots with the potential for domestic well installation.

A lot would need to be at least one acre to drill a well and install a septic system and be in compliance with minimum separation requirements.

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He briefed a crowd at the Bob Ruud Community Center on Assembly Bill 419, passed in the 2011 session of the Nevada Legislature, designed to address the over-allocation of water rights in basins like Pahrump Valley and Diamond Valley near Eureka.

At the time King estimated the most senior 50 water right holders out of 850 permittees would use up that 12,000 acre feet. Nevada water law prescribes a "first in time, first in right" doctrine, allocating water to the first people to file for the water rights.

A hydrographic abstract from the Nevada Division of Water Resources shows the people holding the most senior permitted, certificated water

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A water supply appraisal by Glorieta Geoscience, released in 2013, said Utilities Inc. of Central Nevada owned 23,603 acre feet of water rights in Pahrump Valley, but only used 3,625 acre feet that year.

Glorieta Geoscience reported that community water systems together have 30,050 acre feet of water rights and serve 13,695 residents. Of the 63,350 acre feet of water rights, 37,112 are permitted and 18,375 are certificated. The great majority, 38,130 acre feet, are for municipal or quasi-municipal use.

The first name on the hydrographic abstract of permitted and certificated water rights is Calvin Murton Bowman, with 318.71 acre feet of water rights, filed on Oct. 26, 1940. He is part of the family of Elmer Bowman, who settled in Pahrump in the early 1950s. He bought the Manse Ranch.

The second and third permits were issued to another member of the Bowman family, Imogene Anderson, whose application dates back to August 1946. Digger and Imogene Anderson donated land for Our Lady of the Valley Catholic Church on Gamebird Road back in 1979.

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Harry Ford, the founder of the Pahrump Valley Museum, who first moved to Pahrump in 1944, still has five acre feet of water rights under his name; he died in May 2011.

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Another 318.5 acre feet of water rights are owned by Howard and James Ashworth.

A limited liability company named A-SWDE1, LLC, has another LLC named LEHM LLC as principal partner, the principal partner in LEHM LLC is John Ritter, founder of Focus Property Group. It owns 271.7 acre feet of water rights that were filed on Dec. 31, 1951. Focus Property Group outlined plans in 2006 to build 5,800 homes on the south end of Pahrump. The company still has a valid development agreement with Nye County. LEHM LLC is also listed as a partner in B-PVL1, LLC, a company with 2,679.43 acre feet of certificated, permitted water rights that were originally filed in 1975.

Another sizable chunk of the 12,000 acre feet of perennial yield that would replenish the Pahrump aquifer, would be taken up by CM PV Land 1-545 LLC, which has 1,333.5 acre feet of water rights filed on Dec. 31, 1951 and another 177.44 acre feet that were first filed on July 28, 1952. The principal in the company is the CM Group, the principal in the CM Group is James Barton of Las Vegas.

Adaven Management, which originally outlined plans to build 5,160 lots at Mountain Falls South subdivision, south of Manse Road during the housing boom, has plenty of water rights to go with any future development. Adaven has 349.9 acre feet of water rights filed on May 15, 1952, another 4,495 acre feet dating back to July 18, 1960, another 397 acre feet from April 8, 1963 and 1,193.89 acre feet from Aug. 25, 1965.

The next permittees are Betty Avera, with 147.28 acre feet filed on Aug. 11, 1952 and Leonard Bietz, with 100 acre feet filed on March 30, 1953. Alvin L. Bells is next in line with 505 acre feet filed on Jan. 20, 1959.

Central Nevada Utilities Company, which was taken over by Utilities Inc. of Central Nevada, is still listed as the owner of 30.95 acre feet of water

rights, filed on June 30, 1960, another 100.5 acre feet on Aug. 28, 1962,

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The Christensen Trust has 189 acre feet of permitted, certificated water rights on record. They were filed on July 18, 1960. Edgar Lyle Christensen died in 2011. He moved to Pahrump in 1948 and married Mary Bowman. He bought 264 acres of the Manse Ranch in 1961 and began farming.

Roy E. and Phyllis J. Archer have 325 acre feet of water rights filed on Jan. 13, 1961. They are followed in order by the Batdorf Trust, with 33.85 acre feet.

American Eagle RV and Resorts LLC, which outlined a controversial plan to build a 213-space recreational vehicle park at 500 S. Leslie St. before the Pahrump Regional Planning Commission recently, has 125 acre feet of water rights, which were filed on March 14, 1962.

Another development company, Bermuda and Star LLC and Bermuda Road Investments LLC, has 156.85 acre feet from July 5, 1967. Eloy and Mary Baca own 140 acre feet, first filed Aug. 25, 1967. Bolling Construction has 205.65 acre feet on file, with a filing date of Nov. 7, 1968.

The town of Pahrump has its first commercial water rights of 97.41 acre feet and 14.98 acre feet filed on Sept. 4, 1969.

But "Tim" Hafen, has 5.92 acre feet in his name filed Jan. 31, 1972. But his grandson, Greg Hafen II, the manager of Pahrump Utilities Inc., said Adaven has a lot of the water rights they owned.

UICN doesn't show up on the list until June 15, 1979, with 800 acre feet in its name. The company has another 13,881 acre feet filed in a span of two years in 1982-83. UICN has hundreds more acre feet of water rights on the list dating back to filings mostly in the later 1980s.

Among other names on the list, Ray "The Flagman" Mielzynski owns 25 acre feet of water rights filed on Jan. 22, 1992, so does Nye County Water District member Greg Dann; his were originally filed Nov. 5, 1992. Fred Cressler, who farms land on South Homestead Road just north of the Chicken Ranch Brothel, has 52.2 acre feet of irrigation water rights first filed May 22, 1992.

Some of the same early residents are listed in a hydrographic abstract of all water right holders, the first one being Lois Kellogg in a filing that dates to July 18, 1939, followed by Tim Hafen Ranches on March 1, 1940. Central Nevada Utilities Company has three filings from April 10, 1940, followed by Calvin Murton Bowman on Oct. 26, 1940 and Linford and Imogene Anderson, Edgar Lyle Christensen, Perry and Norma Bowman and Roland Wiley. That list includes canceled and abrogated water rights.

Greg Hafen II said since the state engineer revised his perennial yield estimate to 20,000 acre feet, he hasn't said what that cutoff year would be. But though developers and utility companies may own a lot of acre feet of water rights that aren't currently being pumped, he said that doesn't mean they can be canceled.

"Everybody that's bought a lot in Artesia we have an obligation to provide them with water, same thing with other subdivisions in our service territory," Hafen said. "So we file extensions of time on our water rights, we do show due diligence and make sure that we are following the law."

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farmer who's holding it for beneficial use," Lacy said.

The Basin 162 Groundwater Management Plan Advisory Committee, which is drawing up a groundwater management plan for Pahrump Valley, is attempting to deal with the number of water rights permitted with what is used.

"The question with UICN is not how much water they hold, but how much water they need," Lacy said. "They're only pumping 3,000 acre feet today but that doesn't mean that water isn't dedicated or needed for future use."

At a listening session held by the state engineer in Tonopah Aug. 7, former Deputy State Engineer Bob Coache said the state engineer lacked authority to call for a blanket proof of beneficial use of water rights, in an attempt to whittle down the unused water rights to a level closer to the perennial yield. That was suggested as an alternative to regulating ground water withdrawals by priority date during the state engineer's October 2012 presentation.

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That was one item that Nye County officials incorporated into a proposed groundwater management plan for further study at a committee meeting on Monday.

A non-prioritized list of 11 recommendations, whittled down from hundreds, was identified to become part of the Basin 162 Groundwater Management Plan, which provides water to Pahrump residents.

Making the non-inclusive list was the adoption of a water conservation plan; implementation of an aggressive water education program; a metering system for new domestic wells; aquifer storage and recovery; the construction of water detention basins; expansion of water and sewer infrastructure by private utility companies; water banking and relinquishment of water rights program, a growth control program and restriction of future development agreements.

The list was compiled after hours of discussion from committee members, county officials and residents.

Among those commenting were John Bosta, an Amargosa Valley town board member and vice-president of the private well owners co-op. In furtherance of the mission statement of the co-op, Bosta advocated to ensure the right of private domestic well owners to draw up to two-acre feet of water per year. He balked at the presented recommendation of "banking" water while simultaneously relinquishing water rights, according to a formula, claiming it violated anti-speculation law.

Resident Kenny Bent said that the over-allocation of water rights are not a contributing factor to future potential threats to the area's water supply. Many of those rights, he said, are not being actively used, instead he said they are "just on paper."

Those allocated water rights allow for Pahrump's population to theoretically expand to 500,000. That is a number, consultant Oz Wichman said, that threatens the longevity of the basin.

Bent said that many of the proposed issues and solutions were speculative because supporting data is not available. He urged residents to volunteer for static well-level testing to form a data-driven analysis to direct future basin protection endeavours.

Forty-four test wells are being monitored throughout the Pahrump Valley to provide data concerning aquifer diminishment. That data suggests that the level of the underground aquifer, in certain areas, has decreased by two-feet over the past 10 years. If that rate of diminishment continues, it is possible that there will be no water, in certain areas, within the next 30 or 40 years, officials said. In contrast to those figures, Wichman said that aquifer levels at other locations are increasing.

Bent said that there is not enough data available to make those assertions, citing a lack of broad grid-based sampling of static well levels throughout the valley. The current sampling, he said, is from a "clustered" area that does not provide a true assessment of the overall aquifer level.

One way to address the overall diminishing water table, committee members agreed, is to stunt population growth, which in turn would theoretically reduce water usage. A means by which this could be

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The retirement of water rights through purchase was passionately discussed. Though four committee members favored the measure prior to public comment, a split vote of 3 – 3 left the proposal on the table. Ten residents spoke against including possible purchases as a viable solution to preservation of the water supply. Committee member Walter Kuver said there were 50,000 water rights in the valley "that have no water to back them up." He told the committee he was not comfortable with the county purchasing those water rights because they have no water. Instead he suggested growth control to prevent the water rights from being used.

Bosta told the committee that most of those unused water rights have not been perfected because they have never been "put to beneficial use." A purchase of water rights, Bosta said, was also in violation of the anti-speculation law. He suggested that the state engineer solve the problem by calling for beneficial use on those unused water rights. He clarified what he described as a misperception. "Domestic well use is not a water right. A water right is the right of a person to develop a well," he said. "A domestic well is not equal in value to a water right," he further opined.

Resident Shane Navara said that limiting development is akin to stealing water from established domestic wells. "Water should be used to sustain life, not to gain profit. It is not a right to make a profit on something that we all use for sustenance," he said.

Championing expanded development was farmer Champ Roach, who recently gained necessary initial approvals to include a marijuana growing facility to his established agricultural greenhouse operation. He suggested a 10-year moratorium on beneficial use proofing as well as the selling reclaimed water. He also said that Nye County has the opportunity to benefit financially from the growth and sale of the crop within the state. However, water is needed to realize those potential benefits.

Wichman said, following the meeting, that relinquishment would both preserve water for future use and allow residents to "do their civic duty."

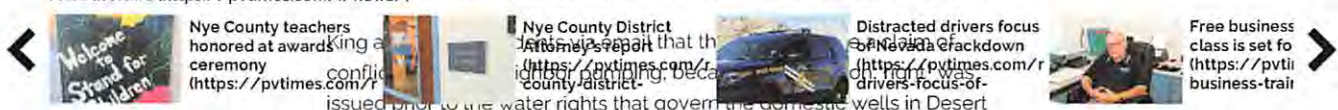
Bosta disagreed with the rationale saying, "The water below my land belongs to me." Nevada is a common law state, he said. Under common law, and according to two state supreme court decisions, he contends, underground water is not governed by the same laws governing surface waters and waterways.

Basin residents share in the underground aquifer to meet their water needs. The Environmental Protection Agency, a federally funded and regulated agency, has been diligently working to "provide clarification" for the definition of "waters of the United States," under the Clean Water Act. The proposal includes expanding the definition to include waters that have "significant nexus" to wetlands, tributaries and water subject to the ebb and flow of tides. The public comment period on the federal proposal closed on Nov. 14, 2014. An amendment to the act has not yet been passed.

Desert Hills resident Paul Cichocki spoke at the meeting and claimed that neighboring landowners have engaged in "water wasting" activities in order to preserve their water rights under the state's "use it or lose it" policy. Cichocki and neighbors have engaged the assistance of Nevada Division of Water Resources engineer Jason King to address that problem.

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Hills. However, the email continues, "The waste of water from any user in the state is prohibited." An investigation by the Nevada Division of Water Resources is ongoing, as the agency acts as the "water police."

Though Wichman states that Nevada water "belongs to the people," if it is not regulated in some way, it is likely it will not be there in the future. The residents and elected officials of Nye County have a long history of opposing over sight and regulation by hierarcal government, so why should they ask for further regulation?

"It's a no-brainer," Wichman said. "If you are sitting here in the knowledge that this (diminishment of the aquifer) is taking place, why would you sit back and do nothing?"

Federal law supersedes state law in all matters, including that of who owns the water. "The worst thing in the world that could happen in the state of Nevada is to let the federal government get ahold of the water," Wichman said. Water, he said, is at the heart of the environmental movement, which is "driving the bus" of federal regulation.

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The committee has been working for over a year to identify priority groundwater basin issues, according to Nye County Director of Planning Donnell Lacy.

Lacy said the recommendations are non-binding and must be "fine-tuned." The public will have more opportunities for comment as "multiple layers of discussion and approval" are still needed, according to Lacy. The state has asked for recommendations from the local level, Lacy said, so Nye County would not be stuck with regulations in which they had no say.

Once the recommendations are finalized by the committee, they will be presented to the Nye County Water District governing board.

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Water officials discuss many paths to saving water

By Lillian Browne Pahrump Valley Times lbrowne@pvtimes.com
January 28, 2015 - 7:52 am



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The Nye County Water District Governing Board heard water conservation recommendations from the Basin 162 Groundwater Management Plan Advisory Committee at a meeting of the district board on Monday.

A list of 11 non-prioritized target areas were identified earlier this month by the advisory committee to be further studied for inclusion in a future groundwater management plan.

Speaking on behalf of the advisory committee, Chairman Gregory Hafen presented the water district board with various items which, if implemented, he said, will help to preserve water.

Discussed was a voluntary water "banking" recommendation under which two-acre feet of water would be relinquished for every one-acre foot used. Relinquished certificated or permitted water rights would help to reduce further over-allocation of water rights and also help to control pumpage inventory.

District board member Michael Lach opined that banking water seems to be a good idea. However, he questioned its feasibility given the lack of enforcement of beneficial use requirements.

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County consultant Oz Wichman, who said he was "personally conflicted"

by the concept, explained that once extra water rights were relinquished, what remains would be an accurate representation of the county's water resources.

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Wichman admitted, "This concept would eliminate proving which is a cornerstone of Nevada water law." So is speculation.

Amargosa Valley town council member John Bosta opposed the idea and alleged implementation of the concept would result in a violation of Nevada's anti-speculation laws; which, he claims, the state engineer has been doing since 1982 by water banking for utility companies who have not applied or filed for beneficial use of the water, which is required by state law.

Resident Ken Bent said that water banking would allow public water to be "owned" by a private class of individuals. The premise gave rise to further outcry from Bosta who claimed the state engineer could not legally appropriate water. Percolating (underground) water belongs to the land owner because it can not be differentiated from the soil, and, he said, the property owner owns the soil.

District board member Greg Dann rejected the idea of banking water claiming that it circumvents both the law and beneficial use mandates. Selective enforcement of water regulations by the state engineer's office are unbalanced and unfair to residents and businesses. While beneficial use of thousands of acre-feet of water rights is not policed by the state, other users, such as the Catholic church and Moose Lodge, are being cited for negligible overages in consumption, he said.

Further discussed was the struggle to be faced with implementation of such a strategy. Wichman was directed by the district board to continue his efforts to involve the state water engineer's office to help the county to formalize a conservation plan.

The district also discussed the creation of incentives to voluntarily connect to public water systems wherein the utility company would waive connection fees and pay for limited extension lines. The option would target areas where basin water levels are falling and also have a high density of domestic wells.

The hotly debated topic of including meters for new domestic wells was also proposed by the advisory committee. Metering would provide tangible data for making decisions about water consumption, according to Wichman. Wichman told district board members that the state engineer believes that he already has the authority to require meters on any newly drilled well. The requirement to have meters on new domestic wells will be placed on the agenda at the next water district board meeting.

Water district board chairman John MacLaughlin urged the planning department to investigate how many existing domestic wells are being utilized for commercial purposes. Those users, Lacy said, should be buying additional water rights. State law also requires metering of converted use wells.

Wichman urged the county to utilize enforcement services of the state water engineer's office for that type of "domestic well abuse." Public education of metering wells for commercial purposes is lacking. MacLaughlin instead wants residents to have the opportunity for compliance through education before intervention of enforcement services. State officials are authorized to levy a \$10,000 daily fine for

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Also debated was the acquisition of five-to- 10-acre tax sale parcels for the "benefit of the basin." Though some district board members approved of the measure as an effective way to reduce future domestic well use, other members questioned whether the district should be in the "land owning business."

Lach said he saw the measure as a method of "reverse parceling" which would reduce the amount of water coming out of the basin in the future. Approximately 21 properties on this year's tax sale list would fit within the county's parameters for acquisition, Lacy said.

Resident Ken Searles spoke out against the move, claiming it was "tantamount to eminent domain." No action was taken on the proposal. The matter will be further discussed at a future meeting.

Lacy reported that the county has the ability to take further water conservation measures through special use and conditional permits. Through changes in parcel and subdivision codes, he said, the county could "make things more stringent than the state minimum." It was suggested that district water board members review titles 15, 16 and 17 of the Nye County Code, which can also be used to address future development.

Board members advocated for public attendance and input, at the next meeting of the Nye County Water District Governing Board scheduled for Feb. 23 at 9 am. The meeting will be held at the Nye County Board of County Commissioners Chambers, located at 2100 E. Walt Williams Drive in Pahrump.

A joint workshop between the water district board and the groundwater management plan advisory committee is proposed to follow the meeting.

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Businesses make community connection at Pahrump expo
(<https://pvtimes.com/news/business>)

By Jeffrey Meehan Pahrump Valley Times

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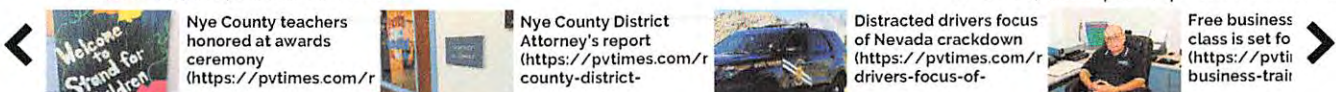
Legislature to attempt to fix Pahrump water concerns



By Lillian Browne Pahrump Valley Times lbrowne@pvtimes.com
February 4, 2015 - 7:02 am

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The Nevada Division of Water Resources has proposed a controversial fix to Pahrump's projected water woes by the crafting of two bills, scheduled to be heard by the state Legislature on Feb. 11.

State engineer Jason King, in pre-filed Senate Bill 65, has asked that Chapter 533 of Nevada's Revised Statutes relating to the adjudication of vested water rights and provisions relating to underground water be "modernized." King specifically cited the need for clarification of language that deals with surface stream water. He proposed an expanded definition of a stream or stream system to include the "source of surface water or ground water."

King characterized Senate Bill 65 as largely a "housekeeping" bill, which cleans up and clarifies language, as well as eliminates "old language, which doesn't make sense anymore."

When asked for a comparison of Senate Bill 65 and the Environmental Protection Agency's 2014 proposed clarification of the Clean Water Act to expand the definition of the "waters of the United States" to include subsurface and temporary waters that provide connectivity to surface streams and wetlands, King admitted that his proposal is "somewhat connected" to the EPA proposal. Even so, he said, the issues are vastly different.

King said that Nevada water law regulates and manages water resources and those duties should not be infringed upon by a federal authority. King said that he, like many western state lawmakers, opposes the EPA proposal.

Nevada Senator Pete Goicoechea and Assemblyman James Oscarson, stand united with King in their opposition to the EPA proposal, which projects final rule promulgation in April. Goicoechea said the EPA proposal, "Flies right in the face of Nevada's water law."

Regarding Senate Bill 65, Goicoechea said that he would welcome a more developed study and clarification on the connectivity of surface and ground water. However, he said, other proposed amendments to the bill give "too much power" to the state water engineer. He refers to a proposed amendment, in which he understands that surface water rights users are to be made whole if the state water engineer determines that underground pumping impacted surface water.

Due to its length, and language, Goicoechea is concerned that the bill might "die" in committee.

"It will definitely have to be tweaked considerably before it will be accepted," he said. He expects a lot of opposition to the bill, he said.

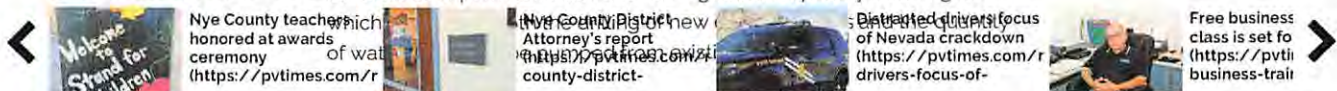
A second bill, Senate Bill 81, addresses, in part, over-appropriation of water rights. That bill, Oscarson said, requires more study and research.

That bill also proposes a change from all "critical" management areas to "active" management areas. A change, which King said, would merely remove the "stigma" attached to a particular designation.

CLOSE

King said that he has worked with Pahrump basin stakeholders to address areas of permissive use such as regulation of priority water rights

More in News (<https://pvtimes.com/news>)





Nye county has no building, subdivision or zoning codes.

Scramble for water and lack of planning pose threat to fragile desert

(Continued from page 3)

Sales are brisk, estimated at more than \$1 million a month by financial sources. Many of the buyers are from California, and they enter into unrecorded sales contracts and do not receive a deed until they have finished making their payments.

"Los Angeles is a good market for bad land," said R.E. (Skip) Hansen, administrator of Nevada's Real Estate Division and a critic of Preferred Equities' sales practices. City people see all that empty desert and hear about the inevitable growth of Nevada and their knees get weak, he said.

"The only way the average guy can purchase any land at all is to buy into these things," said a real estate appraiser who used to work in the recreation land business.

"Maybe it's not the greatest land in the world, a bunch of sand and sage brush, but he can say, 'Dammit, I own it.'"

Since Preferred Equities moved into the valley, the population has grown by an estimated 400 to 500 persons. But whether this rate can be sustained becomes more questionable as environmental problems continue to emerge on both sides of the border.

"Until now, we could afford to look the other way and say, 'Hell it will take care of itself,' but we can't any longer," said Nevada state Sen. Clifford Young.

"It's a question of philosophy," said Bruce Ivey, chairman of the Planning Commission in California's Inyo County, which contains the California portion of Pahrump Valley.

"Until recently, what a private landowner did with his land was his own business. But our population has grown to the point where we can't live with that philosophy."

As of now, however, there is no alternative to the pell-mell rush for water.

Last fall, for example, the Inyo County supervisors approved a significant zone change in the valley, permitting a subdivision of previously undeveloped land, largely on an argument made by one supervisor that Las Vegas planned to take the water from the Valley by aqueduct.

"Someone is going to rape Pahrump Valley anyway, so it may as well be us," one supervisor commented later.

"Whoever has the first legal rights to the water is going to get it," said one developer who has been actively buying up agricultural water rights in the valley.

On that basis, the first water user in the valley to lose out is a minnow-sized fish called the Pahrump Valley killifish (*Empetrichthys latos latos*), a cousin of the Devils Hole pupfish.

The attitude of Pahrump landowners and developers toward the killifish is not exactly protective. A local bumper sticker reads: KILL THE PUFFFISH.

"You can throw them out on the ground and kill them, as far as I'm concerned," said a Preferred Equities salesman. "What good is a prehistoric fish when 52,000 people need the water?"

Two other species of Pahrump killifish have already met with oblivion after agricultural pumping dried up their springs in the late 1950s.

The remaining species is on the Department of the Interior's endangered species list, which means it is considered to be in immediate danger of extinction.

Its last habitat is one spring in the valley, but if pumping continues at the existing rate, fishery experts predict the spring will dry up within three years.

But even the most ardent champions of the desert fish are reluctant to place too much stress on their importance. They see the demise of the fish as a sign that something is going awry.

"The fish are not that important," said Edwin P. Pister, a fishery biologist with California Department of Fish and Game and chairman of the Desert Fishes Council.

"But if the fish go, it's a matter of everything else going in the valley sooner or later."

He compares the killifish to the canary miners carried with them to detect toxic gases. "When the desert fishes conk out, it's time to look out."

According to state agencies on both sides of the border, as well as a chorus of federal officials, environmental problems are rapidly becoming more acute in the valley.

Some damage may be permanent or may require expensive public works projects to put it right.

"It's almost a truism," Sen. Young said. "A doctor can bury his mistakes, a lawyer can appeal them and an architect can grow ivy over them, but you can't correct an environmental mistake."

The most obvious problem is that some day the water will disappear.

According to the Nevada Division of Water Resources, in 1972 a total of 36,630 acre-feet of groundwater was pumped out of the Nevada side of the Pahrump Valley, which means the basin was overdrawn by 24,630 acre-feet. (An acre-foot is the amount of water that covers an acre at a depth of one foot, or 325,851 gallons.)

You get the signs long before you get to Pahrump.

According to the Department of Interior, any further development in the valley will accelerate this decline "and the outlook for long-term productivity of the land would not be encouraging."

The water table along the sloping sides of the valley has dropped 40 to 60 feet over the last 18 years and the Nevada state engineer now routinely denies applications for water rights for agriculture and subdivision use on those slopes.

Actually, the overdrafting or "mining" of groundwater is illegal under Nevada law. But farmers have been allowed by the state engineer to overdraft under his interpretation of a "reasonable draw-down" of the water table to prevent excess evaporations.

There is considerable question whether the state will allow overdrafting for urban purposes, however, particularly because of the health risk of having a city's wells run dry.

Preferred Equities has submitted a plan to sell 6,200 more lots on a ranch about five miles north of its Calvada Valley development, which has about 16,000 lots. But state officials indicate they may not approve the plan.

"I'm going to ask them where they expect to get the water," said Nevada state Engineer Roland D. Westergard.

Preferred Equities argues that the water supply is more than adequate for the "foreseeable future." Company President Soules says the state does not have sufficient information to stop the growth of development.

"Nobody knows how much water is available, including the state engineer."

But water quality problems are rapidly superseding water quantity problems as a major constraint on growth in the valley. Most of the lots on subdivisions approved in both states are expected to be served by septic tanks.

Last month the Nevada Bureau of Environmental Health found high nitrate counts in two wells in the valley, which may be a result of fertilizer applications on the farms. Nitrates in a water supply are a hazard to babies and infirm people.

In opposing the zone change in Inyo County, the California Regional Water Quality Control Board warned that agricultural and domestic use of water in an enclosed desert basin, such as Pahrump Valley, results in a steady buildup of minerals in the water.

"Through time and increased use, the mineral level continues to increase and eventually the water is not acceptable for use," the board's staff told Inyo County.

As both water quantity and water quality problems grow worse, so, too, does the cost of farming. Wells must be deepened, raising costs. Water must be used in greater quantity to flush out salts and the minerals can kill crops.

The U.S. Department of Agriculture vigorously opposed the rezoning in Inyo County.

"Clearing and cultivation in the high desert has created long term problems," the USDA wrote the planning commission. "Land is usually cleared before a water source is developed or before pumping costs are known. This results in bare, idle land that produces tumbleweeds and dust..."

Some scientists predict that the ecosystem of the valley will be destroyed unless trends are rapidly reversed.

"What it amounts to is a policy of endorsing destruction," said Pister of California Fish and Game.

County officials, farmers and developers justify groundwater mining in various ways.

"You have a choice," said Mr. Kent (Tim) Hafen, a farmer, Pahrump real estate broker and Nevada assemblyman.

"Either you use it and ultimately use it all up or you curtail all development and attempt to leave that resource there. I feel that it is too valuable a resource to leave there forever."

Hafen calculates that there is enough water to last the valley 75 to 100 years, after which time there will have to be a water importation program from Canada or Alaska. "When you have to have water, you go get it," he concluded.

County officials have traditionally smiled on development because it raises the property tax base, and, Preferred Equities has indeed raised the tax base of Nye County, as well as having brought along payroll of at least 50 local jobs.

