

## **Information To Use When Writing Comments To The Bureau of Reclamation**

### **Address comments to:**

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### **Guidelines for comments:**

- Comments should be as unique and specific as possible.
- Talk about how the project will impact you personally (for example, “My property at \_\_\_\_\_ has a domestic well that will be affected by your project. The well is \_\_\_\_ feet deep. We have no other water source. City water is \_\_\_\_\_ miles/feet away and we can’t afford the \$\_\_\_\_\_ that it would cost to deepen the well. Your project is going to take away our water and make our house worthless.”)
- Talk about how the Bureau, not the people in Fernley, should be the one who has to pay to extend city water lines or deepen wells.
- Discuss any alternatives to lining that you think the Bureau should consider (see below). If the Bureau is not going to consider another alternative, they should do nothing. That would be better than what is being proposed.
- Comments should be truthful and sincere.

### **Potential Talking Points:**

- Lining the Canal will harm the aquifer by lowering water levels.
  - A model developed by the Desert Research Institute predicts that there could be as much as a 90-foot decline in water levels in Fernley.
  - If water levels decline that much over 70% of domestic wells in Fernley