But development in remote desert locations is also costing the counties money for services, such as police and fire units, parks and recreation, libraries, schools and roads.

Some roads in Pahrump Valley have inexplicable alignments. One new road on the Nevada side aims straight for the Hidden Valley Ranch of Roland HM Wiley, a former Clark County district attorney and a major landowner on both sides of the border.

In 1967, Wiley sold land on the Inyo County side to Inyo County Supervisor Robert P. Fisher.

That same year at an ultimate cost of \$285,411, Inyo County built a road that exactly divided Wiley's and Fisher's property, providing them both commercial frontage and connecting up with the Nevada road.

The new road largely paralleled an existing county road. In 1970, Fisher made a motion that a mile of the old road be abandoned and superseded by the new road.

Fisher then set up a real estate office on the edge of the new highway and began selling 2½ acre lots, which had been platted there by Wiley in 1959 before Inyo County had a zoning code.

When Wiley sought last year to divide 8,400



Retired attorney Roland Wiley's Hidden Hills property extends into California. Last year the Inyo County Planning Commission turned down his plan to divide 8,400 acres into 20 acre parcels.

acres of land next to Fisher's into 20-acre parcels, the Inyo County Planning Commission twice turned him down.

"We thought it was extremely poor planning to allow such a large subdivision in an area where any growth at all might not be advisable," said Commission Chairman Ivey.

Despite a thick file of technical information, almost all warning against granting the zone change, the Board of Supervisors voted for it 5 to 0.

Before taking the vote, however, they received considerable encouragement from Supervisor Fisher, who, although chairman of the board, made a presentation on Wiley's behalf.

Fisher theorized that the desert fish have the capacity to migrate into underground aquifers when springs dry up.

"I am sure the pupfish will live to swim another day," he told his fellow supervisors.

Fisher cited "a valid population study" to prove that the valley had enough water to sustain "a maximum population figure of 500,000."

The study, however, was an engineering study done for the state of Nevada. The population figure was hypothetical and was qualified by the admonition that a population of 500,000 would require a "supplemental supply."

Fisher drew from another section of the same report to argue that reports of a water shortage in the valley were part of a plot by Las Vegas to export the valley's water by aqueduct, and compared it to exportation of Owens Valley water to Los Angeles, a touchy subject in Inyo County.

"Let's don't let it happen again," he said.

The engineering report clearly indicated, however, that construction of an aqueduct and the cost of water rights would be impossibly expensive: \$186 per acre-foot, compared with an existing unit cost of \$26 per acre-foot.

Fisher was unavailable for comment.

Actually, Fisher's attitude towards development in the valley is similar to that of many officials in the Inyo County courthouse in Independence.

"If people want to live and build in Pahrump Valley they'll get the water even if they have to go to the Columbia River," said County Administrator John K. Smith. "To say 'No, you can't live there because there may or may not be water' is not the proper approach."

Wiley is dumbfounded that anyone would question his right to develop.

"I'd like to be told one good reason why American soil can't be put in 20-acre parcels," said the 70-year-old retired attorney, who has owned and paid taxes on the land since 1949.

And on the Nevada side, Preferred Equities' Jack Soules maintains the company is fully capable of building out its development exactly as stated in its findings with regulatory agencies. "The only thing that can make us fail is to stop us from doing what we're doing," he said.

But as environmental problems increase because of the population pressures resulting from Preferred Equities' investments and because of rezoning in Inyo County, state or federal agencies or both may intervene.

Officials at both levels are concerned whether Preferred Equities has accurately portrayed the water situation in its promotional literature and billings.

No mention is made of the valley's overdraft condition. "Preferred Equities Corp. land acquisition staff has acquired an oasis-valley whose highly productive fields grow the highest grade of superior cotton in the United States: living proof of the year 'round water supply," says a company brochure.

"If there is an overdraft, it should have been reported," said Alan Kappeler, assistant to the administrator of the Department of Housing and Urban Development's Interstate Land Sales office. "If they have misstated the water situation, everybody may be entitled to a refund."

"Let's face it," said an aide to Nevada Gov. Mike O'Callaghan, "at some point the state will have to step in and bail them out. We'll have to step in."

The only question is, then, according to officials in California and Nevada agencies and within the federal government, at what point do they step in?

How far must environmental destruction go before the government can supersede the rights of the private landowner? To what extent can government require landowners and local government to take a long-range approach towards the future?

As Fish and Game's Pister ruefully observed in the context of his effort to preserve the desert fish: "The American Dream... has been repeated so many times that we view it as blasphemous to question the desirability and need of clearing and 'developing' land."



The gin is still in business but cotton and alfalfa have taken a back seat to land sales.

R. Westergaard

LA Times July 3, 1974

State Sues to Block Subdivision in Desert

Seeks to Have Pahrump Valley Rezoning
Held Up Until Ecology Conditions Are Met

BY LARRY PRYOR

Times Environment Writer

Atty. Gen. Evelle J. Younger filed suit against Inyo County Tuesday to block the subdivision of about 8,400 acres of desert land until procedures required by the California Environmental Quality Act have been complied with.

Younger's suit charges the Inyo County Board of Supervisors abused its discretion by accepting tentative tract maps and approving a zone change without evidence that development would not harm the environment.

The approved tentative tract maps are in the Pahrump Valley portion of Inyo County, a high-desert valley that straddles the California-Nevada border.

Both state and federal agencies have warned that the valley does not have sufficient water to accommodate the agricultural and residential needs that have increased rapidly in the valley.

The Inyo County Planning Commission twice rejected the subdivision maps and rezoning request last year but was overruled by the Board of Supervisors.

Younger's suit asks the Inyo County Superior Court to set aside the rezoning and prevent the issuance of building permits until a new Environmental Impact Report which

deals with the water issue, has been prepared by the county.

The board Monday approved by a 3-2 vote a \$10,000 performance bond that gives the county surveyor the go-ahead to file final maps on the project.

A spokesman for Younger's office said the attorney general had anticipated that final maps would not be filed for more than a year.

The board's action Monday, the spokesman said, seems to indicate that they feel the present environmental impact report is adequate and they believe the land should be developed.

"We will probably have to ask for a more accelerated timetable by the court to hear the case," he said.

The rezoning covers about 8,400 acres of desert land, which the owner, Roland W. Wiley, is seeking to convert into 20-acre lots.

Wiley previously sold an adjacent parcel of land to Inyo Supervisor Robert P. Fisher, who has lead the drive for the rezoning, including giving lengthy presentations to his fellow supervisors on Wiley's behalf.

The water problem also has led to governmental action on the Nevada side of the border, where a developer, Preferred Equities Corp., is seeking to build what it predicts will be the third largest city in Nevada.

The Nevada Board of Health last month suspended approval of all pending subdivisions in the valley until the adequacy of water could be determined. Approximately 7,000 lots were affected by the freeze, according to state sources.

A formal hearing on the moratorium has been set for July 19 in Carson City at the request of developers on the Nevada side of the valley.

Oxnard Official Rejects Raise

His \$3,150-a-month salary compares "quite favorably" with that of city managers in cities of comparable size, so he does not want a raise, Oxnard City Manager Paul Wolven has told the City Council.

He said, "there is no compelling reason nor any demoralizing effect should the council skip the city manager salary subject" in considering the 1974-75 budget.

NOW IMPROVED! INSTANT PULLSTRAP ADJUSTMENT—NO LACES

JT APP 1662

SE ROA 1615

July 22, 1974.

Second Look At Pahrump Plan Asked

Special to the Journal
INDEPENDENCE —
California Atty. Gen. Younger has asked the Inyo County Board of Supervisors to reconsider their Nov. 19, 1973, decision to rezone certain acreage in Pahrump Valley, located in southeastern Inyo County between Death Valley, Calif., and Las Vegas.

The supervisors' rezoning action involves potentially 8,400 acres of desert lands on the California side of Pahrump Valley. The zoning on much of the land was changed from an "unzoned" classification to an "agricultural-exclusive" classification.

The landowner, Roland Wiley, has filed two tentative subdivision parcel maps dividing the 8,400 acres into 20-acre parcels.

Younger's letter says the county's three-page draft environmental impact report on the rezoning application was inadequate. He says it failed to analyze the potential adverse impact of the rezoning on the scarce underground water resources of Pahrump Valley.

The letter also considers the report inadequate because it didn't analyze the project's impact on protected and endangered species of wildlife, such as the desert bighorn sheep found in the nearby Nopah Range and the Pahrump Killifish. Only a few of the rare and endangered desert pupfish remain in Manse Spring on the Nevada side of the valley.

Younger requested Inyo supervisors to undertake a more detailed investigation of other alternative uses of Pahrump Valley which would be consistent with the limited supply of underground water.

Younger said he was taking the action not only to protect the natural resources of the state, but also to protect potential purchasers of the subdivided land whose investments would be lost should not enough good quality water be available.

The attorney general said the purchase of subdivided desert lots "sight unseen" by gullible investors is a continuing problem for his office.

In addition to sending the letter, Younger filed an action this month in the Inyo Superior Court naming Inyo County and its supervisors as defendants and Roland H. Wiley as the real party in interest.

Younger said the complaint was filed to preserve the legal position of the state.

Reno Gazette-Journal

Sunday

March 2, 1966 \$1.00

Mostly sunny, high 67, low 30
Saturday's smog level: 77 (Moderate)
Today's smog forecast: Moderate
Complete weather report, page 22A

Record temperatures for January, February

Besides being one of the wettest periods, January and February 1966 have just been listed as Reno's warmest first two months of the year on record, according to state climatologist John James.

"This is very significant for this year's heating bills," James said. "Obviously they're going to be lower."

The average temperature in January, 40.3 degrees, was 8 degrees above normal and also tied the record for the warmest January, which was in 1966. February's average, 42.9, was 1 1/2 degrees above normal and has been the fourth-warmest February. The warmest February was in 1907, with an average 45.4 degrees.

The former record for the warmest consecutive January and February was set in 1934, when January averaged 39.6 and February 42 degrees.

Vegas flight threatened

LAS VEGAS — A caller demanding \$50,000 claimed there was a bomb on a Western Airlines jet en route from Los Angeles to Las Vegas Saturday, but the plane landed safely and no bomb was found, authorities said.

The Boeing 737 was in the air from McCarran International Airport in Las Vegas when a call from a man with a "Middle East accent" was made to airline offices.

The pilot was notified of the threat and paramedics and rescue units were on hand when the plane landed in Las Vegas shortly after 2 p.m.

Easy New Orleans victory

NEW ORLEANS — City Councilman Sidney Barthelme easily outpolled state Sen. William Jefferson on Saturday to win election as the city's second black mayor after a bitter campaign to succeed the first black mayor, Dutch Morial.

Voters also elected two blacks and one white to the City Council, giving blacks a majority on the seven-member body for the first time.

Think tank for Star Wars

WASHINGTON — The Defense Department is planning to establish a government-funded think tank to support the Strategic Defense Initiative, its \$3 billion-a-year effort to develop a space-based defense against nuclear missiles, officials said this week.

Li. Gen. James A. Abrahamson, chief of the SDI office, has won Defense Secretary Casper W. Weinberger's support for a Star Wars version of the Rand Corp., a Pentagon spokesman said in response to inquiries.

The center — "essentially a government-owned, high-technology company doing systems analysis" as one industry source said — would be based in the Washington, D.C., area and might cost \$20 million per year or more, officials said.

Trestle fire stops train

SACRAMENTO — A Molotov cocktail apparently was used to burn down an old wooden train trestle near Marysville, Calif., Thursday night, disrupting service on Amtrak's Coast Starlight passenger train, officials said Saturday.

The 395-foot-long trestle bridge, just north of Marysville, should be replaced with a concrete structure in about five days, said Jim Loveland, a spokesman for Southern Pacific.

Retiring DA recalls bizarre Eureka shoot-out

By Michael Phillips/Gazette-Journal

Although there is an occasional ruckus, like the pimp-trucker shoot-out and the near-war with Virginia City over a church bell, Johnson "Bud" Lloyd thinks life doesn't get much better than being the Eureka County district attorney.

The oldest district attorney in the state at 70 and with the longest record of being a prosecutor at 30 years, Lloyd will retire this month to let a younger lawyer experience the "special kind of life" offered in the cow counties of Nevada.

"I think for a person who has a desire to live in an area like Eureka, it would be a wonderful life," Lloyd, the only attorney in the city,

recommended in hopes of finding someone to fill the post.

County commissioners are accepting applications through March 11, with the pay now set at \$26,000 a year but due to go up to \$32,000 next year. Eureka is one of the three counties in Nevada where the district attorney can also maintain a private civil practice.

Lloyd said he loves Eureka, a National Historical City complete with underground opium dens left by the Chinese who labored in the mines in the 19th century. They're now closed to the public.

Mining gave birth to the town in the 1870s, and, along with ranching, is still the mainstay of the 1,200 residents. Newmont Mines in the far north of the county brings it is still the largest

producer of gold in the free world. South Africa, the world's largest gold producer, is considered a dictatorship for purposes of the host, Lloyd explained.

Lloyd has run the entire gamut of prosecutions in the historic Eureka County Courthouse, built in 1873, including the murders, robberies and rapes that tie up big-city district attorneys. But he admits much of the job deals with such things as family disputes, fist fights and drunken-driving charges, often against friends.

"The common-sense approach is a requisite out here," he said. "People you associate with day in and day out are going to get into family disputes. You try to help settle the domestic dis-



See EUREKA, page 21A Lloyd

Push to seize Marcos' assets

Smell of big money in desert real estate



GROWING IN THE DESERT: Pahrump has a population of 5,200, but if developers have their way, it will become Nevada's version of Palm Springs, Calif. But some planners are starting to worry about the growth.

Quiet Nevada valley hit by land sales fever



By Doug McMillan/Gazette-Journal

PAHRUMP — For 16 years, Nevada politicians have cleared the way for the state's biggest subdivision to convince people from all over the world to invest their money in raw desert land they can't develop now.

Using free Las Vegas show tickets, champagne breakfasts and lunches, and tours of the "New/Old West," Preferred Equities Corp. has wooed thousands of tourists to Pahrump, a small town spread across a large valley 60 miles west of Las Vegas.

Pahrump, population 5,200, is one of Nevada's fastest-growing unincorporated towns.

Once a thriving agricultural area, its primary industry today is real estate. Its primary problem is subdividing. Without benefit of zoning and planning controls, enough homesites have been carved into the rural desert landscape to establish a metropolis.

The insatiable paradox of massive subdivisions in a remote desert valley has left some wondering if the community has been victimized by a plan that uses its desirable climate and proximity to Las Vegas to create a megabucks market in land speculation — one that reaps huge profits for the land sales firms and headaches for Nye County.

Others believe the area has the potential to become a retirement oasis like Palm Springs, or a bedroom for Las Vegas. They are eagerly turning the

Senator's land deal troubles local officials

PAHRUMP — Only four days after his bill giving planning powers to the Pahrump Town Board passed the state Legislature, state Sen. Ken Teddersperger completed a \$1.2 million deal with the town's major land sales company.

On June 1, Preferred Equities bought 418 lots from Teddersperger for \$1,160,000, according to a deed recorded in the Nye County Courthouse. The parcels were in Country View Estates, a previously approved subdivision the state senator was developing at the north edge of Pahrump.

Teddersperger received payment, according to records in the Nye County Recorder's Office, on June 12, two days before Gov. Richard Bryan, ignoring a last-minute plea from county planner Steve Bradhurst,



Teddersperger

signed Senate Bill 463 into law. The measure gives the town the option to adopt its own planning, zoning and

See HELPFUL, page 21A

desert into a sea of surveyor's stakes. Since 1971, Preferred Equities has split 26,000 lots from the farms and ranches of Pahrump Valley in Nye County, just north of the Clark County line.

With high-pressure sales techniques that Preferred Equities founder Leonard Rosen imported to Nevada from the Florida land-sales boom 20 years ago, the Las Vegas company has sold nearly

25,000 of those lots, plus another 1,700 parcels in the west side of the valley that juts into Inyo County, Calif.

Local developers, hoping to catch some spillover from the thousands of tourists Preferred Equities lures to the valley, have subdivided their land, too, bringing the total number of lots in Pahrump to 40,000.

See QUIET, page 20A

Nobody sure just how much money involved

By Bob Drogini/Los Angeles Times

NEW YORK — Amid mysterious tale of buried gold bullion and missing Picasso paintings, opponents of former Philippine President Ferdinand E. Marcos are pressing the Reagan administration, Congress and U.S. courts to freeze Marcos' purported U.S. investments so the money can be returned to the poverty-stricken nation.

Marcos and his wife, Imelda, have tried to sell or transfer title to major assets here and abroad in recent weeks. Those assets include three Manhattan office towers, a 15-acre estate near Princeton, N.J., impressionist paintings by Gauguin and Matisse, and Marcos' specially outfitted Boeing 707 presidential jet.

Among the papers left behind by Marcos when he fled Malacanang presidential palace Tuesday is a 1966 contract for the purchase of a major office building in downtown Manhattan for \$70 million. The contract and supporting documents for the 15-story office tower at 40 Wall St. were stored in a brown folder marked "PFM" copy. PFM was placed shot hand for President Ferdinand Marcos.

The documents do not identify Marcos or his family as the purchaser. But the presence in palace files appears to support allegations that the Marcoses amassed enormous "hidden" wealth abroad during their 20 years in power.

Witnesses, including bankers who arranged loans for the properties, told House Foreign Affairs subcommittee Asia and Pacific affairs in January 1984 that 40 Wall St. was among four Manhattan properties worth more than \$50 million owned by Marcos and his wife, Imelda, through a series of offshore corporate banks and agents.

How much Marcos and his wife, Imelda, had with a reported \$1.2 billion cash, had secretly funneled into Swiss banks and U.S. real estate during their year reign remains a matter of consid-

See MARCOS, back p.

On page 4A
□ 22 generals retired
□ Communist leader optimistic

Swedes mourn, search for killer of prime minister

STOCKHOLM, Sweden (AP) — Mourners heaped flowers Saturday on the bloodstained cobblestone sidewalk where socialist Prime Minister Olof Palme was assassinated, and police searched for the killer.

Police had reported earlier that a single 9mm bullet that hit wounded her husband last Friday night she thought she had seen the killer before, but could not recall the circumstances.

But police Superintendent Ken Karlsson said Saturday night, "She not reported that she in any way knew anyone who might have been involved."

Quiet Nevada valley hit by land sales fever

From page 1A
Yet fewer than 1,900 have been built on, according to the Nye County Assessor's office.

And only 377 Preferred Equities lots have been hooked up to the subdivider's water system, Central Nevada Utilities Co., according to the utility's own reports to the Public Service Commission.

The remaining lots — nearly 22,000 — are useless without water, sewer and electricity.

Under these conditions, the desert town is mired in uncertainty and political squabbling over its future as the opposing forces of sell-to-the-bid and government regulation square off in a classic power struggle. At stake are millions of dollars in land sales for private developers and the future social and economic well-being of a small Nevada town.

As Preferred Equities continues to subdivide Fahrump, a few agencies are starting to demand answers to a critical question: Where is all this going?

Nye County is finally demanding that the big land sales company put up the money or bonds to guarantee that water and sewer systems will be built over the entire 29 square miles of subdivisions it has created. A three-year standoff between the rural county and subdivider may be heading for a resolution.

And the Nevada Public Service Commission is questioning whether Preferred Equities' water company has the wherewithal to serve its 40-square-mile service area. PSC hearings on Central Nevada Utilities Co.'s application to enlarge the service area to encompass still more Nevada subdivisions also are scheduled to conclude this month.

THESE EVENTS COULD reverse a history of governmental neglect and special interest influence that has nurtured this massive lot sales operation in a variety of ways:

- Nye County operates with virtually no land-use or subdivision controls.
- State Sen. Ken Redelsperger, when Nye County started to impose limited planning controls, authored a special bill

Nevada absolves land dealer of tax crimes

CARSON CITY — At the same time a state agency was investigating Preferred Equities Corp. for violating real estate regulations, top state officials were pardoning its former board chairman Leonard Rosen from a criminal tax charge.

In 1977, a federal grand jury accused Rosen of spiriting \$5.8 million out of the country to avoid paying \$506,000 in income taxes on several real estate deals. The falsified return occurred in 1970, a Miami grand jury said, just as he was moving his real estate empire from Florida to Nevada. The deal involved real estate Rosen had sold in both Dade County, Fla., and Las Vegas.

Just before his trial was to start, Rosen pleaded no contest. Las Vegas Federal Judge Roger Foley put him on three years' probation and ordered him to pay a \$5,000 fine.

The light sentence was part of a plea bargain in which Rosen was supposed to tell federal agents how he moved the \$5.6 million into a Bahamas Bank so they could learn how to nab other wealthy Americans evading income taxes. But federal officials later confided he didn't give them any useful information.



Rosen

Although it was for a federal offense, Bilbray said officials in Laxalt's office recommended Rosen get his civil rights restored by the state before applying for a pardon from President Reagan.

"I think he wants to make peace not only with God, but with his country," said Bilbray, "and to put it bluntly, he wants to go out with a clean slate."

However, Bilbray said his client has decided not to pursue his pardon on the federal level.

Bryan characterized the board's action as "pro forma." A pardon "is routinely granted . . . to persons who have served their sentences and have been out in the community for a number of years" and "if the applicant has not been in trouble with the law" again.



previously approved the subdivision map for Calvada Valley 9B. To end a four-month stalemate, they accepted another corporate bond for the improvements, but told Preferred Equities the company would have to post performance bonds for all future Calvada subdivisions.

Current company president Church contradicted Wyson's view that only 25 percent of Calvada would ever be developed.

"Only time is going to answer that question," he said. "I do know, as people come back and view it . . . as they see more amenities, the shopping center and services coming in, they do know it represents a value to them, whether they are building, retiring or having income property."

IN THE MEANTIME, it makes no sense to install enormous water and sewer systems when there are not enough people to use them, he said. "The expansion of the system is going to be dictated as the expansion of the subdivision takes place. If we're right, the area is going to grow so that the problem actually corrects itself."

Church said Preferred Equities officials are working on a compromise that will satisfy both the company and county.

However, on April 25 of last year, Church met with Bradhurst, Revert and Neighbors. Bradhurst said it was at the request of state Sen. Bilbray, attorney for Preferred Equities.

The company sought to relax the county's new bonding requirements for yet another subdivision, Calvada Unit 12, with 1,500 more lots.

Redelsperger also sat in on the meeting in Bilbray's Senate Taxation hearing room in Carson City, and spoke on Preferred Equities' behalf, Bradhurst said.

One week later, Redelsperger introduced Senate Bill 463 in the waning days of the 1985 Legislature. The bill allows the Fahrump Town Board to take planning matters out of the hands of Nye County commissioners and, among other things, approve subdivisions.

Originally, it applied to unincorporated areas in eastern Nevada, counties around

The Republican lawmaker, a Pahrump developer himself, concluded a \$1.2 million land deal with Preferred Equities soon after the bill passed.

State Sen. Jim Bilbray, D-Clark County, pushed a bill through the Legislature weakening state regulation of Preferred Equities and other time-share developers while his Las Vegas law firm represented the company.

State agencies let Preferred Equities slip through the cracks in regulations by selling lots that weren't in the company's water service area. They included the state divisions of Water Resources, Health and Real Estate, and the Nevada Public Service Commission.

The Legislature has continually weakened laws dealing with subdivisions and land-use planning.

Rosen brought his land sales operation into this benign climate 16 years ago after pioneering in what Florida real estate regulators still refer to as that state's "swamp-peddling days."

In 1967, his Gulf American Corp. pleaded guilty to five counts of fraud and misrepresentation brought by the Florida Land Sales Board in connection with selling subdivisions that were frequently under water.

TWO YEARS LATER, Rosen sold Gulf American and came to Las Vegas, where he started Preferred Equities. From selling swampland in Florida, he went to selling desert in Nevada.

Preferred Equities bought the Pahrump Ranch in 1970 and began partitioning lots a thousand or more at a time. It called its subdivisions Calvada, combining the names of the two states whose boundary hugs the western side of the long valley, eight miles east of the town of Pahrump.

In Nye County, Preferred Equities found a haven from land use regulation: a weak subdivision ordinance, no zoning ordinance and no building codes. A subdivision didn't even have to take out a building permit to develop a lot — there was no building inspector.

So the subdividers wrote their own master plan, simply laying out the mix of residential and commercial lots they thought they could market and "selling" the results to local officials.

The three-member county commission looked at the Calvada lots as a welcome tax base for its 18,000-square-mile county, 33 percent controlled by the non-taxpaying federal government.



Revert

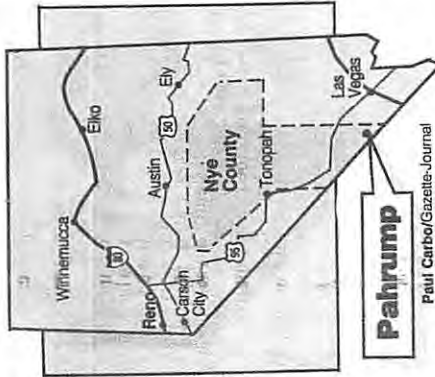
Pahrump facts

Population	
1970.....	900
1980.....	1,476
1985.....	5,200
Population growth since 1980.....	38%
Population 55 or older.....	34%
Mobile home housing.....	63%
Preferred Equities	
Total subdivided lots.....	40,000
Total lots.....	26,000
Lots requiring water system.....	22,000
Lots on water system.....	378
Lots bought by non-U.S. citizens.....	2,600
Sizes	
Pahrump Valley.....	1,050 sq. miles
Pahrump Townsite.....	284 sq. miles
Preferred Equities Corp. lots.....	29 sq. miles

Garcia

- With 40,000 subdivided lots, it has 88 percent of Nye County's private parcels.
- With a population of nearly 5,400, it has more than a third of the county's 14,500 people — a larger population than nine of Nevada's 17 incorporated cities.
- With a 39 percent growth rate in the 1980s, it is the third fastest-growing unincorporated town in Nevada, trailing only Laughlin and Wendover.
- With an area of 115,000 acres, it is more than 20 times larger than the next biggest unincorporated townsite in Nevada — Wendover, at 5,100 acres.
- With an assessed valuation of \$123 million, it has 47 percent of Nye County's property tax base — higher assessed valuation than eight Nevada counties, including White Pine, Pershing and Lander.

Mankins



Paul Carbo/Gazette-Journal

selling lots, Bradhurst explained. Instead, Preferred Equities issued "corporate bonds" promising to complete the improvements at some unnamed future time.

Calling that "nothing more than an IOU," Bradhurst said it gave the county "no protection at all."

BUT WHEN FORMER Preferred Equities president Clark Wysong journeyed 175 miles north to the county seat at Tonopah to ask approval for the company's 20th Pahrump subdivision, Calvada Valley Unit 9B, he tried again to back it with corporate bonds. When commissioners balked, he sought to allay their fears with a startling argument: neither Preferred Equities nor the county has to worry about utilities since most Calvada lots won't be developed anyway.

Quoting studies by his own engineering consultant, VTN-Los Angeles, Wysong predicted that only 25 percent of the Calvada lots would ever be occupied. The rest, he said, "were for speculation."

report issues disclaimers such as: "No lots within these subdivisions can be served at the present time. No funds have been set aside to assure the completion of the water system in these subdivisions."

For a worst-case example cited in the report — the most remote Calvada lot — it would cost \$97,000 to extend water or sewer lines to the property.

Wysong argued that similar disclosures required by the state say neither Preferred Equities nor the county is obligated to provide future services such as roads, fire protection or utilities to Calvada buyers.

"How in the future can any buyer, either to our utility or the county, come and say, 'You have to put in utilities for me?'"

"And if they don't have that right," he asked, why does Preferred Equities "have to fund something that we are not even promising?"

"We are not required to go out and put utilities through our whole subdivision because the state realized that it could be

to his hometown.

The only rural county commissioner to go on record for the bill was Mankins, who, with her husband, Bill, owns a Pahrump subdivision.

OPPONENTS COMPLAINED the bill would make the entire county financially responsible for any liabilities the Town Board might incur in approving more subdivisions, yet voters in the rest of the county had no representation on the Pahrump Town Board.

They also argued it was special-interest legislation since it applied only to Pahrump.

But Redelsperger, lobbying unusually hard in both the Senate and Assembly, convinced a majority of his fellow lawmakers that the bill was harmless; it didn't apply to their home districts and was a good "experiment" in home rule.

"Spike" Wilson and Dean Rhoads did not vote for the Redelsperger measure in Sen. Thomas Hickey's Government Affairs Committee.

Garcia said the timing of the bill — coming after the county's attempt to protect the thousands of people who bought lots in Pahrump — made it look like the senator was trying to help Preferred Equities circumvent the county commissioners.

He said that after one of the hearings at which he testified against the bill, Redelsperger asked him sarcastically: "What are you trying to do? Save the world?"

"I'm just trying to keep people from being led into this like lambs to the slaughter," Garcia said he replied.

Mankins, by contrast, said she has no problems with Preferred Equities selling methods. "I suppose they want to sell to whomever is willing to buy," the Pahrump commissioner said. Even if a lot owner has to pay more to trade up for a "buildable" lot, she said, "I don't consider that a bad sales practice."

But she added: "The problem I see is a lot of lots that will never be lived on and that can never be farmed. The land will remain empty."

BUT GARCIA THINKS Pahrump will grow, despite what he calls "the sly salesmanship practices" of Preferred Equities.

"Preferred Equities could come out of this smelling like a rose," the county commissioner said.

Gov. Richard Bryan bowed to a Repub-

At a town hall meeting in Tonopah last fall, Bryan said he attached more weight to the support of Redelsperger and Spriggs than he did to that of Nye County or the Association of Counties.

On June 6, four days after SB 463 was safely through both houses of the legislature, Preferred Equities bought 410 lots from Redelsperger for \$1,166,000.

Looking ahead

Monday

Preferred Equities Corp. sells Pahrump lots of questionable value to tourists from all over the world on desert tours that include a sales pitch at the company's Calvada Inn.

Tuesday

Preferred Equities Corp. founder Leonard Rosen perfected his lot-selling techniques in the "swamp-peddling" days of Florida, long before blinging them to the Nevada desert in Pahrump.

Wednesday

Nevada agencies are taking a close look at whether Preferred Equities Corp. will ever extend water and sewer service to all of the thousands of lots it has subdivided in Pahrump Valley.

"you've got some people that will be hurt down the road."

State law already gives counties the authority to require such improvements, the planner insisted.

NYE COUNTY DISTRICT ATTORNEY Andy Demetras agreed. The state Planning and Zoning Law giving counties authority to approve tentative subdivision maps "mandates the county to consider water, sewage, public streets and land characteristics," he concluded in a legal opinion requested by Bradhurst.

But no state agency requires subdivisions to have sewer and water improvements, Preferred Equities corporate counsel Donald Schweger countered in an April 3, 1985, memo giving his interpretation of state zoning laws.

And that doesn't address "the broader question," added Schweger, of whether Preferred Equities as the biggest landowner in Pahrump and "the major taxpayer" of Nye County, "has vested rights" to proceed without performance bonds for sewer and water improvements, because the county has allowed it to do so for 14 years.

Bradhurst called the memo "a bold-faced attempt to shove the thing through the county commissioners."

But Nye County commissioners had

not.

But Wysong said Calvada buyers who do show up to occupy their properties can trade them for lots in a "buildable area," a smaller core where Central Nevada Utilities Co. has installed a water system.

This "exchange privilege," as Preferred Equities calls it, requires an owner of an unbuildable lot to "trade up" for a higher-priced lot, or trade for a similar piece of property that may have a higher price than the lot he originally bought, if he wants to build a home in Calvada.

But 75 percent are bought for speculation or investment, said Wysong, and they are out on the "fringes" outside the "buildable area."

"They have a useless piece of property," Bradhurst countered in a follow-up telephone conference call with the land subdividers.

"That's right, and we told them," Wysong replied. "It's in bold and black letters and they sign that they understand."

He was referring to property disclosure statements that the U.S. Department of Housing and Urban Development require every lot buyer to sign before Preferred Equities can close a deal.

IN BOLDFACE, CAPITAL letters, outlined by a heavy black border, the HUD

must be hooked up to a community water system and, in most cases, a sewage treatment plant to be developed.

But only 377 have water and only 335 are connected to package sewage treatment plants, according to PSC reports.

So if Preferred Equities "goes broke," or leaves the valley for some reason, Revert worried, Nye County would be left facing thousands of angry lot owners demanding utility services.

Preferred Equities President Warren Church predicts that will never happen.

"We have a major investment out there ... with all of our costs related to selling that product," he said. "We have put millions and millions of dollars into the utility and amenities, so we're banking on that area growing and prospering."

Preferred Equities has spent \$3 million on its utility company and another \$7 million on golf courses, a clubhouse and other Calvada recreational facilities, he said.

But at Bradhurst's urging, commissioners began to ask the company to post performance bonds to ensure there would be funds to expand utilities to future Calvada subdivisions. The bonds, bought from financial institutions for a fraction of the estimated cost of the improvements, would provide the money to finish the utilities, if Preferred Equities ever stops

real fast.

"I know I'll be chastised for it," said Garcia, noting the resistance most rural towns have to governmental controls, "but building and zoning ordinances ... and master planning may have to be implemented in the next three years."

"It's just another layer of government, and I hate to see it coming," Commission Chairman Bob Revert agreed, "but I guess it's in the future."

"Before Preferred Equities came in," Revert said, "we were talking about 4,000 people in the whole county, and there wasn't a need for them."

PAHRUMP COMMISSIONER Pat Mankins also worried, "I will probably get in a lot of trouble for saying this ... but I think we should start some zoning and we need to institute a minor building code now."

"As Ray Wulfenstein has said," continued Mankins, quoting another Pahrump developer, "we don't want any regulatory, mandatory or other 'tory' around."

"That's become a famous saying around here, but I don't think we believe in it entirely. We are coming into the 20th century — maybe not as fast as some would like, but we are."

As Pahrump's population neared the 5,000 mark a few years ago, commission-

Sweden's flag, a yellow cross on a blue field, was lowered to half-staff and Stockholm church bells rang in mourning under

seemed the right thing to do, to honor Sweden's great statesman," Ingela Benn said, choking back tears as she walked on

State senator backer of weaker time-share reg

By Doug McMillan/Gazette-Journal

PAHRUMP — Sen. James Bilbray, D-Clark County, was representing Preferred Equities Corp., a major Nevada time-share developer, when he introduced a bill weakening time-share regulations in the last legislative session.

Within five months, Preferred Equities President Warren Church was caught violating the same type of regulations Bilbray was trying to weaken — the licensing of time-share sales agents.

Bilbray's Senate Bill 438 gave the state real estate administrator authority to issue temporary licenses to sales agents working for time-share developers.

Asked if he thought handling a bill directly affecting his law client was a conflict of interest, Bilbray replied, "Absolutely not."

"I am probably the most experienced time-share lawyer in Nevada," said Bilbray, noting he had helped set up time-share projects in the Bahamas, Acapulco and the Jockey Club on the Las Vegas Strip before he was hired by Preferred Equities.

Lynn Luman, administrator of the state

Division of Real Estate, called Bilbray's bill "a relatively useless law." Luman said he has not used his discretion to issue sales agents temporary licenses. "I vehemently took exception to that law," he said.

It will "sunset" and go out of existence unless the Legislature renews it in 1987.

Bilbray said he introduced the bill at the request of northern Nevada time-share lobbyist Steve Hartman, not Preferred Equities.

He had the Senate Judiciary Committee sponsor SB438 to empower the state real estate administrator to issue temporary four-month licenses to time-share salesmen without background investigations or exams.

Luman argued against his new power, noting that 30 percent of the time-share salesmen applying for licenses in Nevada turned out to be ex-felons, and nearly two-



Bilbray

thirds of those failed to report that fact on their applications.

Testifying before the Senate Judiciary Committee, Luman said the temporary licenses could "make Nevada a sanctuary state for all the real estate licensees or all the time-share agents in other states, who may not be permitted to operate in those states."

But Bilbray said background checks by the FBI took too long, posing "serious problems" for the industry. Time-share salesmen are so transient that they often jump to another company or state before the background investigations are complete, he said.

Bilbray testified for the bill before his own Senate Judiciary Committee and sent Ivan Ashleman, a time-share lobbyist from Las Vegas, to appear on his behalf when the bill went to the Assembly Commerce Committee. He made the motion to pass the measure in the Judiciary Committee without mentioning Preferred Equities was his client.

His hard work paid off. After squeaking out of the Judiciary Committee, 4-3, it

sailed through both houses of the Legislature.

Two other Clark County senators joined Bilbray and Committee Chairman Tom Hickey in the majority while Sens. Thomas "Spike" Wilson and Sue Wagner and Helen Foley voted against it.

A time-share interval gives the buyer the right to occupy a condominium, hotel room or campsite for a given period of time each year for the life of the contract. Preferred Equities subsidiary, Vacation had f Spa Resorts, has two such projects in Nevada — the Reno Spa, in the former Red Carpet Motor Lodge near the Washoe County Courthouse, and the Grand Flamingo Club, behind the Flamingo Hilton in Las Vegas.

Although Preferred Equities registered the project with the state Real Estate Division, investigators discovered it used unlicensed sales agents to sell the time shares — a violation of the state Time Share Act.

After a four-month investigation, the state Real Estate Commission found Church in violation of the act for using 22 unlicensed sales agents to sell 379 time

Helpful law

From page 1A

building laws, as well as approve subdivisions, including Preferred Equities'.

Redelsperger, who in 1980 jumped directly from the Pahrump Town Board to the Legislature, represents the Central Nevada Senatorial District, the largest state Senate district in the nation, stretching from Fallon to Pahrump on the west and Ely to Pioche on the east.

Both he and Preferred Equities Presi-

Redelsperger bristles at the inference the \$1.2 million deal was his reward for SB 463.

The 46-year-old politician said he started talking with Preferred Equities about selling his land as early as November 1984, and reached a "basic agreement" with the company by January 1985. His work in the 1985 Legislature, which started that month, delayed the escrow until April 29, he said. Escrow closed July 26, when the June 6 deed was recorded in the courthouse.

Comparing acreage

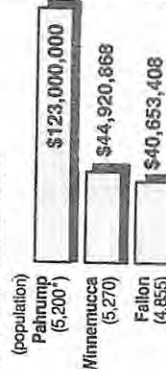
Comparing the size of several selected unincorporated towns in Nevada.

Sources: Nye County Planning Department, Lyon County

115,000 acres

1984 assessed values

Comparing 1984 assessed value of Pahrump, an unincorporated town, with selected incorporated Nevada cities.



Redelsperger, which missed try Vi Becr ple v to Pre hurst. I a \$500 Red Sen. M in a le

lookout for "additional inventory" — large tracts of Pahrump land to subdivide, noted Redelsperger, who has subdivided 1,200 lots himself during his 10 years in Pahrump.

"That's my business. I have always been a subdivider and developer. That has always been public knowledge.

"Preferred Equities had been buying other ranches. They were negotiating with two others in the valley to buy existing subdivisions.

"I sold them mine. It was a good move for me. I think I've been a very good businessman in the valley and they have been very successful.

"They stand to turn around and have sales of more than \$5.7 million. It was a very good deal for them."

Church said he "didn't even know about" SB463 "until it had been introduced.

"It basically has no significant effect on

Palme mourned

From page 1A

tional news agency in London saying West German terrorists killed the 59-year-old Palme, who was serving his fourth term as prime minister since 1969.

National Police Chief Holger Romander said of the call, "Of course we take it seriously, but we cannot believe in all declarations like that."

Swedish Radio said Saturday that Stockholm subway system employees had found a bag containing a dark jacket and pants and turned them over to police. Palme's assailant was initially described as wearing dark clothing. A police spokesman was quoted by the broadcast as saying the find was "potentially interesting."

More than 10,000 Swedes gathered Saturday in a central Stockholm square for a candlelight memorial service for the flamboyant, caustic politician, one of Western Europe's leading socialists and best-known advocates of disarmament.

Industry Minister Thage Peterson, surrounded by red banners of the Social Democratic Party, told the assemblage, "All Palme did was to walk as a free man in the streets, every man's right."

man wearing a blue jacket and a hat with earflaps shot him once in the back at 11:20 p.m. Palme had dismissed his bodyguards earlier in the day.

Police said Mrs. Palme, 55, was grazed by a bullet, apparently the same one that killed her husband.

Police described the gunman as 35 to 40 years old, about 5-foot-7.

Two teen-age girls said on television that they and a third person, a man, tried to give Palme first aid. One girl, 17-year-old Karin Johansson, said the assailant had dark hair. "He was alone and he ran very fast," she said.

Palme was taken to a hospital, where he was pronounced dead on an operating table at 12:06 a.m. Saturday.

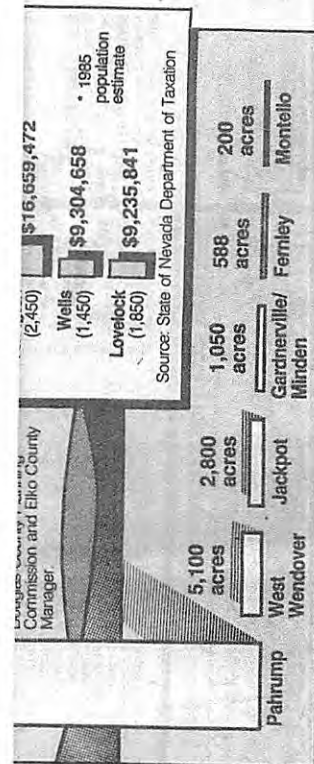
A large pool of blood marked the spot where Palme fell, in front of an artists' supply shop. The blood was covered Saturday by mounds of flowers piled there by Swedes.

A banner hung on a nearby wall read, "Why murder a true democrat?"

Hundreds of people remained gathered at the spot throughout Saturday, and police estimated that about 300 people filed each hour into the main government building to sign a remembrance book.

"We just felt we had to come here, it

Legislative Committee
Commission and Elko County
Manager



Paul Carbo/Gazette-Journal

unfairly maligned by opponents of the bill.

"I said, 'Hey, wait. This is Redelsperger's baby, not my client's baby. They didn't even know about it.'"

In December, Nye County officials discovered a clause in the fine print of

Redelsperger from any obligation he might have had to complete a water system.

State Real Estate Division Administrator Lynn Luman backed that opinion in a Jan. 10 letter Redelsperger solicited from the state official.

In March 1982, the state Division of Health had required Redelsperger to post a performance bond guaranteeing the completion of the water system. However, Close noted that in December 1982, the state agency stopped requiring developers to post such bonds. Now all developers have to do, said Close, is give "adequate assurance" that the improvements will be completed.

In addition, state Department of Water Resources officials said they would be satisfied with a "corporate bond" from Preferred Equities — the same kind of agreement Nye County has rejected as meaningless — as a pledge that the water system would be built.



Sweden's flag, a yellow cross on a blue field, was lowered to half-staff and Stockholm church bells rang in mourning under a crisp and clear winter sky.

Leaders of the governing Social Democratic Party, which has been in power almost continuously since 1932, met in emergency session and nominated Deputy Prime Minister Ingvar Carlsson as new party leader and prime minister.

Carlsson, 51, a veteran politician little known outside Sweden, automatically heads a caretaker government until Parliament, called the Riksdag, meets this week to vote on his nomination. Approval is virtually certain.

Palme and his wife had gone to a new movie, "The Brothers Mozart," Friday night, and were walking along a snowy sidewalk in central Stockholm when a

seemed the right thing to do, to honor Sweden's great statesman," Ingela Benn said, choking back tears as she waited on line to sign the book.

Tributes to Palme poured in Saturday from throughout the world, from every political spectrum.

Social Democratic officials said Palme would be buried March 15 after a memorial service in the Great Church, the resting place of Swedish kings.

Palme was killed blocks from the site where King Gustaf III was shot to death in 1792, the last Swedish leader to meet a violent death.

Palme's killing appeared likely to shatter the relaxed political tradition that had developed over centuries in Sweden.

King Carl XVI Gustaf, rushing back to

Eureka DA

from page 1A

ities. Jails are an alternative, but you try her things first.

"Then you're going to have a good friend poke another good friend in the ear. What it takes is a common-sense approach. You have to have the confidence and respect of the people. In effect, a district attorney in a cow county becomes a father confessor. You spend a lot of your time patching up difficulties with common sense."

It's not all family fights and barroom brawls. There was the case in the late '70s of the pimp-trucker shootout, Lloyd recalled. It seems a couple of truck drivers convinced a couple of working girls at a Hawthorne brothel they might enjoy life more in the cab of an 18-wheeler.

But the madam of the house saw the girls leave and angrily called their pimps, or "agents," who were living at Lake Tahoe. The pimps got in their Cadillac to head off the wayward girls and their beaus.

The two groups came together outside

Eureka, where one of the pimps, spotting the truck, pulled out a pistol and started firing. One of the truck drivers had a pistol in his rig and started firing back, turning the highway into a shooting gallery, oblivious to the cars trying to get by.

When police arrived, they had a jubilant trucker with a smoking gun and a pimp with a bullet in his shoulder. "The hardest part was trying to sort out who was a pimp and who was a truck driver," Lloyd said. The prostitutes were self-evident.

"I charged the pimps with assault with a deadly weapon and attempted murder. But in those types of cases you don't get witnesses anxious to show up in court, so I let them plea bargain it to assault and battery."

And then there's sticking up for the rights of the community, like the time Virginia City tried to "steal" a silver-laden bell Eureka felt belonged to the city.

"That almost caused a real mining-camp war between the two cities," Lloyd said of the incident nearly 10 years ago. It seems back in the 19th century a bell was cast for the Presbyterian Church in

SILENT MOMENT: A group of mourners gather in a church for assassinated Swedish Prime Minister Olof Palme, who was shot to death Saturday in Stockholm.

the capital from a skiing holiday, called the slaying "a blow to the open society." The 39-year-old king said Palme had "wanted to live a personal life even if he was the country's prime minister."

"The meaningless violence will forever cast its shadow over our political life," said Palme's chief political opponent, Moderate Party leader Ulf Adelsohn. "But Palme's Social Democrats had defeated Adelsohn's Moderate-led coalition in national elections last Sept. 15, giving

were very understanding. They gave us perpetual possession of the bell but not the title. It's sitting right outside the museum right now."

Lloyd, born in Pioche in 1915, has Nevada cow counties and the law in his veins. His grandfather was the legendary turn-of-the-century sheriff of Lincoln County, Jake Johnson, for whom Lloyd is named. In the rough mining camps that populated the county then, Johnson and his guns were the law — and few questioned their authority.

Lloyd's first taste of politics came when he was elected Lincoln County clerk in 1938. World War II interrupted his budding career, and he served in the Army from 1943 to 1945.

Going to the University of Utah Law School on the GI Bill, he got his law degree in 1947. He immediately went into prosecution in the small counties, serving as a deputy district attorney in Lincoln and White Pine counties over the next year and a half.

He began his first stint as Eureka County district attorney in 1948, serving for 12 years before moving for the first time to the "big city," Reno, to open pri-

We haven't taken any steps yet." Other long-time

FINAL
SPORTS

Duke tops Heels,
wins ACC title 1B

'Justifiabl
in Carson

Reno Gazette

Monday

March 3, 1986

35 cents

Mostly sunny, high 68, low 34
Sunday's smog level: 62 (moderate)
Today's smog forecast: moderate
Complete weather report, page 8A

Pahrump real estate deals: a textbook lesson in hard sell

EDITOR'S NOTE: This is the second of a four-part series.

By Doug McMillan/Gazette-Journal

PAHRUMP — "I'm going to show you some land a state senator owned," Shannon, a Preferred Equities' salesperson, declared in grand tones. "This is land state Sen. Ken Redelsperger developed. You may have heard of him? He's a popular state senator."

"The only reason he sold it to us is that he wants to dabble in politics more. But it enabled us to increase our inventory."

Shannon, an attractive redhead in her 40s, was working hard to sell one of the 26,000 lots Preferred Equities has carved out of Pahrump Valley, 60 miles west of Las Vegas.

She was pitching it to two of the tourists the big lot sales company transports to Pahrump by the vanload from Las Vegas, where the company uses free show tickets, rooms and meals to induce them to take the real estate tour.



Preferred Equities is known for its high-pressure sales tactics, perfected by its founder, Leonard Rosen of Las Vegas, in Florida's feverish land sales boom of the '60s. Rosen's previous company, Gulf American Corp., was once cited by the Florida Land Sale Board for "grossly immoral and unethical sales practices."

"Johnny Carson owns land next to the airport," Shannon chirped as she drove one of Preferred Equities' fleet of Dodge Ramchargers past Pahrump's dirt airstrip. "He talks about his Pahrump land on TV. He says this is where he intends to retire."

Shannon was a "front-ender," real estate slang for a sales agent who shows

the prospective buyers the property before they are taken to little one-desk offices called "pitch rooms" where "closers" try to get them to sign the dotted line to buy a lot.

"Some of these guys can talk you out of your eyeteeth," said "Bob," an ex-Preferred Equities salesman. He still sells real estate in Nevada and didn't want his real name used.

Bob described a strange world made up of "front-enders" and "closers" working in "pitch rooms" to sell "drop lots" that they hope wouldn't "burn" to "yuppers" drawn in from "OPCs."

An OPC is an "Off-Premise Contact," usually a free chicken or prime rib dinner in the hometown of prospects solicited through the mail. If they bite on the sales pitch, they sign up for a free stay in Las Vegas with a sidetrip to Pahrump.

"They never leave a couple alone together," Bob said, "or the doubter will talk the other out of it."

Once they buy, it's OK to let them dis-

cuss it, he said. "Then they'll start to reassure each other they did the right thing."

But if they have second thoughts when they get back to Las Vegas they can call and cancel the deal within three days, or "burn" the sale.

A "yupper," however, nods his head in agreement with everything the salesperson says.

"All they're interested in is getting their free gift and going back to their hotel," Bob said, "but on the way, they buy a lot."

In fact, one of every eight couples on the tour can be expected to buy a lot, according to Preferred Equities President Warren Church. That's an extremely enviable "sales efficiency" in the land sales industry, he said.

However, about 15 percent of those buyers can be expected to back out of the deal later, based on allowances made for

See PREFERRED, page 6A

Preferred Equities' salespeople schooled in art of hard sell

From page 1A

cancellations in the company's recent financial statements.

The tour of the "New/Old West" start at a Preferred Equities reservation booth on the outskirts of Las Vegas — the first of the many little buildings on the Las Vegas Strip inviting tourists to stop for room reservations or show tickets.

On a typical morning, 10 tourists pile into vans with five rows of seats. The driver, identifying himself as Marty, asks if anybody has a driver's license. When they all dutifully answer yes, he quips, "That's good, I only have a learner's permit."

The five couples laugh appreciatively. Marty keeps up a non-stop banter of old jokes and Nevada trivia for the next hour and 60 miles.

"People drive into this town in a \$13,000 automobile and leave in an \$885,000 vehicle — a Greyhound bus," Marty chortled as he steered the van onto State Route 160, heading north out of Las Vegas.

His routine includes frequent references to the phenomenal growth of Las Vegas, a favorite topic of the Preferred Equities sales force all day.

After the van climbs over 5,500-foot Mountain Spring Pass, a desolate panorama of Joshua trees and rocks sweeps into view — the 1,050-square-mile Pahrump Valley. Marty deftly fills the void by pointing out a distant mountain peak that, with a prodding of the imagination, resembles Abraham Lincoln's profile.

Another 20 miles go by before the first habitations move into view — mobile homes and houses scattered across the 10-by-20-mile townsite.

At the center of this sprawling community is the Calvada Inn and golf course — focal point of the Preferred Equities selling effort for Calvada Valley, Calvada Meadows and Calvada North subdivisions.

The salesmen introduce themselves to the prospects, who devour a free champagne lunch in the window-lined dining room of the Calvada Inn. The small talk allows them to size up each couple, Bob explained, so they know "who's boss" and how to pitch them.

After lunch, they adjourn to a large conference room in a separate wing of the inn. Each couple is seated at a separate table with the salesperson planted between the two.

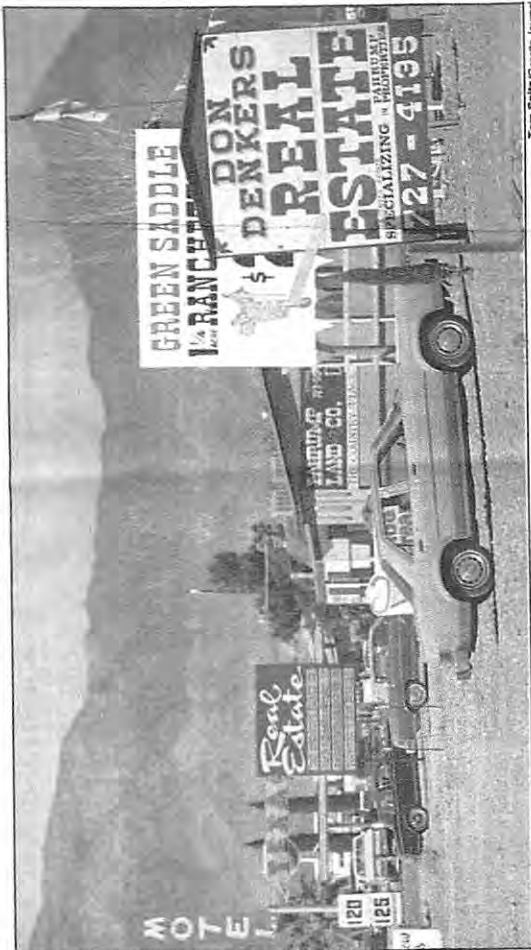
Shannon tells her prospects how her father passed up a chance to buy land 20 years ago where the MGM-Grand sits today.

The head salesman, a slick-talking man with a deep tan, appears.

"Applaud, if you want a ride back," Shannon kidded.

Although a joke, more than one visitor wonders out loud if he'll get a ride the 60 miles back to Las Vegas if he doesn't buy land. It is a captive audience. Applause seems important to the salesmen — they solicit it every chance they get.

Using a land-use map of Nevada, the



Tom Spitz/Gazette-Journal

COMMON SIGHT: There is no shortage of real estate offices in Pahrump.



Mark Croase/Gazette-Journal

TOUR'S OVER: After taking a Preferred Equities' tour of the Pahrump area, left, people get back into a Calvada van and head back to Las Vegas. Right, a sign outside town welcomes people to the oasis west of Las Vegas.



Tom Spitz/Gazette-Journal

because we're going to run utilities out there."

What he doesn't say is when, "They give you the impression that five years from now, utilities will be there," says the former salesman. "You come back 10 years from now and they're still not out there."

He flips to the section on roads. Roads are bonded for completion and have a definite timetable, which he holds up for a much longer look.

By the time he gets to the front, only five minutes have gone by. "You believe you've read it, even though you haven't," Bob concluded triumphantly.

Most buyers don't even ask questions

man and bought a drink. Once a guy buys, even if he's only paid \$50 or \$100 to hold a lot, he's treated red carpet."

In the non-buyers' van, Ken and Sylvia Ruecker, owners of a carpet cleaning business in Regina, Saskatchewan, Canada, talked about how they almost became owners of a lot in Pahrump.

"I was tempted . . . just as an investment, not as a place to retire," Mrs. Ruecker said. "I think the potential is there, but not for a long time from now."

Their "closer," carefully avoided predicting lot values in years to come. Instead, she asked the Rueckers what they thought it would be worth.

"I said I'd like it to double in value in a year and they started using my figures," said Mrs. Ruecker.

But her husband had demanded, "Give me all the information you have on it and I'll take it back with me and show my attorney. Then I'll fly back down, if we want it."

Ruecker said the salesmen were astonished that he'd spend \$300 to take another trip to Las Vegas. "But they'd just asked me to spend \$13,000 on a lot. The \$300 would have been nothing by comparison."

"Oh well, it was an experience," sighed Mrs. Ruecker.

As it did with the Rueckers, Preferred Equities gave half-price tickets to the Stardust's nightclub show Lido de Paris to get Richard and JoAnn Verville of Chicago to come along for the ride.

"They started us at \$10,000 and we explained to them we just put that much in a down payment on a house," Mrs. Verville said.

"Then they wanted a \$100 deposit," her husband related, "and said they'd give us a free trip back — four days and three nights in Las Vegas — but we had to sign now."

"The thing that bothered us is they give you the impression you did something wrong when you don't buy. The salesman just got up and said, 'There's the door.'"

During the tour, Shannon had made several debatable claims:

"This is just the beginning of a community. Now there are 7,000 people in the valley. In four years, they expect 55,000."

The population actually is closer to 5,200. Nye County Commissioner Paul Mankins, who lives in Pahrump, said the last prediction was for 25,000 people by the turn of the century. County planning consultant Steve Bradhurst said there are no official projections.

And Calvada subdivisions have been "beginning" since 1970 when they were first cut out of peaceful fields. Since then only 1,800 of 40,000 lots in the valley actually have been developed, and fewer than 400 of those households are on Calvada lots.

"A four-lane highway is coming in," Shannon said in a discussion about the growing number of Las Vegas commuters living in Pahrump.

As early as 1974, the state Division of

Las Vegas is one of the fastest-growing cities in the nation, so its land costs have soared. It is going to need a "bedroom community," he said, and with the large amount of federal land around it, Pahump has got to be it.

Like Shannon, he tells how his elderly father had passed up a chance to buy part of what is today the Las Vegas Strip.

Another salesman tells how he'd just returned from Palm Springs where he found it cost \$225,000 to buy a lot and \$1.7 million to build on it.

The inference is that Pahump land might not look like much now, but it could be valuable some day.

Salesmen are forbidden to represent the lots as an investment. In fact, a state property disclosure report that salesmen are required by law to show buyers before they sign anything says: "The U.S. Department of Housing and Urban Development states that it is unlikely that the lot you purchase in a subdivision regulated by HUD, such as Calvada Valley . . . represents an investment."

The value of each lot is in competition with the thousands of others the developer is putting on the market.

Bob said the salesmen get around this by referring to a lot purchase as a savings account.

They say, "I want you to look at this as a savings account. What happens if you get sick? If you have a lot, you can sell it. You know it's going to be worth more five years from now, don't you?"

The yuppie shakes his head and the salesman has never used the word investment.

"Say you have a young couple and they have a 6-month-old baby," Bob said. "They say they can't afford a lot because of that."

"You're not paying me," I would tell them. "You're paying your baby daughter. How are you going to pay for that child's college education? Now you're telling me she's not worth \$174 a month to you?" He shakes his head in mock dismay.

"I've actually had couples go out the door, talk between themselves a couple of minutes and come back in the room begging me to sell them a lot."

Bob said he used to justify such ploys on the premise most of the people he was selling to never would have saved a dime. "But by the time they make all their payments — maybe \$15,000 or \$20,000 in 10 years — they'll have a lot they can sell for \$5,000."

"If you're dumb enough to buy this garbage, then you're not going to have saved a thing in your life."

While garbage is a harsh word for it, Calvada lots are worth much less on the open market than the "book values." Preferred Equities offers people on their captive tours.

Salesmen drive their prospects down the main street. They use a side road, pointing out the new supermarket, small casino and motels from afar. A third of the three-block business section is lined with real estate offices, including Sen. Ken Redd's, reselling lots that people bought from Preferred Equities and want to unload.



CLUBHOUSE: Preferred Equities' saleswoman "Shannon" shows off the clubhouse at the Calvada golf course.

Comparison shopping is the last thing a Calvada salesman wants his charges to do.

"We're looking at people who want to come out here for a good investment and want to see a \$30,000 or \$40,000 Calvada lot instead of the one they bought for \$10,000," said one Pahump Realtor. "But almost always, it goes the other way."

"We have to say, 'I'm sorry, that's really all it's worth on the open market.' There's a lot of bitterness. They get mad. They'd like to get what they paid for it, but they take anything they can get for it."

"You have to try to cushion their feelings," said another of the town's dozen or so brokers. "Resales are really hard. So many people who bought Calvada properties believe what they've been told. Consequently, a lot of properties we list are not salable because they ask too much. But you try not to tell them they made a mistake."

The Realtor said he usually tries to convince the seller to list the lot at about a third of what he paid for it. Thus, a small mobile home lot off the Calvada four for \$10,000 might fetch \$3,000 or \$4,000 on the open market.

Another Realtor, advertising Calvada lots starting at \$3,500, said she has sold only five or six in as many years, despite listing hundreds. "Some people owe more on it than what we can sell it for." They have paid what the value of the lot might be five or 10 years from now, she said. "They're paying the future price now — that's what it amounts to."

County Assessor Bernie Merlino said his Pahump appraiser, Joe Heilegers, doesn't even bother to check the price. Preferred Equities is getting for its lots. Heilegers uses resales to establish the actual market value of Pahump lots, and that often comes in at less than half of Preferred Equities price.

That figure is meaningless because so

"They've gotten the down (payment) by the time they go through that spiel. You've just bought it so you want to believe good things about it."

"Then they quickly rip out the perforated form in the back that the consumer has to sign saying he's read it, and toss the report behind the desk."

The salesman signs it and shoves it under the nose of the buyer.

"Then the last thing you sign is the deed and trust deed. The whole process takes less than 30 minutes while the girls in the back are typing up the paperwork."

"Then you put it in a nice little envelope and seal it," he said. "Sealing it is very important because they want you to put it in a drawer and never look at it again. They hope when you get back to your Las Vegas hotel you'll throw it in the suitcase. Then six months later, when you take it out of the bureau drawer and actually start reading it, you'll holler downstairs: 'Oh no, Mabel! Look what we bought.'"

Preferred Equities also counters the property report warnings with its exchange program.

Buyers who actually want to move to Pahump and build on their lots can exchange them for lots in the "Buildable Area," as the salesmen call it. The company holds back 400 lots close to water and sewer lines of the small water company, Central Nevada Utilities.

If the buyer can exchange his lot for one of those, then Preferred Equities has to hook it up to utilities or pay the cost to extend utilities to it.

Even so, recent Preferred Equities property reports note that only one-third of the lots in the buildable area can be served with water and sewer service "at the present time."

Yet the salesmen manage to turn this into a selling tool, too.

Shannon called the exchange program "an exciting concept."

"When you buy property at other places you're just stuck with that piece of dirt," she said, "but here you can trade up."

The sales force calls it "a reload program." Bob explained, "They bring the buyers back every year to Las Vegas to let them see their property, all the while trying to talk them into 'trading up' to a more expensive lot."

"They can take a lot they sold you for \$7,500 a few years ago and trade up to a bigger lot they couldn't sell to you then because you didn't have the money then. Or start you with a trailer lot, get you equity in it, trade that for a conventional home lot, then a duplex lot, or commercial property and so on."

"Or they might sell you three or four more lots because they brought you back each year."

The trip back to Las Vegas, five hours later, is not nearly so jovial — at least for the people who didn't buy property. Fourteen commented into the same seats that had led to comfort on the way out. The buyers gazed back together as VIPs, Bob explained. They're treated as royalty, taken down to the bar by the sales-

report, there are no plans for expanding or further improving this highway."

"You never pay for utilities to come to your property, you wait for the developer to put them in and they come to you."

Property reports on the subdivision she was talking about, Country View Estates, say it could cost as much as \$65,000 to extend water lines to some lots and another \$2,000 for electricity.

As for Johnny Carson, he has no property next to the airport, according to Preferred Equities President Church.

"If one of our salespeople said that, I would like to know who they are," Church said. "I would take disciplinary action."

However, Nevada Real Estate Division Administrator Lynn Luman said his office would not consider the saleswoman's statements misrepresentations. They could be her "opinion," he said, and as such, were not "intentional." A misrepresentation has to be intentional before the state agency would consider it fraud, Luman said.

There is a gray area between fraudulent misrepresentation and what the industry calls "puffing," he added. Although the state ordered Preferred Equities to stop using grandiose population figures in its claims 10 years ago, Luman said before he could take action now, "I would have to prove that couldn't be true."

Church said his company shies away from using population projections in its sales presentations. However, "our attitude is extremely optimistic."

He said the government required property disclosure reports, plus a 15-point "buyer's understanding," summarizing them, "make sure there were no representations that should not have taken place under state real estate regulations."

"Every sale we make is under full disclosure required by the Real Estate Division — the state report — and HUD and part of that full disclosure has to do with the water and sewer systems and any other improvements."

Luman declined to say how many complaints the state gets against Preferred Equities, calling that information "strictly confidential."

"It's not enough to scream about," said the state's real estate regulator. "I would hesitate to guess how many, not because of the volume but the lack of it."

Looking ahead

Tuesday

Preferred Equities Corp. founder Leonard Rosen perfected his "selling techniques" in the "swamp-peddling" days of Florida, long before bringing them to the Nevada desert in Pahump.

Wednesday

Nevada agencies are taking a close look at whether Preferred Equities Corp. will ever extend water and sewer service to all of the thousands of lots it has subdivided in Pahump Valley.

FINAL
SPORTS

AAA girls' State: Reno,
Reed, McQueen win 1B

2 of 3

Reno Gazette

by

Tuesday

March 4, 1986

35 cents

Mostly sunny, high 71, low 34
Monday's smog level: 62 (moderate)
Today's smog forecast: moderate
Complete weather report, page 8A

still allows green and
any action taken in violation of the (open to pay the price of the city's violation of

The man behind the land sales bonanza

EDITOR'S NOTE: This is the third of a four-part series.

By Doug McMillan/Gazette-Journal

PAHRUMP — Even the sharpest critics of the high pressure real estate sales methods Leonard Rosen brought from Florida to Nevada concede the man is a genius at promotion.

Rosen could not be reached for comment on this series. Repeated telephone calls to his home and the offices of Preferred Equities were not returned.

Rosen's life exemplifies the rags-to-riches theme of the American dream.

A native of Baltimore, Md., he started selling newspapers and worked as a carnival barker at the age of 14 to support his family.



Then he and his younger brother, Julius "Jack" Rosen, opened an appliance store and started their own advertising agency in the early 1950s. They were among the first to buy large blocks of time on late-night movie shows.

When ad client Charles Antell walked in with a new hair dressing he had concocted from lanolin, or wool fat, the Rosen brothers were so impressed they bought the

company. After a few years of promoting Charles Antell Formula No. 9 on their TV spots, they sold the company for \$2 million in 1956.

They took a big chunk of that money to Florida, where Leonard Rosen quickly saw the potential of subdividing thousands of acres of swampland and selling lots as a piece of the American dream — homesites in a balmy clime.

Organizing the Gulf American Land Corp., later shortened to Gulf American Corp., the Rosens began buying large tracts of Florida.

In less than three years, they were snaring potential buyers at free dinners and champagne-cocktail parties in hotel

See LAND, page 6A

Preferred Equities extends reach beyond Pahrump Valley

The company Leonard Rosen founded to sell land in Pahrump has grown into a real estate giant with assets of more than \$100 million and a net worth of \$25 million, according to its president, Warren Church.

Pahrump lot sales are not the company's only involvement any more, he said. In addition to its Pahrump subdivisions, it has:

- Time-share developments in Reno, Las Vegas and Honolulu — which have sold intervals to more than 15,000 people.
- A 657-unit development of fourplexes in Las Vegas which has just sold out.
- Two apartment complexes in Las Vegas.
- Two large residential complexes in New York.
- A time-share RV park in Pahrump.
- 800 acres next to a ski resort in upstate New York.
- 7,000 acres in large parcels in Colorado.

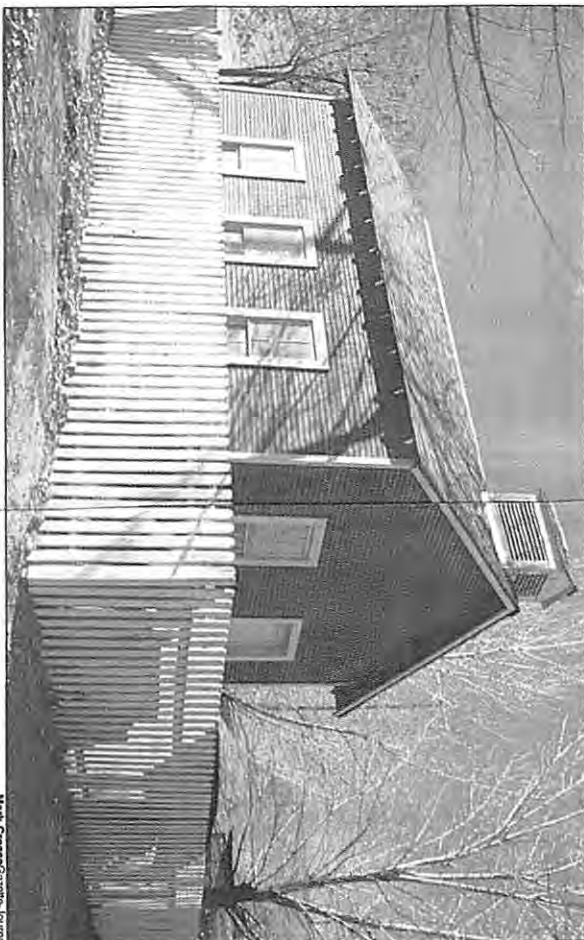
A smattering of the 1,700 lots it subdivided in Inyo County on the California side of Pahrump Valley.

The company is a major contributor to the Nevada economy, said Church, with 580 employees receiving an annual payroll of \$10.5 million.

Although it recently laid off 40 people, it is still the biggest employer in Pahrump, where 160 employees work.

Company officials also estimate they pump another \$8.2 million a year into the southern Nevada economy from the more than 800 couples and families they bring to Las Vegas and Pahrump on promotional sales tours every month. Described in a memo distributed to Inyo County, these promotions include:

- An average of 340 families per month who come back to Pahrump to look at the property they bought, often bringing "children or other families with them."
- Two nights and three days of free accommodations to 135 families per month referred by friends and relatives of current lot owners to look at Pahrump property.
- Another 360 couples who arrive monthly in Las Vegas as "certificated prospects," which "simply means that they are provided free accommodations as an incentive to attend an escorted Calvada Valley presentation in Pahrump."



OLD SCHOOLHOUSE: This is Pahrump's old schoolhouse, built when the area was an agricultural hamlet.

Mark Crossen/Reno Gazette-Journal

□ Another 150 couples per week who come to look at the Las Vegas time-share project.

□ Hundreds of tickets to Las Vegas shows, as inducements to get people to look at the property.

□ More than 350 families living on their Calvada lots in Pahrump, which has a projected growth rate of 10 percent to 15 percent a year.

"This is in addition to the Pahrump population increase," the memo said, "which, to a large extent, is undoubtedly attributed to F&B's enormous sales and marketing campaign which was launched in 1968."

However, the company once got in trouble for making Pahrump population projections.

In 1974, the state Real Estate Division ordered Preferred Equities to stop selling prospective buyers the Pahrump lots "will result in the making of money."

R.E. "Skip" Hansen, state Real Estate Division administrator at the time, said a population projection the Calvada subdivisions were master-planned for 52,000 people was a misrepresentation.

"Pahrump Valley contains thousands of lots, in addition to those of Calvada," Hansen told the subdividers who already had created more than 2,000 lots by this time. "It would appear that the economic principles of supply and demand and subdivision will prohibit any significant rise in lot prices."

Preferred Equities agreed to change its

promotional materials and speeches, which satisfied the state.

Although the Division of Real Estate occasionally monitors the company's sales presentations with undercover agents, said current administrator Lynn Hansen, it has found no violations of state land sales regulations.

In its first five years alone, Preferred Equities grossed more than \$10 million in lot sales, according to newspaper business reports.

Its sales ranged from \$10 million to \$30 million per year in the late 1970s, according to former company president Jack Scutts.

His 1984 financial statement showed \$9.4 million in lot sales, a 15 percent slip from the \$11.2 million in 1983.

That same financial statement showed the company lost \$2.1 million in 1984.

In testimony before the Public Service Commission, Church said that was the first deficit in the company's 15-year history. However, the 1984 financial statement noted a \$3.2 million net loss in 1983.

It also showed the company borrowing heavily against \$63.3 million in accounts receivable from its lot sales and \$759,000 against the \$3 million in life insurance policies taken out on Leonard Rosen, listed then as chairman of the board of directors.

Also listed were substantial loans and mortgages on its property and loans from insurance and finance companies and Israeli and English banks.

In all, the statement showed \$83.6 million in long-term debt.

Church called that "a very livable level" for a real estate company that has "such tremendous upfront expenses."

These include the amenities such as golf courses, a sports complex and equestrian center it has built in Pahrump — more than \$10 million in improvements, counting a water company, he noted.

He said the company took in between \$24 million and \$25 million from land sales in the 12 months ending last August.

In 1980, Preferred Equities acquired another 13,000 acres north of Pahrump and began subdividing it into another 30,000 lots, calling the new project Calvada Lake, since it encompassed a marshy wetland called Ash Meadows.

That upset environmentalists since Ash Meadows is the biggest oasis in the great Mojave Desert and home of several endangered species of pupfish, which biologists consider essential in their study of evolution. Pumping enough water for 30,000 lots almost certainly would have led to their extinction.

But last year, the Nature Conservancy, with the help of Sen. Paul Laxalt, R-Nev., got a \$5 million federal appropriation to buy the 13,000 acres from Preferred Equities before it could sell many lots. The conservancy, a national organization dedicated to preserving sensitive land, clipped in \$500,000 of its own to bring the final price to \$5.5 million and gave Preferred Equities a \$1 million low-interest loan to seal the deal.

Otherwise, Inyo County would have had more than 50,000 Calvada lots instead of the 25,000 it has to deal with today.

Land promoter brought Florida sales techniques to Nevada

From page 6A

rooms all over the northeast, and eventually, the world. American tourists started running into Gulf American sales presentations in Paris, Frankfurt, Hong Kong and Hawaii.

When several large Eastern states banned travel restrictions out of eastern areas.



Leonard Rosen: From Baltimore to Pahrump

Each 70s
Rosen goes to
California to sell shares
in his new investment



Stories by
Doug McMillan

The German Federal Credit Control Board suspended sales of Pahrump, citing problems it had with similar overseas

to use large subdivisions they were laying out in what had been swampland.

Only a few of these projects came to fruition as full-fledged towns. That irony was reflected in the title of a book on the Rosen's Florida dealings: "The Lies That Came True — Tall Tales and Hard Sales in Cape Coral, Fla.," by former Gulf American publicist Eileen Bernard. It chronicles the growth of Cape Coral into a retirement community of 46,000 people south of Fort Myers — more in spite of what the Rosen brothers did than because of them, said the author.

By the time they were ready to leave Florida in 1969, most of their other so-called planned communities were still 40 percent to 80 percent swampland with only a scattering of houses, said the Wall Street Journal and Florida newspapers.

Here is the legacy the Rosen brothers left Florida:

□ Golden Gate Estates, on the Gulf of Mexico south of Fort Myers, is 120 square miles of mostly empty lots and roads, "some of them in pretty bad shape," said Collier County planner Jeff Perry. It averages from one to 15 houses per square mile. The southern end goes under water every spring.

□ Closer to the county seat of Naples, Golden Gate City and part of Golden Gate North have become a thriving rural suburb of 12,250 people.

□ Remuda Ranch, north of Naples, never was developed. "Essentially worthless land," Perry said. It is being acquired by the state as wetlands.

□ Cape Coral, Florida's second largest city in area, has 138,000 lots spread out over 100 square miles. At least two lots are needed to build a house, but the city is growing faster than 8 percent a year, surpassing Fort Myers in size.

□ Frustrated lot owners at River Ranch, in north central Florida's Polk County, have turned the area into a 42,000-acre hunting preserve with small sheds and trailers, but no roads, drinking water or sewer systems.

□ Polk County, an inland subdivision of 45,000 lots south of Orlando, has fewer than 500 developed lots, although sales are picking up.

Except for Cape Coral, most development on these huge subdivisions took place after Gulf American sold to GAC Corp. Aviator Corp. took over GAC after its bankruptcy.

Yet in the mid-'80s, Gulf American was Florida's biggest company and probably the biggest land sales corporation in the world.

It claimed the nation's largest private airplane fleet with everything from Cessnas to take prospects up for a quick bird's-eye view of their lots, to a dozen Conquest jets to fly them down to Miami.

When the bus fares for thousands of tourists from Miami to Cape Coral became prohibitive, Gulf American bought its own bus line, which Bernard said the local populace dubbed "snicker buses."

Along the way, prospects were whined and dined and pitted with predictions that the property they were buying was sure to appreciate in value in a few short years, according to "The Lies That Came True." But the company's fortunes depreciated with a change in administrations in Flor-



Leonard Rosen in Palmrump

“The new Florida Land Sales Board suspended the company's sales . . . and demanded a re-organization of the company to reduce the roles of Leonard and Julius Rosen. ‘It was the most severe punishment they ever meted out.’”

Ken McDowell
Florida Real Estate Division

idea. Under Democratic Gov. Haydon Burns, Gulf American had been able to place three of its own associates on the state's five-member Installment Land Sales Board.

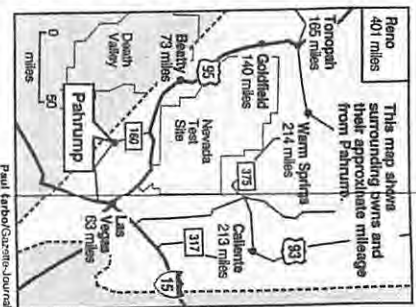
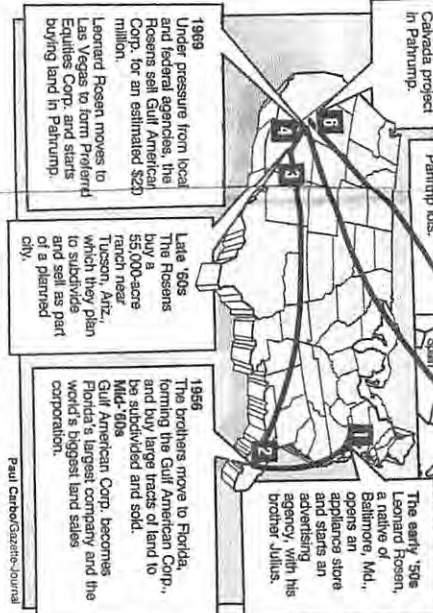
Claude Kirk, elected the state's first Republican governor in 94 years in 1966, abolished the board and undertook a sweeping reform of Florida real estate laws. Declaring that overly aggressive land sales operators were giving Florida a bad name, he vowed to "bring the secondhand under control."

Gulf State investigators accused Gulf American officials of splitting lots on customers, using deceptive sales tactics and promotional materials, misrepresenting the improvements that were going to be installed, and their properties and telling them that land could be sold at a profit, when it usually was worth much less than the purchase price.

At one point, they were even accused of bugging the little rooms "near the salesmen made their pitches" to the salesmen at Cape Coral to eavesdrop on what a husband and wife were saying when the salesman left the room, Bernard said.

Pacing state land fraud charges in connection with 1,300 transactions from 1963 to 1967, Gulf American agreed to plead guilty to five counts of fraudulent and misleading real estate practices in 1967.

The new Florida Land Sales Board suspended the company's sales, which were running at more than \$12 million a month, for 30 days and demanded a re-organization of the company to reduce the roles of Leonard and Julius Rosen.



water lines and other promised improvements. The Arizona Department of Valuation announced that lots GAC was selling for \$5,000 at Rio Rico were really worth only \$400.

The National Council of Better Business Bureaus issued a warning against dealing with GAC, noting its predecessor, Gulf American Corp., was "scandal-ridden" with reports of misrepresentation and unethical sales practices.

The Federal Trade Commission forced the company to refund \$17 million to unhappy customers in 1974 and a federal judge made the company build a water system and roads and provide electricity to some of its 30,000 Arizona lots. At latest count in 1983, fewer than 1,000 people lived on them.

Six years after buying Gulf American, GAC went into a bankruptcy reorganization, leaving 17,000 Florida lot owners with just the company's development. Courts later ordered the company to exchange their worthless lots for lots in developable areas within Cape Coral.

Within the history of Florida is written, "Leonard Rosen boasted in an oft-repeated 'what the names of my brother' and myself will figure in it prominently." Julius Rosen did not live to enjoy the prominence; he died of a heart attack in 1969.

Leonard Rosen came to Las Vegas, McDowell said, to think a lot of Gulf American "opportunities" followed him from Florida to Nevada to organize Preferred Equities.

value of the land had been set. Preferred Equities in the first place was presented to the Germans in glossy brochures describing Palmrump as a lush green valley on the "fringes" of Las Vegas, "the fastest-growing urban center in the United States," when in fact was 60 miles out in the desert.

They found the sobering truth when they began to receive tax bills from Nye County. When some of the foreclosures defaulted on their lots, which Preferred Equities had said were worth \$5,000, the company bought them back at a delinquent tax sale in Tonopah for \$800.

Heinz Pallasch, the German consul in San Francisco, crusaded five years to get back the money of his fellow countrymen, many of whom had invested their life savings. But the Washington Post reported that Rosen's German political friends, who included the great grandson of Kaiser Wilhelm II, a former Berlin mayor and a former national postmaster, had enough clout to quiet the courageous diplomat by having him transferred to Iceland.

But 200 Germans, banding together as the Calvada Protective Association, sued Rosen for \$100 million. Included among the defendants was Robert Bilbrey, cousin of Nevada State Sen. Jim Bilbrey. Robert Bilbrey was "Preferred Equities" attorney then, according to Jim Bilbrey, who represents the company now.

Represented by San Francisco attorney Gregory Ston, the Germans settled out of court three years ago for \$10 million. A source involved in the negotiations said they recovered "100 cents on the dollar" of their original investments — unusually lucrative for an out-of-court agreement.

But German names are still scattered through the Nye County tax rolls for Palmrump. In fact, 2,700 Palmrump lots were bought by non-U.S. citizens, with 1,800 Canadians topping the list.

The late Preferred Equities President Jack Soules said in a letter to Pallasch that, while not many of the Germans ever came to see their Palmrump land, most of those who did were satisfied enough to keep up their tax payments on it.

Nevada had been powerless to help the foreigners because its first law governing out-of-state land sales hadn't been passed until 1971, a year after the Germans got their Calvada lots.

But former Real Estate Division counsel, Jim Barnes, when investigating the case, confronted Rosen in Caesars Palace in Las Vegas and asked him what he had done with the Germans' money.

"He laughed," said Barnes in a quote that was to be repeated in Germany's Der Spiegel, "and said 'I put that money in my pocket and you can watch me spend it at Caesars Palace,' and pointed at the gambling tables."

Looking ahead

Wednesday Nevada agencies are taking a close look at whether Preferred Equities will ever extend water and sewer service to all of the thousands of lots it has subdivided in Palmrump Valley.

Population hike, like agriculture, drains Pahrump's water

PAHRUMP—Its name is a mutation of a Paiute word meaning "Big Water," or "Rock Water," but the springs Pahrump Valley was named for dried up more than a decade ago.

Twenty years of agricultural and real estate development have drawn down a vast reservoir of water underlying the long basin north of Las Vegas. Some wells on the east side of the valley have dropped as much as 100 feet — a dramatic measure of how much the water table has been falling since the valley was settled.

Nearly 40,000 lots have been subdivided on the valley floor — 26,000 of them in Calverda subdivisions created by Preferred Equities Corp., the major land sales company in Pahrump. The population has nearly tripled in the past decade — about 5,200 residents.

When Pahrump was still one of Nevada's richest agricultural valleys, it was pumping more than twice as much water out of the ground as was being replenished by runoff from the snow-capped Spring Mountains that dominate the valley's eastern horizon. Broad fields of cotton and alfalfa, and for a few years, even lettuce, were irrigated from wells so productive an agricultural oasis, until lot so replaced farming as the valley's No. 1 industry.

Ironically, the real estate boom appeared to reverse Pahrump's serious ground water overdraft, although that trend may have been only temporary, said State Engineer Pete Morros, Nevada's top water official.

In 1983, said Morros, Pahrump Valley's ground water pumping peaked at 48,000 acre-feet. That's enough water to cover 48,000 acres to a depth of one foot — almost 536 billion gallons.

In 1983, when Preferred Equities started converting Pahrump ranches into the first of its many Calverda Valley subdivisions, total use fell to 41,000 acre-feet. It continued to drop steadily — except for 1976 when it shot back up to 44,500 acre-feet — until bottoming out at 23,100 acre-feet in 1983, Morros said.

But in 1984 it started up again, to 24,351 acre-feet — an ominous sign that residential development, like agriculture, might take more water than the valley can produce.

Although the 1985 measurements won't be ready until later this month, "it appears to be on the upswing again," Morros said gloomily. "If the trend continues upward, we could be back to where we were before."

An extensive ground water study by James Harrill of the U.S. Geological Survey showed Pahrump's basin water recharge, or net gain from runoff, averages 19,000 acre-feet per year. So even at its low use in 1983, the valley consumed 4,000 more acre-feet than was put in the ground in an average year. From 1962-76, Pahrump's wells depleted ground water storage by 219,000 acre-feet — enough water to fill Slampede reservoir west of Reno.



DRAINED VALLEY: Children take their dog for a walk along a rural Pahrump lane where increased development is causing water tables to drop again.

Stories by
Doug McMillan

The USGS agrees, but only to a point. "The moderate rates of decline and very large amounts of ground water stored in the valley-fill reservoir suggest that a long time will be required before the valleywide depletion of ground water storage becomes critical," Harrill concluded. But as ground water overdrafts continue, he added, Pahrump can expect water quality problems, land subsidence and well interference.

Morros said the top 200 feet of valley ground contains an estimated 5.5 million acre-feet, but less than half that water is within easy pumping distance of the settled part of Pahrump.

Even if that water could be brought to the surface without problems, he said, it would be "on a one-time basis. Once you mine that ground water storage, it's gone."

The problem is, said Morros, that while Pahrump is spread out over a wide area, most of its wells are on the alluvial fans that sweep up into the Pahrump moun-

tains on the east side. Those are the wells that have been dropping the most.

Residential use returns more water to the ground, through septic tanks, he said, but that can lead to water quality problems.

And while there might be a deep reservoir, getting it to the surface is not that simple, he said.

The USGS study, the cost of which was shared by the state Division of Water Resources, found that an average of 37,000 acre-feet of ground water percolates into the basin annually. But 18,000 acre-feet flows out, probably into California under the usually dry Amargosa river bed.

"Even if wells could be strategically located where you might intercept that flow," said Morros, "you're still looking at a maximum of only 18,000 acre-feet."

And the cost of pumping it thousands of feet from beneath the surface could be prohibitive.

All this puts Morros in a ticklish spot. Over the years, his predecessors issued agricultural water rights permits for 71,000 acre-feet. Single-family domestic wells have raised that to 80,000 acre-feet — four times as much water as the valley can sustain without borrowing against the future.

Years ago, in Pahrump and other agricultural valleys, the state issued water rights in excess of what ground water would sustain on the premise they would not all be used; farmers tended to apply for more water rights than they used to protect their supplies. And even if they did cause shortages, the state engineer could simply curtail pumping and the farmers grow less crops.

That method doesn't work for residential development; officials can't cut back on the number of people using water once they have moved in.

As real estate development continues, subdividers have been converting the agricultural rights to residential use. Preferred Equities, for example, owns nearly 17,000 acre-feet of rights, according to its application seeking the state engineer's approval for its last major subdivision, Calverda Valley Unit 9B.

Its water consultants, Resource Concepts Inc. of Carson City, tried to reassure Morros that Calverda residents will use far less water than the state calculates. A high proportion are retirees who vacation in travel trailers or motor homes a large portion of the year, and they are not into big lawns and extensive landscaping that needs a lot of water, the consultant argued.

How big the water problems become will depend on how densely developed the valley becomes, Morros said.

The state engineer has been approving new individual wells only for parcels of five acres or more and requiring subdividers to "either have water rights or relinquish water rights before we'll even look at something," Morros said.

In 1970, the California Water Resources Board put a lid on further subdivisions on the Inyo County side of the valley due to fears that future water shortages would develop.

Although Nevada has issued water rights four times beyond what the valley's recharge is, it saw the problem coming as early as 1941 when Pahrump became the state's second "designated basin." Designation gives the state engineer authority to curtail pumping, establish priorities for water use, and declare moratoriums on development, if necessary.

Las Vegas was the first designated basin, also in 1941, but unlike Pahrump, it could quench its monumental thirst with Colorado River water. Pahrump has had to rely solely on ground water.

In 1953, the state engineer required all Pahrump wells to have meters. In 1970, he put a cap on new agricultural pumping.

If ground water problems do crop up, he could give domestic use a preference over agriculture. That would put an end to Pahrump's remaining agriculture.

Ironically, it was the green fields of cotton and alfalfa that Preferred Equities used in its brochures to promote the valley as a desert oasis. Calverda property disclosure reports never mentioned the valley's water overdraft.

FINAL
SPORTS

McQueen, Reno meet
for girls' AAA title 1B

RFK death report:
no conspiracy 5A

Douglas vo
no to schoo

Reno Gazette-Journal

Wednesday
March 5, 1986 35 cents

Sunny, high 71, low 38
Tuesday's smog level: 71 (moderate)
Today's smog forecast: moderate
Complete weather report, page 15A

Marcos party shops, leaves without paying

WASHINGTON — Deposed Philippine President Ferdinand E. Marcos and his 90-person entourage scooped up more than \$12,000 worth of merchandise at a U.S. military department store in Guam and left without paying for it, the Pentagon said Tuesday.

Officials of the State and Defense departments said that they had made no decision yet on whether the Marcos party will be asked to pay for the clothing and other items picked up at the base exchange at Andersen Air Base.

Meanwhile, Mayor Frank F. Fasi of Honolulu said Tuesday he thinks Marcos almost certainly will make his permanent home in Honolulu.

"Let me put it this way," Fasi said, "my guess is that it's 99 percent out of a hundred that his permanent home will be in Honolulu."

Philippines justices resign, page 2A.

Warm weather continuing

Unseasonably warm weather should continue across northern Nevada and the Sierra at least through Saturday.

Forecasters say a high pressure system that has brought mostly clear skies the past week should continue to hover across the West.

"Maybe late Sunday we'll get the tail end of a front going through northern Nevada . . . but for now it looks like all that will produce is cloudiness," said Wes Tuft, meteorologist for the National Weather Service's Reno office.

Studying rhino's sex habits

HOUSTON — The Houston Zoo was given the go-ahead Tuesday to conduct a \$57,000 study to find out why Samburu, a rare Southern white rhinoceros, has failed for 15 years to impregnate his mate, Marsabit.

Samburu and Marsabit — one of 25 pair of white rhinos in captivity in the United States — were captured in 1966 in Africa and brought to the Houston Zoo five years later.

Samburu has shown interest in Marsabit over the years.

"She's a little larger than he is. She chased him around and intimidated him and he couldn't do anything," a zoo spokeswoman said. "He got all excited but he was still afraid. He would charge up to her and then stop."

Flood disaster assistance

Northern Nevada flood victims can get information and assistance starting today in temporary Disaster Application Centers in Reno and

S. Africa to lift emergency

Independence for Namibia also offered

By Allister Sparks/Washington Post

JOHANNESBURG, South Africa — In a surprise double announcement Tuesday, President Pieter W. Botha said his government would lift South Africa's 7-month-old state of emergency soon, probably Friday, and is ready to start implementing a U.N.-endorsed formula for

Namibian independence on Aug. 1. Botha indicated, however, that South Africa's already comprehensive security laws would be strengthened further to enable police to contain continuing racial unrest and that the Namibian commitment remains conditional on reaching agreement on the withdrawal of Cuban troops from Angola.

One immediate effect of the lifting of the emergency will be to end restrictions on media coverage of unrest in the designated emergency areas.

Botha's statement was warmly welcomed by the United States and by business and white opposition sources in South Africa, but black political spokesmen were skeptical about whether it indi-

cated much of an advance.

Botha made his statement in the Cape Town Parliament shortly after a bomb explosion ripped through part of the police headquarters building in downtown Johannesburg, wounding two policemen. The building is the nerve center of the South African security police, and the explosion was the most daring attack yet by insurgents fighting to overthrow white-minority rule.

Coming after the biggest clash so far between black insurgents and the police in Cape Town Monday, in which seven guerrillas were shot dead, and an explosion at an electricity substation that plunged parts of Durban and Pietermaritzburg into darkness early Tuesday

morning, the Botha's claim siding.

Daily police have been 19 townships since four more live Race Relations toll at an aver when Botha's gency in 36 to

Against this the emergency where it sti response to national pres



State PSC puzzled by Pahump's water plans

EDITOR'S NOTE: This is the last of a four-part series.

By Doug McMillan/Gazette-Journal

PAHRUMP — For three years, the Nevada Public Service Commission has been questioning whether Central Nevada Utilities Co. can serve the thousands of lots its parent company, Preferred Equities Corp., has sold in Pahump.

The commission hopes to answer those questions later this month after hearings on the utility's request to serve several thousand more lots.

"Central Nevada Utilities appears to have been financed, constructed and managed solely to benefit the land sales program of its parent, a developer named Preferred Equities Corp.," PSC water engineer Tim Holt concluded after his 1985 inspection of the Pahump utility. "The result has been the creation of a grossly overbuilt and inefficient installation requiring huge subsidy from its parent with a service area thousands of times larger than the area it can actually serve."

Its 40-square-mile water service area is the third largest in the state, behind only

See PAHRUMP, page 13A

- On page 14A:
- ☐ Drain on Pahump water
 - ☐ How one couple persevered
 - ☐ Utility full of surprises
 - ☐ Consumer protection urged



GUSHER: A well-drilling crew finds water in the Pahump Valley.

Mark Cross/Seattle Times

City ignc advi city

By Jim Nick

Two days Nevada's Op Tuesday w against the offered the c ager of Asp

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the public tion. SE ROA 1631 A lawyer

JT APP 1678

Pahrump water plans leave state PSC members puzzled

From page 1A
Sierra Pacific Power Co. and the Las Vegas Valley Water District.
It was designed to serve 23,000 lots, said Holt, but only about 377 customers are connected to its water system. Only 335 households are connected to its package sewage treatment plants.
At that rate, said the PSC engineer, "service will not be available to all of this large area for as long as 1,000 years."

So when Central Nevada Utilities applied for permission to add another six square miles to its service area, the PSC took a hard look, not only at the proposed expansion, but at the utility's ability to serve its already huge territory.

The utility proposed the expansion to bring two more subdivisions into its service area so Preferred Equities could sell 3,500 more lots.

Holt belatedly discovered that one of the subdivisions, Calvada Valley Unit 98, was outside the water company's service area, even though Preferred Equities was selling lots in it.

Before the oversight was discovered, the PSC, state water engineer, state Real Estate Division and Nye County had all approved the subdivision. Consequently, during an 18-month period ending last fall, Preferred Equities sold 1,500 of the 1,800 lots in Calvada Valley 98 while assuring the buyers they were in a utility company service area.

The property disclosure reports that state and federal real estate regulators require buyers to sign for their protection told buyers their lots had a water company.

ALTHOUGH THE state Real Estate Division made sure the company changed the reports to show that 98 was not in a water service area, it took no disciplinary action against Preferred Equities.

State Real Estate Administrator Lynn Luman, who once listed property for Leonard Rosen, founder of Preferred Equities, said the discrepancy occurred through "a misunderstanding." Because of a mix-up among Preferred Equities, its water company and the PSC, "there was no intentional misrepresentation," said Luman. He said he must be able to show intentional misrepresentation before the state Real Estate Commission can make a finding against a company.

"I think everybody makes mistakes," he said. "I don't think it's intentional."

Nor have there been any complaints from the 1,500 people who bought lots in this subdivision, he added. "I have no victim, or any allegation that there was any misrepresentation."

Yet the lots "cannot" be developed without a community water system, Nye County District Attorney Andy Demaree said in the county's petition to intervene in the PSC hearings.

"Nye County approved Unit 98 under the impression it was in the Central Nevada Utilities' service area," Demaree said. "Also, a good percentage of the Unit 98 lots have been sold by Preferred Equities Corp. with the assurance that Unit 98 is in the Central Nevada Utilities' service area."

PSC Commissioner Thomas Stephens allowed Nye County to intervene.

The state Division of Real Estate also intervened, citing concerns that Preferred Equities make correct representations about the ability of lot purchasers to obtain water.

THE PSC hearings, scheduled to conclude March 18 and 19 in Pahrump, are delaying the opening of the second subdivision in the proposed expansion, Calvada Unit 12, with 1,500 more lots Preferred Equities officials are anxious to sell. Preferred Equities told Nye County it anticipates gross sales of \$20 million in that subdivision alone.

Warren Church, president of both Preferred Equities and Central Nevada Utilities Co., said he is confident

I have no victim, or any allegation that there was any misrepresentation.

Lynn Luman
state real estate administrator

tank, that's the size the Health Division settled for. Division Administrator Catherine Lowe said her agency agreed to the smaller tank because more storage could be added as the utility grows.

The company still has not connected the tank to Central Nevada Utilities should submit a plan to tell how it intends to expand to the limits of its financing service area and still serve the customers it already has.

"It has been built in what we would consider a better-kept fashion and we would like to ensure that this does not happen with the expansion of any future plant," PSC attorney Kristin Burt said at the initial hearing.

Because Pahrump Valley's ground water rights are over-appropriated by a factor of more than four times, the company should set aside \$20,000 a year in a "Water Right Protection Fund," to protect its present water rights and buy more, if necessary.

"The utility must ensure that its water rights are not jeopardized by nearby development so that finally, when customers do want to hook up, they can," Holt said.

The commission staff should immediately start an investigation of "the appropriateness of the utility's service area."

THE PRESENT service area is huge," Holt wrote. "Any implication that the commission's approval of the area assures potential customers they will get service must be corrected."

Throughout this and previous PSC hearings, commissioners have questioned whether Central Nevada Utilities was created more to help its parent company sell lots than serve water to those lots.

The water company's own report to the PSC shows that since forming Central Nevada Utilities in 1976, Preferred Equities has poured more than \$2.4 million into the utility. At the same time, Central Nevada's enthusiasm for utility construction has been limited to a \$2.16 million construction subsidy, Holt said.

In addition, the land sales company has been subsidizing the water company's operating costs at an average of about \$50,000 a year, counting depreciation, Holt said.

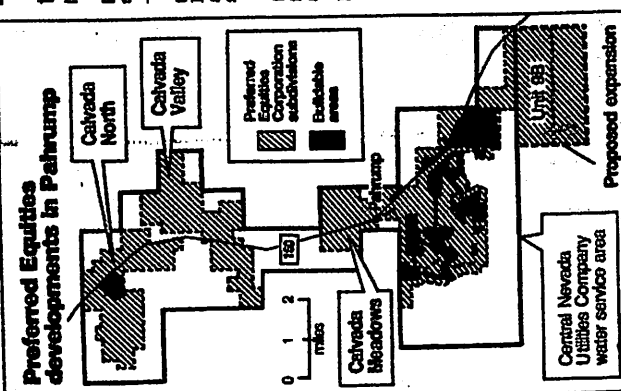
This worries PSC officials, who say they must pressure water companies to stand on their own financially, rather than as adjuncts to a real estate sales operation.

They began to question this as early as a 1980 hearing on an application by the utility to double its service area then. As Preferred Equities develops more and more lots, said former PSC Chairman Haber Hardy, it has "less and less incentive to subsidize the utility."

The subsidies keep water rates artificially low, he said, so that if the parent company leaves, rates would skyrocket and rate water customers would be left to make up the deficits.

But former Preferred Equities President Jack Soles replied that the low rates were needed to sell lots. "We're rather like a supermarket," he quipped. "We have some loss leaders."

AT A WATER consumer hearing in Pahrump on the current expansion application, Holt suggested Preferred Equities and Central Nevada Utilities start



Paul Carbo/Gazette-Journal

dent the PSC will approve the expansion to include Unit 98.

"It came as a big shock and surprise" that it was outside the service area, Church said. "We had no idea. To our knowledge, it always was in the certificated area and we believe it's going to be in the certificated area."

In fact, former Central Nevada Utilities Manager John Carney was so confident the PSC would approve the application, he sent a letter to state real estate investigator George Whitney last spring saying Holt "has confirmed that our application for boundary extension will be granted."

Holt said he told Carney the expansion would be approved only if the company met certain conditions.

The PSC staff already has recommended four conditions the five-member commission could require:

Central Nevada Utilities should install a 20,000-gallon storage tank.

Because the utility has no water storage, it has to rely on pumps working 24 hours a day to push water from many wells to its scattered customers. That is, "wasting tremendous energy," Holt said. The company's power bill hit \$120,000 last year. That would translate to \$4 per month on every customer's monthly water bill if Preferred Equities didn't subsidize the company, he said.

PSC OFFICIALS estimate the company would save \$90,000 a year if it spent \$50,000 for a water tank and control system. That would reduce pumping costs to only about \$8 per customer per month.

The state Division of Health also has been after the utility to install a water tank. Last year, sanitation and engineering supervisor Chir Luthy told company officials they need a minimum of 60,000 gallons of storage to serve their customers.

When the company finally bought a 100,000-gallon

a "divorce program" so that the water company can stand on its own financially.

Unfortunately for the 377 ratepayers already tied to the system, that could mean higher water bills — as much as 2 1/2 times higher to make the water company break even without subsidies.

Company officials already have taken heed of some PSC advice. Recently, they applied to the PSC for a water rate increase that would help the company at least break even if it were severed from Preferred Equities.

Mike Sumbeliotis, the attorney representing Preferred Equities before the PSC, objected that "the commission has been fully aware of Preferred Equities' relationship with Central Nevada Utilities. For the past 10 years it has been acceptable."

Throughout the PSC hearings, however, there has been an undercurrent of concern that Preferred Equities might walk away from Pahrump Valley someday, leaving its water company floundering.

Even Sumbeliotis acknowledged it when he put the president of the company on the witness stand: "Mr. Church, there have been at least inferences, allegations, that Preferred Equities Corp. may pull out of the state and leave everybody holding the bag," he said. "Could you explain your receivables and the sales program and why that is not a reasonable prospect?"

"WHEN WE are selling today . . . we automatically commit ourselves to be in business for 10 additional years," Church replied. "When we make a sale, it's on a 10-year sales contract."

"All of our profit, all of our dollar profit, comes in at the end of these sales contracts, the last couple of years."

So the company has to remain in Pahrump at least 10 more years to collect on its lot sales, Church explained. "Every day we are out there, we commit ourselves to be there 10 more years."

Sumbeliotis also tried to assure PSC member Stephens not to worry about the thousands of lots with-out utilities. At an Aug. 8 PSC hearing on the expansion application, he noted that only 277 families moved onto more than 20,000 lots in the first 10 years of Preferred Equities development.

"If that rate of growth or development continues into the future," he told Stephens, "it will be way beyond the year 2000 and my lifetime, and perhaps years, commissioner, before we get to 1,000 of these lots with homes on them."

"It's a lot sales subdivision."

Even if all the lot owners did show up to build on their property, the beltment fees Central Nevada Utilities would collect — \$1,190 for water for each single-family home and another \$1,190 for sewer service — would add up to more than \$10 million, company officials contended in a report filed with the PSC. It would get another \$2.1 million in utility connection fees.

Since it would cost only \$4 million to extend utilities to all of the 4,000 lots in the "buildable area," they reasoned, only about a third of the central Calvada subdivisions would have to be occupied before Central Nevada would have enough money to extend water and sewer to them.

But PSC member Stephens, looking at Nye County's 21,000 lots still without service, asked Nye County Planner Steve Bradhurst, "Do you expect that one day all these lots will have homes on them and there will be a hundred thousand people living in the area?"

"I pray that isn't the case," Bradhurst replied.

On Page 14A:

- ☐ A claim on Pahrump Valley water
- ☐ Consumer protection urged
- ☐ Lot owners persevere

BEST OF HEALTH
Pahrump

Shop RB Furniture today and take advantage of this beautifully crafted

Delays, deals didn't discourage Dolans



Doug McMillan/Gazette-Journal

PERSEVERED: Jane and Harold Dolan stand outside their Calvada home, connected to a well and septic tank after a fight with Central Nevada Utilities. Now, the fight over, the Dolans call company officials "nice."

"We were pretty bitter at first," he admitted. But after five years, the bitterness has worn off and they think Preferred Equities officials "are pretty nice people."

"They've treated us all right," Dolan said. "But they develop only to the point where they can get rid of the lot. You have a piece of land around here, and that's it. The rest of Calvada is bonded only for roads. We didn't understand that."

"The salesmen, when they sell you, tell you anything."

After reflecting a moment, he added with a smile, "Of course, that's what they're in business here for — to sell lots."

It took everything we had to finally move in here

Harold Dolan
Calvada homeowner

They persevered, and today devote their energies to numerous Pahump volunteer groups, including the local Veterans of Foreign Wars post, which Dolan commanded for a term.

"It took everything we had to finally move in here," said Dolan, a jolly man who seems to be able to see something good in everything.

PAHRUMP — When Harold Dolan retired from the Navy six years ago and he and wife Jane tried to move onto their Pahump property, Preferred Equities told them: "Sorry, we can't get any water out to there."

"There was a lot in a Preferred Equities subdivision, Calvada North, which they had owned since 1978. The Dolans said they were told it would be another five years before water and sewer service could be extended to it."

But for you, we've got a deal," Mrs. Dolan recalled a salesman's words with a trace of sarcasm.

The deal was a mobile home lot, that was supposed to have utilities, her husband explained. So the couple bought a second lot, in Calvada Valley 11. They said Preferred Equities promised them it would have water and sewer lines by 1980.

But when the Dolans' new mobile home arrived that year, the utility lines still had not been installed, and the couple waited each month's delay costing them \$1,000.

Mrs. Dolan watched from their rented home while Preferred Equities developed and watered a second golf course, "when they couldn't even get water to my property."

They tried to exercise the exchange privilege that allows Calvada buyers to trade their unusable lots for property in a "buildable area with utilities," Dolan said. But Preferred Equities "didn't have anything comparable, and they wanted this lot plus another \$5,000" for a "buildable lot."

"Quite frankly, I threatened to sue Calvada," he said.

Finally, after six months, Preferred Equities arranged to connect the Dolans' new home to a well owned by the late Nye County Commissioner Bob Rind on a neighboring property. The subdivision also installed a septic tank for them.

To this day, owners of neighboring lots, including many Canadians, drive up and marvel at how the Dolans managed to build on their Calvada property, Mrs. Dolan said.

chaser from buying a useless parcel of land."

State law should prohibit local governments from approving subdivisions whose lots require a community water system unless it is in place or guaranteed by adequate financial security, such as performance bonds.

The state Public Service Commission should review all subdivisions to determine if the water systems are adequate and there is enough water to serve all of the lots.

The state Consumer Advocate's Office should be involved in protecting the consumer in land development sales.

The state Real Estate Division should not approve the property disclosure reports buyers are required to sign, showing they are aware of lots without



Doug McMillan/Gazette-Journal

HOMEOWNER: Charles Noak, from the side for Central Nevada Utilities Co., plays with his dog outside his Calvada home.

He has become a thorn in the side of Central Nevada Utilities' officials, testifying against them at Public Service Commission hearings.

"I knew that this was going to happen here, I never would have retired to this place, never," he declared at the last PSC consumer hearing on the company.

"Landowners can't build on their property because there are no water and sewer lines to their property," he said at a previous PSC hearing on the subdivision's utility, in 1983. "Something is very wrong with the way they run the utility company."

Retired lot buyer finds utility firm full of surprises

PAHRUMP — When Charles Noak decided to build a retirement home on his Pahump lot six years ago, he was in for a few unpleasant surprises.

First, he couldn't get water to the property he originally bought from Preferred Equities Corp. So he "traded up" for a more expensive "golf course lot" in another Calvada Valley subdivision where the company had a water and sewer system.

He was approved for water and sewer services from Preferred Equities' subsidiary, Central Nevada Utilities, after he paid \$2,300 in "betterment" fees to cover his share of the water mains. But his troubles weren't over.

"My contractor was building and just about ready for us to move in when they discovered that they didn't have water and sewer to my home," the retired maintenance engineer related. The contractor had laid the sewer and water lines from the house to the street "only to find nothing there."

Noak got Preferred Equities to extend a two-inch water main 700 feet to the edge of his half-acre lot, but the sewer main is still a quarter-mile away. Central Nevada Utilities installed a septic tank in his back yard.

For six years, Noak has been paying a \$450 monthly sewer service fee "as if we were hooked to a sewage treatment plant." When he complains, he said, Central Nevada Utilities people remind him that if anything goes wrong with his septic tank, they'll fix it.

"They've put in water and sewer lines where there are no houses, but they can't get it to you," Noak said with irony.

Planning consultant urges consumer protection for land buyers

PAHRUMP — "Over the years, it appears that some of our planning and real estate laws have been diluted and there is a lack of coordination among state agencies," said Nye County planning consultant Steve Bradhurst.

Bradhurst has raised concerns about the inability of thousands of Pahump landowners to develop their Pahump lots under the present circumstances.

"Local governments should protect not only their own citizens," he said, but "those individuals outside the state or country who buy land in Nevada."

Bradhurst even goes so far as to say that "a minimum level of land development, land sales consumer protection," should be written into the state constitution. That would make it impossible to



Bradhurst

requiring a subdivision to build a water system or post a bond guaranteeing it would be built before he could market lots.

"I feel it is imperative that the state Health Department reinstitute this basic consumer protection regulation." That way, "the state can help Nevada rural counties and cities protect the land pur-

utilities, unless they are scheduled to be connected to a community water system.

Federal property disclosure reports go "only halfway," in warning consumers about the potential problems in getting water service on lots less than an acre. They should note that in Nevada, "if your property is less than an acre, you can't develop it without hooking up to a community water system."

The Nevada Legislature should require people desiring to give testimony on consumer protection matters to do so under oath, said Bradhurst, so the possible penalty for perjury would make them get their facts straight before presenting them to the Legislature.

Local governments should be given "automatic intervenor status" in consumer protection matters.

"There should be a thorough assessment of state real estate laws and regulations to see if they allow unscrupulous salesmen or land development firms to misrepresent the value and development potential of property and the presence of needed water and sewer services."

Companies repeatedly caught making misleading statements should be subject to a felony, which could mean a jail term for the person responsible and the head of the company.

The study also should determine if "the state regulatory agencies have taken a permissive posture."

State Real Estate Division Administrator Lynn Lyman, however, said state real estate laws are adequate. "I think the Legislature is counting on the prudent buyer," he said.

Economics and Ecology Conflict in Pahrump Development Dispute

BY LARRY PRYOR
Times Environmental Writer

PAHRUMP, Nev.—A fragile desert valley that straddles the California-Nevada border has become a battlefield in the war between the economy and the environment.

The combatants here drive bulldozers, tractors and government pickup trucks instead of tanks and Jeeps. The spoils of war this time lie beneath the earth—an estimated 6.5 billion gallons of groundwater.

The water is dwindling, since more of it is used each year than flows into the enclosed basin. But this fact has done nothing to change the strategies of developers and farmers.

One developer has already sold enough lots on the edge of this small farm town to house 30,000 residents and expects to sell enough more to make this development, Calvada Valley, the third largest city in Nevada.

The pressures of population and competing economic interests here are considered by some a forecast of what will eventually happen throughout the water-scarce Western states.

"This water problem is a heck of a lot bigger than anyone realizes," said an aide to the federal interstate sales administrator.

"A lot of areas could run out of water if people decide to build on their lots."

And there is nothing to stop them except a \$1,000 investment in a well and septic tank.

The size of Pahrump Valley's underground reservoir is immense. But because of the delicate, closed ecosystem of the high desert, there is little possibility that the water can be shared.

If the farmers pump it at the rate they are now, artesian springs will dry up, a rare desert fish will go extinct and residential wells will have to go lower each year.

If the developers draw water for municipal use, the farmers' wells will eventually turn salty and run dry, according to state and federal water experts.

At some point, according to the California Regional Water Quality Control Board, the water will decline in quantity and quality until it is unfit for any use at all.

As of now, the underground basin is being managed through applications of raw economic and political power, with little thought given to planning the long-term fate of the valley.

State and federal agencies, although concerned, are disorganized and impotent.

Local officials on both sides of the border are willingly promoting growth. With the absence of land-

use controls, private interests have a free rein.

The most conspicuous interest is Preferred Equities Corp., which is building Calvada Valley, a "new town" it says will rival Reno and Las Vegas.

The company is 90% owned by a trust controlled by Leonard Rosen, former chairman of Gulf American Land Corp., which was suspended from operation in 1967 by the state of Florida for fraudulent and misleading sales practices.

Rosen merged Gulf American with GAC Corp., which last month entered into an agreement with the Federal Trade Commission that called for \$17 million in refunds to resolve disputes over the Florida developments.

In 1970, the Rosen family bought large holdings in Pahrump Valley, a vast bowl 60 miles west of Las Vegas rimmed by snow-capped peaks and rugged with massive other rock outcrops.

At that time, the valley's floor was green with cotton and alfalfa fields. The town of Pahrump had 900 residents, mostly commuters from Atomic Energy Commission facilities or escapees from the growing urban ills of Las Vegas.

"We decided that the area would be subject to the influence of Las Vegas' growth," said Jack M. Soules, Preferred Equities president.

As Las Vegas grows, so will the surrounding area. "We've bet a hell of a lot of money on this."

In 1969 the company bought a large piece of land that was mostly on the California side of the border for \$3.5 million, but deeded most of it back two years later when California stiffened its controls on speculative land development.

The company, instead, chose to develop in the part of the Pahrump Valley that extends into Nye County, a Nevada "cow county" that lacks a building code, a subdivision code and a zoning code.

Preferred Equities bought the 10,500-acre Pahrump Ranch at a reported \$350 an acre and has virtually had its own way as it goes about "master-planning" a new community.

So far, the company has sold more than 10,000 lots, ranging in price from \$5,400 for quarter-acre lots to as much as \$17,000 for larger lots, according to Nevada Division of Real Estate records.

Most of the sales have been to visitors to Las Vegas, where Preferred Equities maintains a "pitch room" at the Circus Circus Spa and Casino.

Both skeptics and "yuppers," customers who say "yup" to everything the land salesmen say, listen to a sales presentation in return for a free dinner.

Sales are brisk, estimated at more than \$1 million a month by financial sources. Many of the buyers are from California, and they enter into unrecorded sales contracts and do not receive a deed until they have finished making their payments.

"Los Angeles is a good market for bad land," said R. E. (Skip) Hansen, administrator of Nevada's Real Estate Division and a critic of Preferred Equities' sales practices. City people see all that empty desert and hear about the inevitable growth of Nevada and their knees get weak, he said.

"The only way the average guy can purchase any land at all is to buy into these things," said a real estate appraiser who used to work in the recreation land business.

"Maybe it's not the greatest land in the world, a bunch of sand and sage brush, but he can say, 'Dammit, I own it.'"

Since Preferred Equities moved into the valley, the population has grown to an estimated 400 to 500 persons. But whether this rate can be sustained becomes more questionable as environmental problems continue to emerge on both sides of the border.

"Until now, we could afford to look the other way and say, 'Hell, it will take care of itself,' but we can't any longer," said Nevada state Sen. Clifford Young.

"It's a question of philosophy," said Bruce Ivey, chairman of the Planning Commission in California's Inyo County, which contains the California portion of Pahrump Valley.

"Until recently, what a private landowner did with his land was his own business. But our population has grown to the point where we can't live with that philosophy."

As of now, however, there is no alternative to the pell-mell rush for water.

Last fall, for example, the Inyo County supervisors approved a significant zone change in the valley,

permitting a subdivision of previously undeveloped land, largely on an argument made by one supervisor that Las Vegas planned to take the water from the Valley by aqueduct.

"Someone is going to rape Pahrump Valley anyway, so it may as well be us," one supervisor commented later.

"Whoever has the first legal rights to the water is going to get it," said one developer who has been actively buying up agricultural water rights in the valley.

On that basis, the first water user in the valley to lose out is a minnow-sized fish called the Pahrump Valley killifish (*Emptichthys latos latos*), a cousin of the Devils Hole pupfish.

The attitude of Pahrump landowners and developers toward the killifish is not exactly protective. A local bumper sticker reads: KILL THE PUPFISH.

"You can throw them out on the ground and kill them, as far as I'm concerned," said a Preferred Equities salesman. "What

good is a prehistoric fish when 52,000 people need the water?"

Two other species of Pahrump killifish have already met with oblivion after agricultural pumping dried up their springs in the late 1930s.

The remaining species is on the Department of the Interior's endangered species list, which means it is considered to be in immediate danger of extinction.

Its last habitat is one spring in the valley, but if pumping continues at the existing rate, fishery experts predict the spring will dry up within three years.

"The spring is doomed," said Dr. James Deacon, a zoologist at the University of Nevada.

Scientists view this with some alarm since, unlike the Devils Hole pupfish, which is one of several surviving species of pupfish, the Pahrump killifish is the last of a whole genus.

But even the most ardent champions of the desert fish are reluctant to place too much stress on their importance. They see the demise of the fish

as a sign that something is going awry.

"The fish are not that important," said Edwin P. Pfister, a fishery biologist with California Department of Fish and Game and chairman of the Desert Fishes Council.

"But if the fish go, it's a matter of everything else going in the valley sooner or later."

He compares the killifish to the canary miners carried with them to detect toxic gases. "When the desert fishes conk out, it's time to look out."

According to state agencies on both sides of the border, as well as a chorus of federal officials, environmental problems are

rapidly becoming more acute in the valley.

Some damage may be permanent or may require expensive public works projects to put it right.

"It's almost a truism," Sen. Young said. "A doctor can bury his mistakes, a lawyer can appeal them and an architect can grow ivy over them, but you can't correct an environmental mistake."

The most obvious problem is that some day the water will disappear.

According to the Nevada Division of Water Resources, in 1972 a total of 36,630 acre-feet of groundwater was pumped out of the Nevada side of the

Pahrump Valley, which means the basin was overdrawn by 24,630 acre-feet. (An acre-foot is the amount of water that covers an acre at a depth of one foot, or 325,851 gallons.)

According to the Department of Interior, any further development in the valley will accelerate this decline "and the outlook for long-term productivity of the land would not be encouraging."

The water table along the sloping sides of the valley has dropped 40 to 60 feet over the last 18 years, and the Nevada state engineer now routinely denies applications for water rights for agriculture and subdivision use on these slopes.

So far, the valley floor—where Preferred Equities expects to build its city—has been little affected by pumping. But state officials say it is only a matter of time before the water table starts descending there, too.

Actu... the overdrafting or "mining" of groundwater is illegal under Nevada law. But farmers have been allowed by the state engineer to overdraft under his interpretation of a "reasonable drawdown" of the water table to prevent excess evaporation.

There is considerable question whether the state will allow overdrafting for urban purposes, however, particularly because of the health risk of having a city's wells run dry.

Preferred Equities has submitted a plan to sell 6,200 more lots on a ranch about five miles north of its Calvada Valley development, which has about 16,000 lots. But state officials indicate they may not approve the plan.

"I'm going to ask them where they expect to get the water," said Nevada state Engineer Roland D. Westergaard.

Preferred Equities argues that the water supply is more than adequate for the "foreseeable future." Company President Soules says the state does not have sufficient information to stop the growth of development.

"Nobody knows how much water is available, including the state engineer."

But water quality problems are rapidly superseding water quantity problems as a major constraint on growth in the valley. Most of the lots on subdivisions approved in both states are expected to be served by septic tanks.

Last month the Nevada Bureau of Environmental Health found high nitrate counts in two wells in the valley, which may be a result of fertilizer applications on the farms. Nitrates in a water supply are a hazard to babies and infirm people.

In opposing the zone change in Inyo County, the California Regional Water Quality Control Board warned that agricultural and domestic use of water in an enclosed desert basin, such as Pahrump Valley, results in a steady buildup of minerals in the water.

"Through time and increased use, the mineral level continues to increase and eventually the water is not acceptable for use," the board's staff told Inyo County.

As both water quantity and water quality problems grow worse, so, too, does the cost of farming. Wells must be deepened, raising costs. Water must be used in greater quantity to flush out salts and the minerals can kill crops.

The U.S. Department of Agriculture vigorously opposed the rezoning in Inyo County.

"Clearing and cultiva-

created long-term problems," the USDA wrote the planning commission. "Land is usually cleared before a water source is developed or before pumping costs are known. This results in bare, idle land that produces tumble weeds and dust."

The USDA recommended that no roads be cleared until needed, but since that letter was written last July developers on both sides of the border have scraped out miles of dirt roads for speculative purposes.

Some scientists predict that the ecosystem of the valley will be destroyed unless trends are rapidly reversed.

"What it amounts to is a policy of endorsing destruction," said Pfister of California Fish and Game. County officials, farmers and developers justify groundwater mining in various ways.

"You have a choice," said Mr. Kent (Tim) Hafen, a farmer, Pahrump real estate broker and Nevada assemblyman.

"Either you use it, and ultimately use it all up or you curtail all development and attempt to leave that resource there. I feel that it is too valuable a resource to leave there forever."

Hafen calculates that there is enough water to last the valley 75 to 100 years, after which time there will have to be a water importation program from Canada or Alaska.

"When you have to have water, you go get it," he concluded.

That water will eventually have to be brought into the valley by aqueduct is an assumption shared by those who are pushing development of the valley, although no one is able to say how, when or where the water is going to come from or how much it will cost.

County officials have traditionally smiled on development because it raises the property tax base, and Preferred Equities has indeed raised the tax base of Nye County, as well as having brought along a payroll of at least 30 local jobs.

But development in remote desert locations is also costing the counties money for services, such as police and fire units, parks and recreation, libraries, schools and roads.

Some roads in Pahrump Valley have inexplicable alignments. One new road on the Nevada side aims straight for the Hidden Valley Ranch of Roland H. Wiley, a former Clark County district attorney and a major landowner on both sides of the border. In 1967, Wiley sold land on the Inyo County side to Inyo County Supervisor Robert P. Fisher.

That same year at an ultimate cost of \$285,411, Inyo County built a road that exactly divided Wiley's and Fisher's property, providing them both commercial frontage and connecting up with the Nevada road.

The new road largely paralleled an existing county road. In 1970, Fisher made a motion that a mile of the old road be abandoned and superseded by the new road.

Fisher then set up a real estate office on the edge of the new highway and began selling 2 1/2-acre lots, which had been plotted there by Wiley in 1959 before Inyo County had a zoning code.

When Wiley sought last year to divide 8,400 acres of land next to Fisher's into 20-acre parcels, the Inyo County Planning Commission twice turned him down.

"We thought it was extremely poor planning to allow such a large subdivision in an area where any growth at all might not be advisable," said Commission Chairman Ivey.

Despite a thick file of technical information, almost all warning against granting the zone change, the Board of Supervisors voted for it 5 to 0.

Before taking the vote, however, they received considerable encouragement from Supervisor Fisher, who, although chairman of the board, made a presentation on Wiley's behalf.

Fisher theorized that the desert fish have the capacity to migrate into underground aquifers when springs dry up.

"I am sure the pupfish will live to swim another day," he told his fellow supervisors.

Fisher cited a "valid population study" to prove that the valley had enough water to sustain a maximum population figure of 500,000.

The study, however, was

an engineering study done for the state of Nevada. The population figure was hypothetical and was qualified by the admonition that a population of 500,000 would require a supplemental supply.

Fisher drew from another section of the same report to argue that reports of a water shortage in the valley were part of a plot by Las Vegas to export the valley's water by aqueduct, and compared it to exportation of Owens Valley water to Los Angeles, a touchy subject in Inyo County.

"Let's don't let it happen again," he said.

The engineering report clearly indicated, however, that construction of an aqueduct and the cost of water rights would be impossibly expensive: \$186 per acre-foot, compared with an existing unit cost of \$26 per acre-foot.

When asked why he did not secure a lawyer to make the presentation, Wiley replied that he "would not spend five minutes to collect data to oppose the planning commission's comments. I do not believe in doing useless work."

Fisher was unavailable for comment.

Actually, Fisher's attitude towards development in the valley is similar to that of many officials in the Inyo County courthouse in Independence.

"If people want to live and build in Pahrump Valley they'll get the water even if they have to go to the Columbia River," said County Administrator John K. Smith. "To say 'No, you can't live there because there may or may not be water' is not the proper approach."

Wiley is dumbfounded that anyone would question his right to develop.

"I'd like to be told one good reason why American soil can't be put in 20-acre parcels," said the 70-year-old retired attorney, who has owned and paid taxes on the land since 1949.

And on the Nevada side, Preferred Equities' Jack Soules maintains the company is fully capable of building out its development exactly as stated in its findings with regulatory agencies. "The only thing that can make us fall is to stop us from doing what we're doing," he said.

But as environmental problems increase because of the population pres-

sures resulting from Preferred Equities' investments and because of rezoning in Inyo County, state or federal agencies or both may intervene.

Officials at both levels are concerned whether Preferred Equities has accurately portrayed the water situation in its promotional literature and filings.

No mention is made of the valley's overdraft condition. "Preferred Equities Corp. land acquisition staff has acquired an oasis-valley whose highly productive fields grow the highest grade of superior cotton in the United States: living proof of the year 'round water supply," says a company brochure.

"If there is an overdraft, it should have been reported," said Alan Kappeler, assistant to the administrator of the Department of Housing and Urban Development's Interstate Land Sales office. "If they have misstated the water situation, everybody may be entitled to a refund."

"Let's face it," said an aide to Nevada Gov. Mike O'Callaghan, "at some point the state will have to step in and bail them out. We'll have to step in."

The only question is, then, according to officials in California and Nevada agencies and within the federal government, at what point do they step in?

How far must environmental destruction go before the government can supersede the rights of the private landowner? To what extent can government require landowners and local government to take a long-range approach towards the future?

As Fish and Game's Pister ruefully observed in the context of his effort to preserve the desert fish: "The American Dream" has been repeated so many times that we view it as blasphemous to question the desirability and need of clearing and 'developing' land."

Reno Gazette Series Sharply Critical of Preferred Equities

A critical dissection of Preferred Equities' land selling practices in Pahrump Valley was presented in a four part series, Sunday through Wednesday, in the Reno Gazette-Journal.

The voluminous report was generously illustrated with graphs and charts and included numerous four-color photographs.

The series is probably the most comprehensive and stinging of several reports that have appeared in Nevada and elsewhere since the firm came to Pahrump Valley in 1969.

The background of the PEC founder Ronald Rosen, is detailed from his birth in Baltimore through his "swamp peddling days" in Florida real estate.

Rosen and his younger brother, Julius, are reported to have become perhaps the largest real estate dealers in the world while in Florida through their Gulf American Corporation which was later sold to GAC Corp. While some of the half dozen developments are reported to have prospered, the story generally points to methods that led to Gulf American pleading guilty to five counts of fraudulent and misleading real estate practices in 1967.

Rosen moved from Florida to Tucson where his Rio Rico—planned for 90,000 people—is said to have fewer than 1000 residents over a dozen years later.

Main criticisms leveled at Preferred Equities in Pahrump Valley are its selling techniques—portrayed as tricky and deceptive and lack of guarantees that lots sold will ever be provided with water, and sewer service.

The story charges that in 29 square miles of PEC subdivisions with about 26,000 lots, only 377 homes are now being serviced by water and that a vast majority of the lots may never get water service.

The series takes some serious shots at several politicians, including state senator Jim Bilbray who it says is the attorney for Preferred at the same time he was working to get a bill passed for easier time-share laws. Time-share sales is another PEC business.

State Sen. Ken Redelsperger is challenged over SB

463, the bill he sponsored which transfers planning control from county to the town board. The article states that "Only four days after his bill giving planning power to the Pahrump town board passed the state legislature, state senator Ken Redelsperger completed a \$1.2 million deal..." with Preferred. It bought 410 lots in Country View estates in the north end of Pahrump Valley for about \$1.2 million. Redelsperger "bristles at the inference that the \$1.2 million deal was his reward for SB 463," the story said, and points out that he said negotiations for the sale of his property started in November 1984.

Also called to task was Lynn Luman, Nevada Real Estate Division Administrator, who is depicted as mushy when faced with questionable selling techniques by PEC salespeople.

Gov. Richard Bryan and Attorney General Brian McKay are called into question in the state's pardon of Leonard Rosen for his criminal tax charge. "With Gov. Richard Bryan hearing the Oct. 7 Pardons Board hearing and State Sen. Jim Bilbray representing Rosen, it took the state's top law officials only a few minutes to exonerate the land sales baron in Nevada.

"All seven Pardons Board members—the governor, five Supreme Court justices and Attorney General Brian McKay—voted to wipe Rosen's record clean in Nevada."

Bryan was quoted as saying, a pardon "is routinely granted...to persons who have served their sentences and have been in the community for a number of years," and "if the applicant has not been in trouble with the law again."

Charles Noak and Jane and Harold Dolan appear in side stories, depicting their problems in getting utility service to the Calvada lots.

Their stories tend to illustrate the recurring complaint against Preferred Equities—that most lots sold do not have utility service and are of questionable value. In both cases the two parties persisted and got service but only after considerable effort.

The overall impression left by the series is that a

massive number of lots have been sold that may never have water or sewer service.

This leads to the current battle over Unit 9B and Unit 12. The county now is insisting on clear-cut guarantees for water and sewer, unlike the majority of previous subdivisions.

The question was before the Public Service Commission in late 1985 and will be again before that board in Pahrump on Mar. 18-19.

The Reno Gazette-Journal is owned by the Gannett chain, parent of USA Today. Author of the series was Doug McMillan.

3/10/86 Reno B-J

Opinion

Opinion

State priority: major reforms in development

EDITOR'S NOTE: This is the second of two editorials on land sales in Pahrump.

State Sen. Ken Redelsperger says Pahrump is "a community in transition." This is a classic oversimplification for a town which has become the focus of a land sales boom has been spurred by lax local and state government regulations and some state officials.

This is Pahrump today: a community where more than half of the 40,000 lots subdivided by developers have no water, sewer or electricity — and with no immediate prospect of obtaining these services. Of the 25,000 lots sold by Preferred Equities Corp., a company with a dismal development record, fewer than 400 have been hooked up to the subdivider's water system. Continuing to sell lots in Pahrump continues to mean Pahrump with slick and misleading sales techniques. And state legislators continue to engage in obvious conflicts of interest, with no threat of censure.

Some signs of change are beginning to emerge, giving rise to the hope that responsible planning will be adopted.

responsibilities eventually will be done.

regulations needs to be an

Much work must be done

First, there must be an

acknowledgement by state lawmakers

that they have been too lenient in the

past. Solid planning requires strong

regulations. This premise was ignored

during the 1987 legislative session when a

special-interest bill pushed by

Redelsperger, R-Pahrump, was approved.

Essentially, Senate Bill 463 removed

planning powers from the Nye County

Commission at a time when that body was

beginning to seriously question

development activity in Pahrump.

Furthermore, Redelsperger didn't

bother to mention that he was involved in

a \$1.2 million deal with Preferred

Equities at the time he was lobbying for

the measure. Also during the last session,

state sen. James Bilbray, D-Las Vegas,

pushed through a bill to weaken

time-share regulations, even though he

was legal counsel for Preferred Equities.

So, state officials have a responsibility

to not only remedy lax planning

standards, but to pass stronger

conflict-of-interest laws. One of the first

priorities of the 1987 Legislature should be

to repeal SB463 — returning planning

powers to the county where they belong —

and pledge to begin protecting the people

of this state. Gov. Richard Bryan should

take a leadership role in this effort.

Planning controls also are needed in

Nye County. Steve Bradhurst, the state health

planner, has been pressing for this. The

commission doesn't even require building

permits and it doesn't have zoning.

Other measures need to be taken. As

suggested by Bradhurst, the state Health

Department should reinstitute a

regulation, dropped four years ago, that

requires a subdivider to build a water

system or post a bond guaranteeing it will

be built before selling lots. Also, the state

Public Service Commission should review

all subdivisions to ensure water systems

are adequate.

Clearly, consumer protection laws need

to be strengthened. The Consumer

Advocate's Office should begin to look

into land development sales and there

needs to be a thorough assessment of real

estate laws to protect consumers against

unscrupulous operators. Furthermore, the

Legislature should require those testifying

about consumer matters to do so under

oath.

Nevada has a long way to go to prevent

more Pahrumps from developing. But

steps represent a good beginning.

estimony over availability of water flows at Pahrump hearing

By McMillan/Gazette-Journal

Pahrump — This southern Nevada valley has enough underground water to last 325 years, say representatives from the water company of the valley's major subdividers, Preferred Equities Corp.

But it will take that long to drain the first 100 years of ground water from under the valley, Bruce Scott, water controller for Central Nevada Utilities Corp., said.

Public Service Commission. The Resource Concepts of Carson completed his testimony Wednesday at a PSC hearing on Central Nevada's plan to expand its already huge area to accommodate more development by its parent company, Preferred Equities Corp.

A written testimony prepared for PSC water engineer Tim Holt by grimmer picture of Pahrump's situation. Engineer Pete Morros has reported water — issuing more

water rights than there is water — by a factor of nearly three times, Holt said.

"A major concern is the fact that, at some point, the over-appropriation will cause the unfortunate situation that some individuals will be left holding worthless land and because there will not be enough water to go around," the PSC engineer said.

Preferred Equities created Central Nevada Utilities Corp. to provide water and sewage service to the bulk of the 37,000 residential lots the subdivider has carved out of the agricultural valley.

More than 23,000 of these lots can't be developed now because Central Nevada Utility does not have facilities to them.

The PSC is hearing Central Nevada's request to add another 1,500 Preferred Equities lots to its 42-square-mile service area.

Scott testified that the changeover of farmland to real estate development is helping the dry desert valley meet its water demands.

Citing figures from state Sen. Ken

Redelsperger, introduced at an earlier consumer hearing on the company's request, Scott noted that the valley's ground-water pumping has fallen off drastically since 1980.

"The state says only 42 percent of the land with agricultural water rights is actually being irrigated," the consultant added.

Some of the water from septic tanks and lawn watering will percolate back into the ground, improving the valley's water picture even more, Scott added.

He contended that Pahrump Valley's water use has reached a balance with the amount of ground water being replenished annually from natural sources so that the valley "is holding its own" on water supply.

But even without ground water recharge, Scott said, the valley has an estimated 57 million acre-feet in storage in the first 200 feet of ground water aquifers alone. An acre-foot is enough water to cover an acre to a depth of one foot, or 325,000 gallons.

But under questioning by PSC commissioner JoAnn Kelly, Scott admitted that tapping that reservoir would be "mining water," which is "a one-time use and once you use it, is no longer available for future use."

He also acknowledged, to PSC legal counsel Kristin Burt, that the state engineer, Nevada's top water official, does not allow the mining of water, except on a temporary, emergency basis.

While ground water usage has been cut in half with the urbanization of Pahrump Valley, it will become much harder to cut off water to families than farms "because water service cannot be restricted or terminated for whole communities," PSC's Holt said.

Holt is recommending that before the PSC allow any water service expansion, it require Central Nevada to set up a \$20,000 annual "nest egg or war chest" to plan for the valley's water supply future and buy additional water rights.

If ignored, he says the thousands of Preferred Equities lot buyers who have

waited years to develop their property "will be hurt because they will find they cannot use this property because there is no water left for them."

Central Nevada officials responded that while they will monitor the water rights situation, they do not feel they need to buy any more now.

"The utility's response to such an important issue, especially in light of the type of information that has been available since the late 1970s," Holt contends, "shows a fearful disregard for their service area."

"Because the problem is so important for the future but has such little impact today," he added, "ignoring it would seem to indicate that the developer simply plans to develop and run."

Central Nevada Utility officials will have a chance to cross-examine Holt today.

Unless the PSC and Intervenor Nye County can complete their cases today, the conclusion of the hearings will be delayed for at least two months.

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIM WILSON, P.E., Nevada State
Engineer, DIVISION OF WATER
RESOURCES, DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES,

Appellant,

vs.

PAHRUMP FAIR WATER, LLC.,
a Nevada limited-liability company;
STEVEN PETERSON, an
individual; MICHAEL LACH,
an individual; PAUL PECK,
an individual; BRUCE JABOUR,
an individual; and GERALD
SCHULTE, an individual,

Respondents.

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Clerk of Supreme Court

Case No. 77722

JOINT APPENDIX
Volume VIII of XIV, pages 1616–1782

AARON D. FORD
Attorney General
JAMES N. BOLOTIN
Deputy Attorney General
Nevada Bar No. 13829
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
T: (775) 684-1231
E: jbolotin@ag.nv.gov
Attorney for Appellant

PAUL G. TAGGART, ESQ.
Nevada Bar No. 6136
DAVID H. RIGDON, ESQ.
Nevada Bar No. 13567
TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
T: (775) 882-9900
E: paul@legaltnt.com
tim@legaltnt.com
Attorneys for Respondents

DATE	DOCUMENT DESCRIPTION	VOLUME	PAGE NOS.
10/12/18	Answering Brief filed by State Engineer	XIV	4910–4945
12/10/18	Ex Parte Motion for Order Shortening Time on Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer’s Amended Order No. 1293A Pending Appeal	XIV	5474–5476
09/05/18	Letter from Court & Memorandum of Temporary Assignment (Steven Kosach)	XI	3628–3629
12/18/18	Letter from Nye County Clerk to Nevada Supreme Court re: submittal of appeal packet	XIV	5496–5497
09/18/18	Memorandum of Temporary Assignment (Steven Elliott)	XIV	4906
08/22/18	Memorandum of Temporary Assignment (William Maddox)	I	34–35
12/10/18	Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer’s Amended Order No. 1293A Pending Appeal on Order Shortening Time	XIV	5461–5473
12/10/18	Notice of Appeal filed by State Engineer	XIV	5442–5460
08/17/18	Notice of Appeal of Nevada State Engineer Amended Order 1293A	I	1–14
01/02/19	Notice of Entry of Order (Denying Motion for Stay)	XIV	5530–5539
12/07/18	Notice of Entry of Order (Granting Petition for Judicial Review)	XIV	5427–5441

DATE	DOCUMENT DESCRIPTION	VOLUME	PAGE NOS.
09/11/18	Notice of Transmittal of Record on Appeal	XI	3630–3631
09/11/18	Opening Brief filed by Pahrump Fair Water, LLC, <i>et al.</i> (“PFW”)	XI	3634–3655
12/18/18	Opposition to Motion for Stay of Order Granting Petition for Judicial Review	XIV	5498–5508
12/27/18	Order Denying Motion for Stay	XIV	5525–5529
12/06/18	Order Granting Petition for Judicial Review	XIV	5417–5426
08/31/18	Order Granting Stipulation and Order Regarding Briefing Schedule	XI	3622–3624
08/22/18	Order of Recusal (Robert Lane)	I	31–33
10/29/18	Order Setting Hearing	XIV	4946–4947
09/11/18	Peremptory Challenge of Judge (Steven Kosach) filed by State Engineer	XI	3632–3633
09/04/18	Peremptory Challenge of Judge (William Maddox) filed by PWF	XI	3625–3627
08/17/18	Petition for Judicial Review	I	15–30
11/08/18	PowerPoint Presentation by PFW re: Petition for Judicial Review	XIV	5137–5185
11/08/18	PowerPoint Presentation by State Engineer re: Petition for Judicial Review	XIV	4988–5136
12/27/18	[Proposed] Order Denying Motion for Stay filed by PFW	XIV	5515–5524

DATE	DOCUMENT DESCRIPTION	VOLUME	PAGE Nos.
12/10/18	[Proposed] Order Granting Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal filed by State Engineer	XIV	5483– 5493
11/26/18	[Proposed] Order Granting Petition for Judicial Review filed by PFW	XIV	5402– 5416
11/26/18	[Proposed] Order Granting Petition for Judicial Review filed by State Engineer	XIV	5378– 5401
12/10/18	[Proposed] Order Shortening Time on Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal filed by State Engineer	XIV	5477– 5482
11/01/18	Reply Brief filed by PFW	XIV	4955– 4987
12/20/18	Reply in Support of State Engineer's Motion for Stay of Order Granting Petition for Judicial Review and Reversing State Engineer's Amended Order No. 1293A Pending Appeal	XIV	5509– 5514
12/12/18	Request for Submission of Ex Parte Motion for Order Shortening Time	XIV	5494– 5495
09/21/18	Request to Set Hearing Date (re: Petition for Judicial Review)	XIV	4907– 4909
10/31/18	Stipulation and Order for Extension of Time (re: Reply Brief)	XIV	4948– 4954

DATE	DOCUMENT DESCRIPTION	VOLUME	PAGE NOS.
08/30/18	Summary of Record on Appeal and Bates-stamped pages SE ROA 1–3574	I–XI	36–3621
09/11/18	Supplemental Record on Appeal and Bates-stamped pages SROA 1–1245 filed by PFW	XI–XIV	3656–4905
11/08/18	Transcript (re: Oral Arguments on Petition for Judicial Review)	XIV	5186–5377

RESPECTFULLY SUBMITTED this 15th day of February, 2019.

AARON D. FORD
Attorney General

By: /s/ James N. Bolotin
JAMES N. BOLOTIN
Deputy Attorney General
Attorney for Appellant,
State Engineer

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 15th day of February, 2019, I served a copy of the foregoing JOINT APPENDIX, by electronic service to:

Paul G. Taggart, Esq.
David H. Rigdon, Esq.
TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703

/s/ Dorene A. Wright

Evolving Policies

Management of federal lands is subject to periodic review under the National Environmental Policy Act. These reviews determine the feasibility and impacts associated with changes in management practices for the land under the stewardship of the various federal agencies. The federal agencies are proposing policies and measures aimed at restricting water development and use.

Recommendations

Given the many shared interests between Nye County and the federal agencies with stewardship over the federal lands, a policy of cooperation aimed at implementing sound water management practices should serve as the framework for interactions with the federal government. Such interactions cannot succeed without the participation and cooperation of the state agencies with regulatory authority over the water resources of the County. Therefore, the following recommendations are made:

The County should continue to be an active participant with cooperating agencies in the development of federal management plans.

Nye County should continue to facilitate cooperative data collection, information sharing, and water resources by the entities involved in the management of the County's resources.

The County should continue to cooperate with the Division of Water Resources in implementing the recommendations of the State Water Plan with respect to watershed planning and management and water resources data management. The County also should encourage the participation of federal agencies, and their resources, in these planning efforts.

Chapter 7 – WATER RESOURCE MANAGEMENT ALTERNATIVES

In the preceding chapters, the baseline water resources conditions were described and the issues related to past, current, and future development of those resources were identified and discussed. In this chapter, alternative strategies for long-term resource management are summarized. These strategies include measures aimed at addressing the many water resource issues and problems that Nye County faces. The Nye County Water District was established in 2007 by the State Legislature at the request of the Nye County BoCC. In 2016, the Nye County BoCC voted to abolish the NCWD in a bill draft request to the 2017 Legislature. Should the Legislature fail to act on the pending bill, the NCWD will continue its operations. This is referred to as the “No Action Alternative.”

Should the legislature approve the bill, the duties of the NCWD would revert to the BoCC. If the BoCC resumes these responsibilities, alternatives for Water Resources Management that may be considered include:

- **Advisory Alternative**
- **Administrative Alternatives**
- **Legal Alternatives**

Each alternative approach to water resource management has its own advantages and disadvantages in terms of feasibility, cost, and implications. The following sections discuss each alternative.

7.1. NO ACTION ALTERNATIVE

Continued management of Nye County’s water resources under the purview of the NCWD is the preferred alternative for now, as well as into the future. The Nye County Water District Act provided broad authorities and tools that enable the Water District to continue to address the wide-ranging issues described in Chapters 3, 5 and 6 of this WRP. The County-wide make-up of the Nye County Water District Governing Board enables it to focus on water resource and supply issues in each of Nye County’s widely-separated and very unique communities. Since its creation, the Board and staff of the NCWD have undertaken the review and resolution of a diverse and complex set of water-related issues. In the conduct of its business, as well as developing sound and economically feasible solutions, the Board and staff have devoted hundreds of hours to public discussion and debate in the course of addressing these complex issues.

As result of hours of work in the Pahrump Valley, the Water District has recently moved forward with recommendations to implement several measures from the Pahrump Basin 162 Groundwater Management Plan. The measures are part of the larger strategy that outlines various forward-looking options to remedy the problem of over-allocation of water rights in the basin. The Water District has also retained the services of engineering firms to explore the technical feasibility and to better define the costs and environmental impacts of alternative engineered solutions to mitigate over-pumpage in the shallow aquifer. Continued progress in the review and implementation of the GWMP measures and potential projects remains crucial to achieving balance in the basin’s water

budget, and for ensuring successful management of the water resources in Basin 162 into the future.

Under the no action alternative, water resources issues and management would continue to fall under the purview of the NCWD, whose powers are broadly defined. Water planning activities would continue to be undertaken by the District. Individual water supply system owners would not be affected and would continue to apply their own resources in meeting future demands and system requirements. The Nye County BoCC would continue to work with the NCWD to address and resolve water issues. The Town Boards and county residents outside of the Pahrump Valley strongly supported this alternative.

7.2. ADVISORY ALTERNATIVE

Under the advisory alternative, Nye County would serve only in an advisory capacity as an interface between the state regulatory agencies and the individual water supply system owners/operators and domestic well owners in the County. The County would continue to work with the Division of Water Resources, federal agency stakeholders in the County, and water supply system owners.

- **Coordinate more detailed planning with local water users and the DWR;**
- **Continue dialogue and coordination with the federal agencies regarding water use in Amargosa Desert, ongoing work by the USGS on the Death Valley Regional Flow Model, data collection efforts, development and implementation of, and conservation and mitigation measures;**
- **Continue consultations on surface water issues with stakeholder agencies;**
- **Work with the NDEP Bureau of Safe Drinking Water to keep Nye County's domestic water users informed about water quality, and sanitation methods and practices;**
- **Continue participating with cooperating agencies in the development of federal resource management plans and action-specific environmental documentation; and**
- **Continue work with DWR on basin planning and management issues, and sharing of water resources data.**

Under the advisory alternative, Nye County would take the lead in consulting with various entities and organizations on water resource issues. These agencies include the Legislative Commission's Subcommittee to Study Water, the Division of Water Resources, and the Division of Environmental Protection at the state level, the Southern Nye County Conservation District, the Community Advisory Board for the NNSS, and individual water system owner/operators at the local level. Communications and consultations would also continue with each of the federal land stakeholders in the County.

7.3. ADMINISTRATIVE ALTERNATIVES

Under the administrative management alternative, Nye County BoCC can establish General Improvement Districts for the management and operation of various utilities and services. To address specific water projects; Local Improvement Districts can be formed and dissolved upon project completion.

General Improvement District

A General Improvement District (GID) can be created pursuant to the provisions and requirements of NRS Chapter 318. Nye County currently has four GIDs: Beatty GID, Beatty Water & Sanitation, Pahrump Swimming Pool, and Railroad Valley GID. A measure to establish the Pahrump Regional Flood Control District was advanced in 2008 but failed due to associated costs. The organization of a GID must serve a public use and promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and the State of Nevada.

The Nye County BoCC has the jurisdiction, power, and authority to create districts with the County by adopting a resolution. Once the resolution has been adopted, the property owners within the district boundaries are notified and may protest the formation of the district. After hearing the protests and determining that the district is required by public necessity and convenience, and that the creation of the district is economically sound and feasible, then the BoCC can adopt an ordinance creating the district. In Nye County (and other counties with less than 400,000 residents), the BoCC has the option of appointing five people to serve as the first board of trustees with subsequent positions filled through general elections. The Board also has the option of serving as the ex officio board of trustees. With respect to water resources, a GID can have the following basic powers:

- Furnishing facilities for water;
- Furnishing sanitary facilities for sewage; and
- Furnishing facilities for storm drainage or flood control.

NRS Chapter 318 has specific provisions regarding the establishment of GIDs that encompass more than one county. NRS 318.050(3) states that the board of county commissioners of the county in which is located the larger or largest proportion of the area of the proposed district has the jurisdiction, power, and authority to create the district, to broaden its basic powers and otherwise supervise the district.

The board of a GID may approve the acquisition, construction, reconstruction, improvement, or extension of systems and facilities for the supply, storage, and distribution of water for both private and public purposes.

The advantages of a GID include the ability to qualify for grant monies, and to borrow money and issue short-term notes and a number of types of bonds. A GID would also serve as a non-profit umbrella entity over the many for-profit water supply systems in the County. For example, utilities under private ownership do not qualify for state administered federal grants for the implementation of Wellhead Protection Programs. A GID would qualify, however, and could assist local utilities in the preparation of plans and the implementation of the steps needed for wellhead

protection. The ability of a board to utilize debt depends on the nature of the district and the population. The GID can generate revenues from a number of sources including state sources, state and federal grants, property taxes, special assessments, tolls, rates, and service charges.

The primary disadvantages of a GID include the potential need for additional County employees and the potential negative reaction of or by citizens or water supply systems that would operate within the GID boundaries. Any revenue generating measures that would include an increase in property taxes or service charges on water bills would likely be negatively received by the public or the system customers.

Local Improvement District

NRS 271.130 authorizes the formation of Local Improvement Districts (LID), some referred to simply as Improvement Districts. Improvement Districts are geographical areas designated by the County BoCC, in which specific tracts can be assessed a fee to support the completion of a specific project. At the direction of the BoCC, LIDs can acquire, improve, equip, operate and maintain a number of water-related projects including:

- A sanitary sewer project;
- A storm sewer project;
- A water project;
- A waterfront project; and
- Any combination of such projects.

Water projects may include any facilities appertaining to a municipal water system for the collection, transportation, treatment, purification and distribution of water, including without limitation, springs, wells, other raw water sources, basin cribs, dams, reservoirs, towers, other storage facilities, pumping plants and stations, filter plant, purification system, water treatment facilities, power plant, waterworks plant, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, ditches, water transmission and distribution mains, pipes, lines, laterals, and service pipes, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings, and all appurtenances and incidentals necessary, useful or desirable for the acquisition, transportation, treatment, purification and distribution of potable water or untreated water for domestic, commercial and industrial use and irrigation (or any combination thereof), including real and other property therefor.

LIDs established for neighborhood improvement projects can be dissolved at the completion of the project. The BoCC may, by resolution, dissolve a LID that is created for the purposes of a neighborhood improvement project if more than 50 percent of the affected property owners submit a written petition to the BoCC that requests the dissolution of the district. The dissolution of a LID may be requested within 30 days after the first anniversary of the date the LID was created, and each subsequent anniversary thereafter.

As soon as practicable after receiving a written petition from the property owners, the BoCC would pass a resolution of intention to dissolve the LID. Notice of public hearing on the dissolution must be provided and the hearing must be held pursuant to the requirements of NRS 271.377. If the

BoCC determines that dissolution of the LID is appropriate, it may dissolve the LID by resolution, effective no sooner than 30 days following the hearing. If the LID has incurred any indebtedness, outstanding and unpaid, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Over the short-term planning horizon (one to five years), the establishment of one or more LIDs could be used primarily as a mechanism for addressing water quality concerns in Pahrump Valley and Big Smoky Valley. Over the long-term (five to twenty years), a LID could provide a mechanism for the development, conveyance, and delivery of water, should RIBs or other engineered solutions become selected.

7.4. LEGAL ALTERNATIVES

Legal alternatives that are available to Nye County include the establishment of a Water Conservation District (WCD), petitions to the State Engineer, water right application protests, and litigation. Legal action, or the threat of legal action, may ultimately be needed to resolve some issues, particularly those related to federal land stewardship, actions on federal facilities, water right claims by federal agencies, and federal policies that impact the water resources of the County.

Water Conservancy District

A Water Conservancy District can be created pursuant to the provisions and requirements of NRS Chapter 541. Nye County currently has no WCDs. To establish a WCD, a petition must be filed in the office of the clerk of the court vested with jurisdiction in the county in which all or the greatest part of the lands that will comprise the district are situated. The petition must be approved and filed by the Board of County Commissioners with a bond of \$1,000. A hearing time and place is set by the district court and protesting petitions may be filed if they meet certain conditions. If the protests are overruled, the court declares the district a corporation and notifies the secretary of state and the county clerk and recorder. The governor then appoints a board of directors in accordance with the petition.

Once established, a WCD has the authority to construct and maintain works including power, access roads, pipelines, canals, and other facilities. The WCD also has the power to fix water rates, enter into contracts, acquire water and water rights, to develop those rights, and transport water for sale or lease. Any municipality, irrigation district, or person or private corporations can petition the board to purchase, lease, or otherwise obtain the beneficial use of the waters of the district. The development of a WCD is a legal action alternative that is available if administrative actions are not deemed appropriate.

Petitions to the Nevada State Engineer

Nye County can formally petition the State Engineer to take certain actions such as imposing or lifting orders of designation or changing the preferred uses of a designated hydrographic basin. The procedure is quite simple: a petition is submitted in the form of a letter to the State Engineer with an optional information package. The letter states what the requested action is and the basis for the request.

Upon receipt, the State Engineer may consider the petition and act accordingly or may require additional information and/or reviews. For example, upon receipt of a petition to lift a designation order, the State Engineer may request technical support from the USGS. Should technical support be necessary, funding must be arranged to compensate the USGS for the work and this can either be arranged through direct funding from the County or through the legislature. Given budget cycles it can take several years before a final recommendation is made to the State Engineer, and the requested action is taken or disallowed.

Water Rights Management

Nye County can protest any water right applications (including change applications) if it deems that: the proposed water development is not in the public interest; it will impair senior water rights; unappropriated water is not available for the proposed use; or the proposed project is not feasible or is speculative. For interbasin transfers of water, Nye County can protest applications if it deems that: the proposed action is not environmentally sound; the need for exportation to another basin has not been justified by the applicant; or the proposed development will unduly limit the future growth and development in the basin of origin.

The costs of water right protests can be appreciable depending upon the number of expert witnesses and testimony provided by both the applicant and the protestant(s). The burden of proof for a protest falls upon the protestant, not the applicant, and all costs associated with the hearing must be borne equally by the applicant and the protestant(s).

It is not possible to predict what future water right filings might be protested by Nye County, if any. Any applications that would export water from a basin located in Nye County to another county should be carefully reviewed to determine if the County should file a protest. Speculative water right filings, filings by the federal government, and claims of reserved water rights are areas where the County may wish to file protests.

7.5. CONCLUSION

Nye County has made great strides in water resources management since the adoption of the 2004 Water Resources Plan. Much has been accomplished through update of master and area plans, and the adoption and enactment of measures to protect and conserve Nye County's water resources. While the future may be unpredictable, several initiatives currently underway or contemplated by the Nye County Water District will help to ensure that Nye County remains well-positioned to address ongoing and emerging water issues.

Chapter 8 – REFERENCES

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Appendix A

MAP DATA

Figure A-1. Areas of active mineral, oil, and gas exploration and extraction in Nye County

Figure A-2. Areas of active agriculture in Nye County by business sector

Figure A-3. Federal Land Use Constraints affecting public lands in Nye County

Figure A-4. Geothermal related activity in Nye County

Figure A-5. Renewable energy related activity in Nye County

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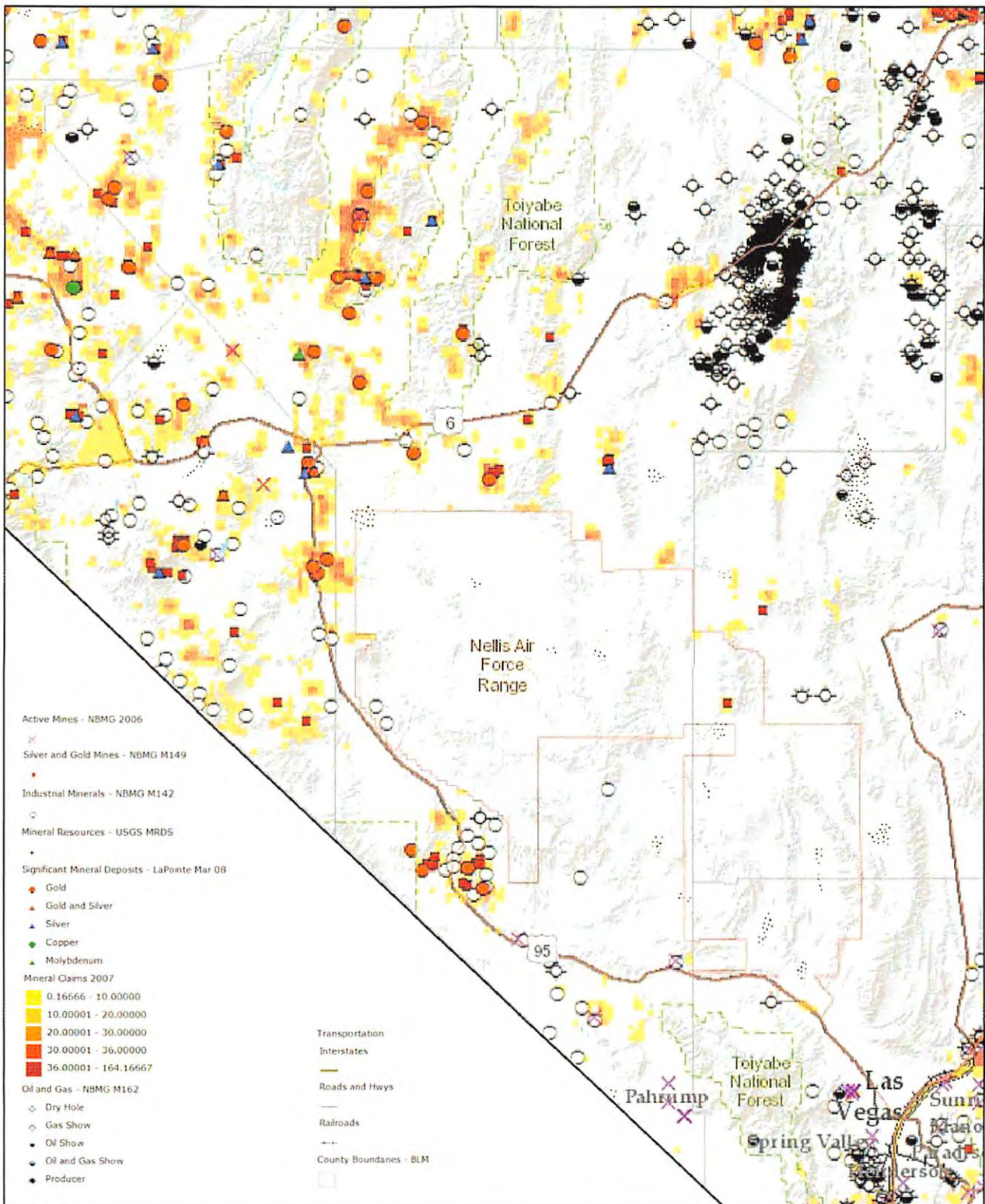


Figure A-1. Areas of active mineral, oil, and gas exploration and extraction in Nye County (NBMG, 2007, 2013).

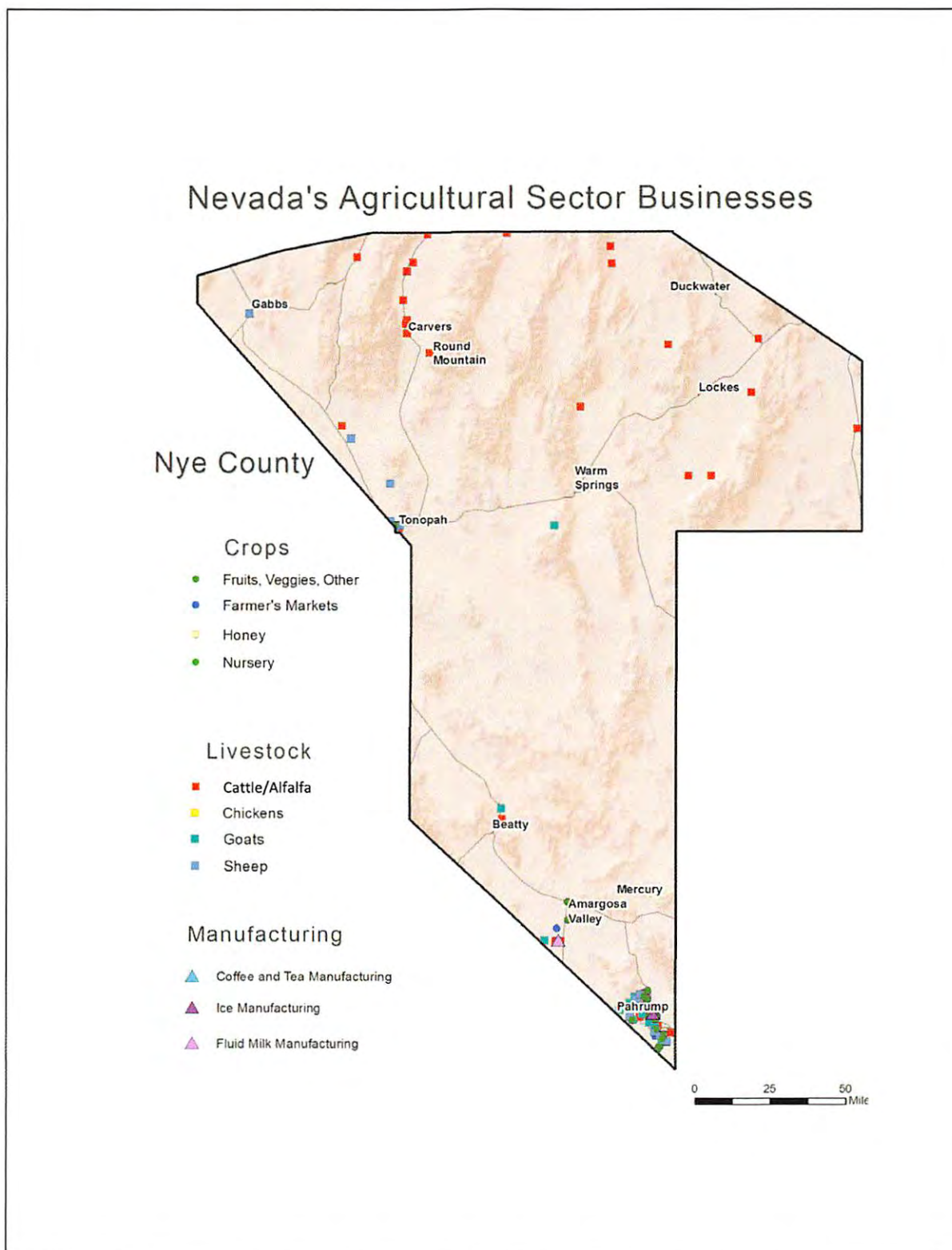


Figure A-2. Areas of active agriculture in Nye County by business sector (Nevada Department of Agriculture, 2015).

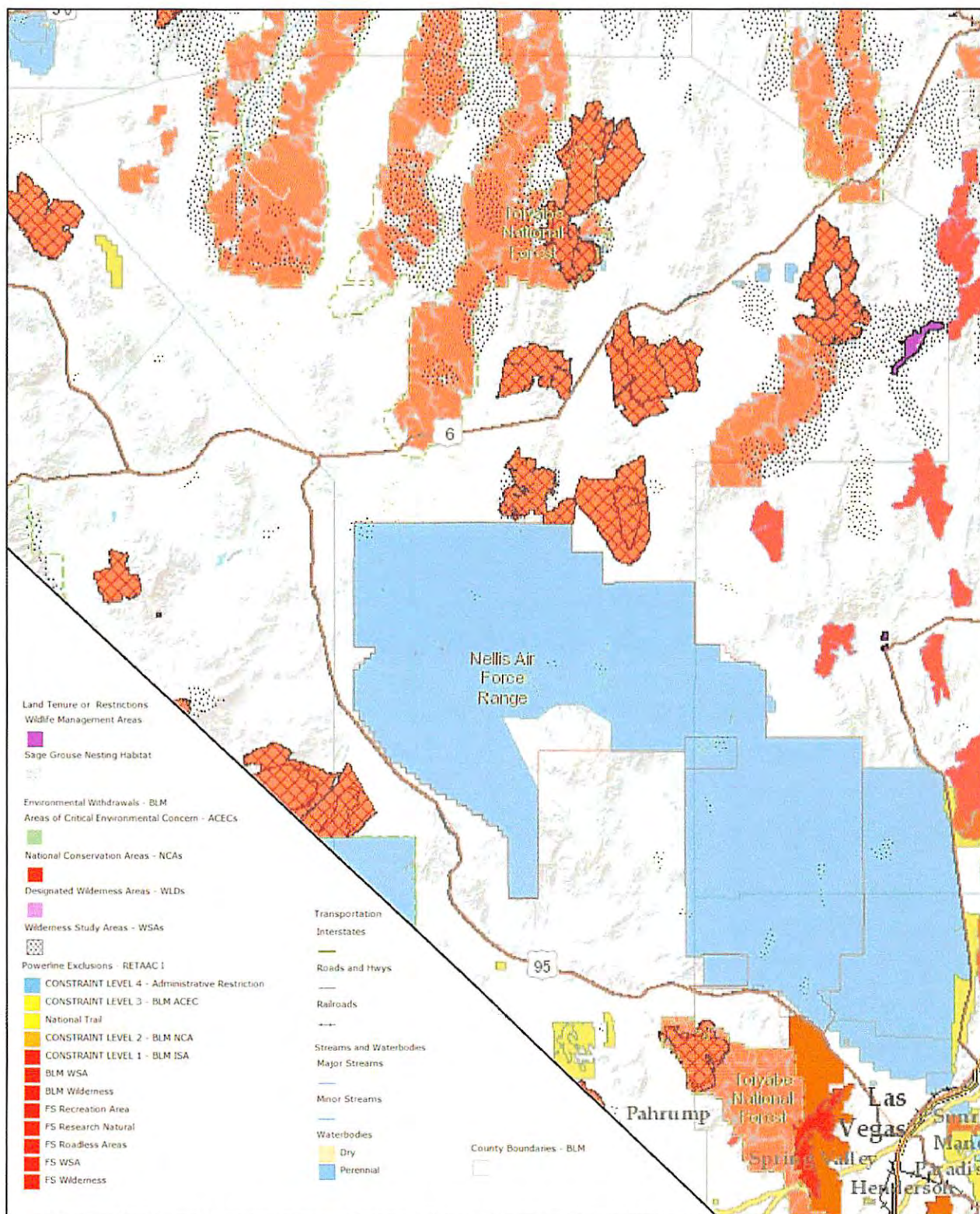


Figure A-3. Federal Land Use Constraints affecting public lands in Nye County (NBMG, 2007).

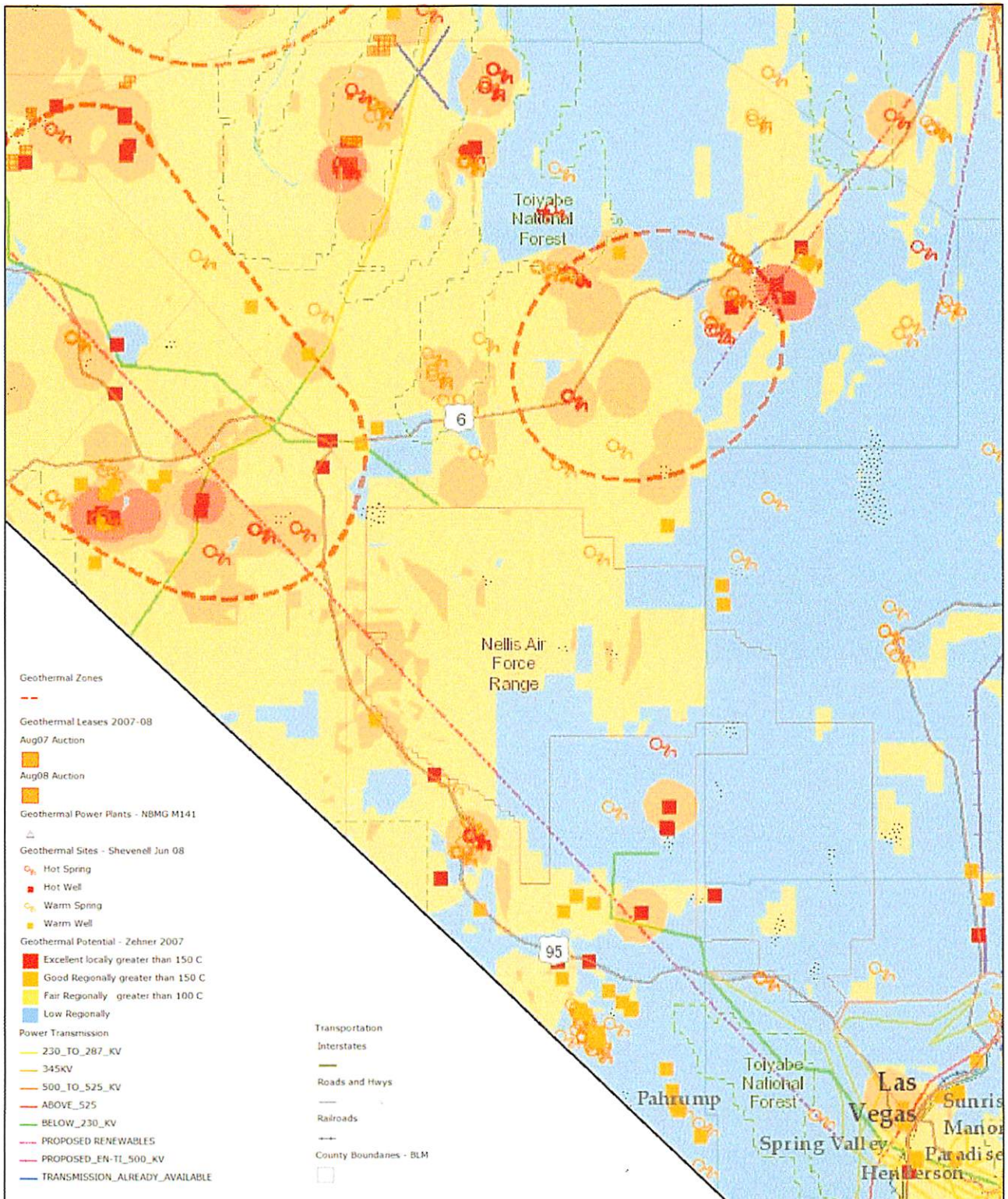


Figure A-4. Geothermal related activity in Nye County (NBMG, 2007).

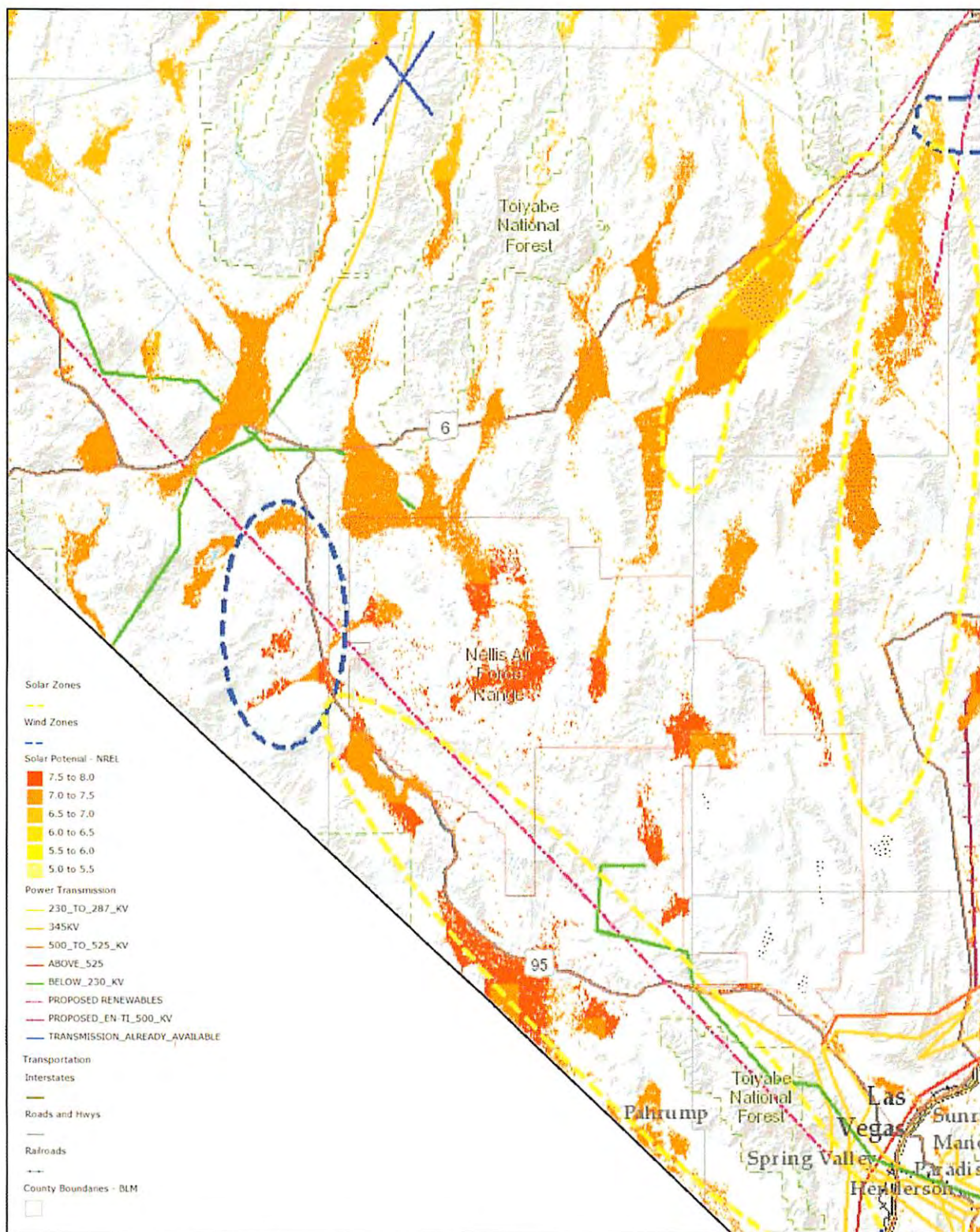


Figure A-5. Renewable energy related activity in Nye County (NBMG, 2007).

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Appendix B

PUBLIC COMMENTS

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WRPU Section /			Resolution
Name	Paragraph	Comment	
Public Outreach Meetings (Number of attendees)			
		Board members and the public in the towns of Amargosa Valley, Beatty, Gabbs, Railroad Valley, Round Mountain, and Tonopah expressed strong support of retaining the Nye County Water District, as formed by the Nye County Water District Act of 2007.	
	General public comments	Members of the Town Boards, opposed the passage of SB 21, abolishing the Nye County Water District and sent letters to the Nevada Senate legislative Assembly Committee on Government Affairs. A member of the Tonopah Town Board noted that not a single governing board in Nye County was notified prior to the Bill Draft request by the Nye County Board of County Commissioners to abolish the Nye County Water District.	Text revised to reflect concern expressed in Public Comment.
Pahrump / Water District Meeting 3/27/17 (15)			
Ken Searles	Chapter 5.2.1 Growth-related Water Supply Issues	The verbiage in this section should be changed. The term, "over-pumpage" could be better defined because the residents are not pumping their full allocation of water. Change the verbiage to reflect a high concentration of wells in the area where pumping occurs.	Text revised to "areas of concentrated pumpage."
	Chapter 5-21: Basin Over Allocation and the Potential Future Shortfall of Groundwater Supplies	Question the validity of the statement: "Total permitted water appropriations currently exceed 60,000 acre-feet, and UNDER CURRENT WATER LAW, estimated domestic well use of 0.5 ACRE- FEET could allow for the withdrawal of an additional 4,250 acre-feet with no future parceling."	Text revised to clarify difference between legal entitlement and estimated usage.
John Bosta	Chapter 5.2.1	Not only is there a concentration of domestic wells in the area, but the utility companies are also pumping water from wells.	No change. Utility wells draw from deeper gravel aquifer.
	Chapter 6	Recommend separation of Amargosa from Crystal because the water problems in those two areas are different. The town of Amargosa set requirements of parceling and subdividing.	Additional information regarding Crystal had been added.

Appendix B—1

Nye County Water Resources Plan Update - 2017

Round Mountain/Hadley Town Board Meeting 3/28/17 (40+)			
Chapter 6	Add information on the Round Mountain Gold Public Utilities Company water system.		Text revised per comment.
Beatty Town Advisory Board Meeting 4/10/17 (10)			
Chapter 7	Asked about status of Water District Bill. Noted support for Water District.		No change.
Gabbs Town Advisory Board Meeting 4/12/17 (5)			
Page 6-11	Three assumptions listed at top: 3rd assumption - "The proposed expansion of the Fallon Naval Air Station land withdrawal will eliminate the potential for future oil and geothermal development." Remove the word "geothermal." The geothermal potential expands beyond the boundaries of what NAS is proposing to take in. Simply remove that reference to geothermal development.		Text revised to reflect comment.
Tonopah Town Board Meeting 4/12/17 (20+)			
Chapter 6	It was suggested that the WRPDU should assume 10 solar towers in the 50-year planning period as described by the press release.		Text revised to reflect information in Press Release. No changes made to water demand calculation.
Amargosa Valley Town Board Meeting 4/13/17 (10)			
Sid Redditch, Resident	Wanted to know if the WRPDU addresses the water law concept of "use it or lose it."		No change. Out of scope of WRP Update.
	Noted concerns about closed LLW site, and potential downgradient contamination.		Added recommendation for continued tritium monitoring.
Victor Fuente, Resident	Owns 40 acres in Ash Meadows on Carson Slough. Noted the WRPDU does not include discussion of U.S. Fish and Wildlife illegally diverting water. The case is pending in U.S. Supreme Court.		Text added to Amargosa Valley section.

John Bosta, Resident	U.S. Fish and Wildlife is not using its 18,000 afy appropriation. Water levels around Amargosa River have declined by 90'-120' as a result of dairy pumping. The water table at his house has declined 2 ½ afy. Most of the WRPU is not about Amargosa Valley. Amargosa Valley/Crystal lands should be separate discussions in the WRPU. WRPU should address lack of science behind Order 1197.	No change. Issues generally addressed in WRP Update.
		Text regarding Crystal added to Amargosa Valley discussion.
		Text revised to include well data west of the gravity fault.
		Current - Railroad Valley Town Advisory Board Meeting 4/18/17 (6)
Town Advisory Board	Chapter 6	Resolution 2017-RRV-01 passed 2-0 and resolved that any interest in water received by Nye County as a result of the SNWA filings shall be made available to the residents for Railroad Valley pursuant to Nevada Water Law.
		Text revised per Resolution.
		Text added to recommendations.
Pat Knight, Resident	Continue to oppose SNWA applications for water exportation to Clark County.	Text added to Railroad Valley section.
		Text added to Railroad Valley section.
		Text added to Railroad Valley section.
Pahrump/Water District Meeting 4/24/17 (15)		
John Bosta, Resident	U.S. Fish and Wildlife is not using its 18,000 afy appropriation. Water levels around Amargosa River have declined by 90'-120' as a result of dairy pumping. The water table at his house has declined 2 ½ afy. Most of the WRPU is not about Amargosa Valley. Amargosa Valley/Crystal lands should be separate discussions in the WRPU. WRPU should address lack of science behind Order 1197.	No change. Issues generally addressed in WRP Update.
		Text regarding Crystal added to Amargosa Valley discussion.
		Text revised to include well data west of the gravity fault.

Dwight Lily, Resident	Public Comments Received	Eminent domain isn't discussed. His water rights are not addressed.	No change. Out of scope of WRP Update.
Walt Kuwer	General	Provided tabulated crosswalk relating the Governor's Drought Plan to the elements of the Basin 162 Groundwater Management Plan.	Reference added to Chapter 5.
	General	Provided summary memo of recommended legislative actions; included community per capita daily water rates for Pahrump.	Reference added to Chapter 4.
	Page 5-5: List of "Issues Related to Growth"	Add a fifth issue as point #3: "Over-development in the Pahrump Basin with existing parcels and zoning that would allow growth requiring 3-4 times more water than the current perennial yield."	Text revised per comment.
	Page 5-6: In first paragraph under "Pahrump Valley"	Add a 3rd summary point as follows: "... (1) over-pumpage ... (2) over-allocation ... and (3) existing over-development way beyond what the perennial yield can support."	Text revised per comment.
	Page 5-7: Add a new 2nd paragraph referencing the Pahrump Master Plan Update:	Perhaps: "The Pahrump Master Plan Update approved in 2014 reduced the projected population figure at a theoretical 100% build-out from over 500,000 to about 330,000 people based on already existing land parcels, subdivision development agreements, and current zoning. This is still 3 or 4 times the amount of growth that can be supported by the basin's realistic perennial yield. A slow growth rate is not a supply/demand solution unless a population upper limit is formally acknowledged in the near future"	Text revised per discussion with C. Beeman, Nye County Planning Department.
		Note: Cheryl Beeman is the Pahrump Master Plan expert in the Planning Dept. Yes, the GWMP calls for Growth Control but it has not been faced up to yet. There will be many complex and expensive issues involved in denying existing property owners the right to build.	

Page 5-14: Second paragraph "Buildout" statement is wrong!	Under present zoning there are way more than 8,000 lots and parcels to build out – there are 8,500 large domestic well based properties alone much less the 19,300 subdivision lots of already approved Development Agreements. Please get accurate info from Cheryl Beeman.	Text revised per comment.
Page 6-16: "Graph of Groundwater Use in Pahrump Valley 1959 to 2014"	Comment: Decline in usage since 2004 is partially due to the DWR reduction in the 2009 and subsequent years Pumpage Inventory Report of the average domestic well usage figure from 1.0 AFY to 0.5 AFY.	Text revised per comment.
Page 6-33: Accordingly, suggest an addition in second paragraph to reflect the DWR change:	"...but average actual usage in Nye County is estimated by the State Engineer since 2009 to be about 0.5 AFY"	Text revised per comment.
	Comment: At the time the State Engineer increased the Pahrump Valley perennial yield from 12K AFY to 20K AFY he specifically said it was in recognition of the estimated 8K of groundwater outflow through the Southeast Valley into the California portion of the basin. This area is not presently developed and includes the Nevada part of Basin 162 that is in Clark County.	Text revised to reflect information.
Page 6-20: "Water Sources", first paragraph (on Perennial Yield):	In fact, to intercept and actually use this 8K of outflow would require many tens of millions of dollars of infrastructure projects to capture it and move it to where it's needed in the Pahrump Valley to support population growth figures so casually based upon a 20K PY figure. If 8K AFY additional is allowed to be pumped from existing utility wells or from new "fill-in" domestic wells on the valley floor because of this inflated perennial yield figure, most of the outflow will likely continue - it is not responsible water management. Potential future use of the 8K AFY increase must be conditioned on the approval, funding, and construction of as yet undefined infrastructure projects needed to make it "real".	No change.

<p>Page 6-20: "Water Sources", fifth paragraph (on Importation):</p>	<p>"This alternative has been tabled indefinitely due to the estimated cost of implementation and concern over the estimated project's proposal for groundwater pumping immediately South of and down-gradient from the contaminated groundwater of the Nevada Test Range"</p> <p>Frightening Comment: The only viable source of importation would seem to be from the SNWA system in the Indian Springs area in return for giving SNWA access to Railroad Valley groundwater in Northern Nye County.</p>	<p>Text revised and clarified to reflect actual groundwater contamination risks from NNSS past activities.</p>
<p>Page 6-21: "Water Sources", second paragraph:</p>	<p>"... a balance between supply and demand may be achieved if the GWMP can actually result in the Pahrump Regional Planning District implementing effective growth control measures for Pahrump."</p>	<p>Text revised per comment.</p>

RESOLUTION OF THE GOVERNING BODY
OF RAILROAD VALLEY ADVISORY BOARD

RESOLUTION NO. 2017-RRV-01

IT IS HEREBY KNOWN THAT, the Railroad Valley Advisory Board was created by the Nye County Board of Commissioners in the early 2000's following the dissolution of the Railroad Valley General Improvement District to conduct business on behalf of the residents of Railroad Valley including Duckwater, Currant Creek, Railroad Valley and Nyala and appointed Board members thereof; and

WHEREAS, the present Board members have reviewed the Nye County Draft Water Resources Plan and met with the Environmental Compliance Specialist, MaryEllen C. Giampaoli who drafted said plan; and

WHEREAS, the Board members are aware that Southern Nevada Water Authority (SNWA) has filed 25 applications for water wells in Railroad Valley in order to export water to Clark County of which the Duckwater Tribe and individuals personally protested said applications to the State Water Engineer; and

WHEREAS, the State Water Engineer and SNWA have agreed that should he approve those applications that 30,000 acre feet of water will be given to Nye County for its use.

NOW THEREFORE IT BE RESOLVED THAT, the Railroad Valley Advisory Board goes on public record that they oppose the granting of all 25 applications by SNWA; however, should the State Water Engineer approve all 25 applications or any of them, and should any of the water under those permits be made available to Nye County for its use, that Nye County withdraw or cancel such permits to allow the water be available for appropriation by the residents, citizens and property owners in Railroad Valley including Duckwater, Currant Creek, Railroad Valley and Nyala to be used for irrigation, municipal and other purposes as identified.

BE IT FURTHER RESOLVED THAT, the Railroad Valley Advisory Board respectfully requests that MaryEllen Giampaoli include this resolution as part of the record in the Draft Nye County Water Resources Plan.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, Patricia Knight, Chairman, hereby certifies that the above resolution was read and adopted on the 18th day of April, 2017, by a vote of the majority of the Board members present as follows: 2 FOR; 0 AGAINST; and 0 ABSTENTIONS.

SIGNED: 

PATRICIA KNIGHT, Chairman

RESOLUTION #2017-RRV-01

Appendix B—7

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PREFACE

The Nye County Code, originally published by Book Publishing Company in 1984, has been kept current by regular supplementation. In 2000, Sterling Codifiers began providing supplement service for the County Code.

This County Code of Nye County, as supplemented, contains ordinances up to and including ordinance 524, passed September 5, 2017. Ordinances of the County adopted after said ordinance supersede the provisions of this County Code to the extent that they are in conflict or inconsistent therewith. Consult the County office in order to ascertain whether any particular provision of the Code has been amended, superseded or repealed.

Sterling Codifiers
Coeur d'Alene, Idaho

16.28.170: PARCEL MAP PROCEDURE:

- A. Application:** Any applicant requesting approval of a "parcel map" as defined by this chapter and Nevada Revised Statutes 278.461 to 278.469, inclusive, shall submit to the administrative officer the materials required in the document entitled "Document Submittal Requirements for Planning Applications Within the Pahrump Regional Planning District".
- B. Approval:** Should the Planning Commission fail to take action within sixty (60) days after the administrative officer or its representative accepts the map as a complete application pursuant to Nevada Revised Statutes 278.464 the parcel map shall be deemed approved.
- C. Expiration Of Approval:** Approval of a parcel map shall expire, with no possibility of an extension of time, if not recorded in the Office of the Nye County Recorder within a period of two (2) years after the date of approval. Any zoning requirements or land use designated by an applicant upon which parcel map approval was granted shall not be changed for a period of two (2) years after the date of recording of the parcel map.
- D. Minor Parcel Map(s):** The administrative officer shall have the authority to take action on minor parcel maps when street improvements including improvements to flag lot accessways, water or sewer line improvements or other public improvements are not required pursuant to the requirements of this chapter.
- E. Major Parcel Map(s):** Where a parcel map application requires the creation of a road or street, whether public or private; water/sewer line improvements; or where a parcel map application includes a flag lot, action of the Planning Commission is required.
- F. Parceling Multiple Existing Parcels Via One Parcel Map:** Only one existing parcel shall be the subject of a parcel map. Where two (2) or more parcels are proposed to be divided via one parcel map the applicant must first have approved a map of reversion in accordance with the provisions of this chapter and Nevada Revised Statutes 278.490 through 278.4965, inclusive.

G. Subdivision Via Subsequent Or Contiguous Parcel Map(s): In order to prevent evasion or circumvention of Nevada Revised Statutes 278.320 through 278.460, inclusive, the following shall apply to subsequent or contiguous parcel maps:

1. Disapproval Of Applications: In order to protect the public health, safety and welfare; and in order to ensure proper consideration of school district needs, water quality and quantity, disposal of sewage, street alignment and construction, utility needs, proper consideration of available public facilities and services including fire protection and emergency responders, and other needs; submittal of parcel map applications seriatim, or one after another, or covering properties that are contiguous, by any party or parties; and when it is apparent to the Planning Commission that the purpose is to create more than four (4) parcels and avoid the subdivision requirements, the Planning Commission shall find that any such activity is in fact subdividing and shall disapprove all such applications.
2. Exception: Where the sole purpose of a new parcel map application is to provide for the public needs of the community (e.g., Nye County, Town of Pahrump, Nye County School District, Pahrump Community Hospital District, other nonprofit organizations serving the community, etc.) subsection G1 of this section shall not apply.

H. Form And Content Of A Parcel Map: A parcel map, at the time application is first made pursuant to this chapter, shall be in essentially the same form, and contain the same information as required pursuant to Nevada Revised Statutes 278.466.

1. Additional Requirements:

a. Water Rights: All water within the boundaries of the State of Nevada, whether above or beneath the surface of the ground, belongs to the public, and is subject to appropriation for beneficial use under the laws of the State.

b. For Parcel Maps Located Outside Of A Water Service District:

(1) Because of concerns over water in the Pahrump Regional Planning District, certificated water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning or the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada State Engineer's Office, Division of Water Resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the State Engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.

c. For Parcel Maps Located Within A Water Service District:

(1) When a proposed parcel map is located within the boundaries of a water service district and it is the intent of the service district to provide water service, water rights shall be transferred to the district in an amount to be determined by such district. When the water service district does not intend to provide service to the new parcels, certificated or permitted water rights in the amount of three (3) acre-feet for each additional parcel created, regardless of the type of zoning on the property and regardless of the size of the parcels created, excluding the existing parcel, shall be relinquished to the Nevada State Engineer's Office, Division of Water Resources. The one acre-foot is a surcharge, and only two (2) acre-feet of the three (3) acre-feet relinquished may be used for a domestic well or "small commercial use" (equal to or less than 2 acre-feet) if permitted by the State Engineer. For example, a twenty (20) acre parcel divided into four (4) parcels would require nine (9) acre-feet of water rights, which is calculated as follows: Three (3) additional parcels x three (3) acre-feet per additional parcel = total of nine (9) acre-feet of water rights. The costs associated with water rights transfers shall be borne by the applicant. Because of the costs involved with water rights transfers, this requirement shall be made a condition of approval of a parcel map.

I. Parcel Size Requirements:

1. Outside Of Utility Service Area: An application for a parcel map located outside of a utility service area on a parcel of land zoned for single-family residential use, shall not be submitted for processing if the existing parcel is less than ten (10) gross acres in size.
2. Minimum Required Size Of New Parcels For Residential Properties: For parcels of land zoned for single-family residential use, no new parcels smaller than five (5) gross acres in size shall be created through the parcel map application process. (Ord. 520, 2017)

Fragile Desert Valley Imperiled by Scramble for Water

Los Angeles

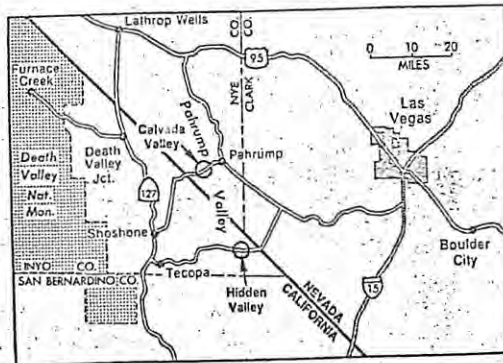
Times

PART II

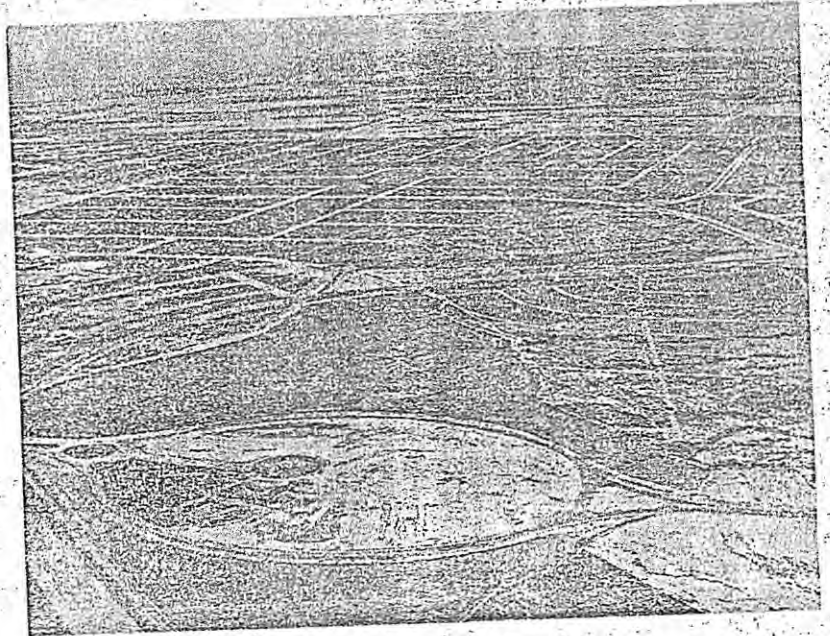
SUNDAY, APRIL 21, 1974



WATER, WATER . . . — Water splashes gaily from a fountain at the entrance to the Calzada Valley development in Pahrump Valley, N. Times photos by Steve Fontana



WHERE DEVELOPMENT LOOMS—Circles show two developments under way in Pahrump area: Calvada Valley and Hidden Valley. Times map by Donald Clement



STREETS IN THE DESERT—Calvada Valley developers expect a city to grow in this desert region.

The streets are already laid out; and the development's main building stands in circular area.

Pahrump, meaning big water in Paiute, may be headed for bad water and big trouble

by Larry Pryor

Los Angeles Times
Environmental Writer

A fragile desert valley that straddles the California-Nevada border has become a battlefield in the war between the economy and the environment.

The combatants here drive bulldozers, tractors and government pickup trucks instead of tanks and Jeeps. The spoils of war this time lie beneath the earth — an estimated 6.5 billion gallons of groundwater.

The water is dwindling, since more of it is used each year than flows into the enclosed basin. But this fact has done nothing to change the strategies of developers and farmers.

One developer has already sold enough lots on the edge of this small farm town to house 30,000 residents and expects to sell enough more to make this development, Calvada Valley, the third largest city in Nevada.

The pressures of population and competing economic interests here are considered by some forecast of what will eventually happen throughout the water-scarce Western states.

"This water problem is a heck of a lot bigger than anyone realizes," said an aide to the federal interstate sales administrator.

"A lot of areas could run out of water if people decide to build on their lots."

And there is nothing to stop them except a \$1,000 investment in a well and septic tank.

The size of Pahrump Valley's underground reservoir is immense. But because of the delicate, closed ecosystem of the high desert, there is little possibility that the water can be shared.

If the farmers pump it at the rate they are now, artesian springs will dry up, a rare desert fish will go extinct and residential wells will have to go lower each year.

If the developers draw water for municipal use, the farmers' wells will eventually turn salty and run dry, according to state and federal water experts.

At some point, according to the California Regional Water Quality Control Board, the water will decline in quantity and quality until it is unfit for any use at all.



This bubbling fountain greets prospective land buyers at the entrance to the Calvada Valley development in Pahrump where the name of the game is water and it is played without rules or regard for the future.

As of now, the underground basin is being managed through applications of raw economic and political power, with little thought given to planning the long-term fate of the valley.

State and federal agencies, although concerned, are disorganized and impotent.

Local officials on both sides of the border are willingly promoting growth. With the absence of land use controls, private interests have a free rein.

The most conspicuous interest is Preferred Equities Corp., which is building Calvada Valley, a "new town" it says will rival Reno and Las Vegas.

The company is 90 per cent owned by a trust controlled by Leonard Rosen, former chairman of Gulf American Land Corp., which was suspended from operation in 1967 by the state of Florida for fraudulent and misleading sales

practices.

Rosen merged Gulf American with GAC Corp., which two months ago entered into an agreement with the Federal Trade Commission that called for \$17 million in refunds to resolve disputes over the Florida developments.

In 1970, the Rosen family bought large holdings in Pahrump Valley, a vast bowl 60 miles west of Las Vegas rimmed by snow-capped peaks and rugged with massive other rock outcrops.

At that time, the valley's floor was green with cotton and alfalfa fields: The town of Pahrump had 900 residents, mostly commuters from Atomic Energy Commission facilities or escapees from the growing urban ills of Las Vegas.

"We decided that the area would be subject to the influence of Las Vegas' growth," said Jack M. Soules, Preferred Equities president.

"As Las Vegas grows, so will the surrounding area... We've bet a hell of a lot of money on this."

In 1969 the company bought a large piece of land that was mostly on the California side of the border for \$3.5 million, but deeded most of it back two years later when California stiffened its controls on speculative land development.

The company, instead, chose to develop in the part of the Pahrump Valley that extends into Nye County, a Nevada "cow county" that lacks a building code, a subdivision code and a zoning code.

Preferred Equities bought the 10,500-acre Pahrump Ranch at a reported \$350 an acre and has virtually had its own way as it goes about "master-planning" a new community.

So far, the company has sold more than 10,000 lots, ranging in price from \$5,400 for quarter-acre lots to as much as \$17,000 for larger lots, according to Nevada Division of Real Estate records.

Most of the sales have been to visitors to Las Vegas, where Preferred Equities maintains a "pitch room" at the Circus Circus Spa and Casino.

Both skeptics and "yuppers," customers who say "yup" to everything the land salesmen say, listen to a sales presentation in return for a free dinner.

(Continued on page 4)



Circles show two developments under way in Pahrump area — Calvada Valley and Hidden Valley. L.A. Times map by Donald Clement.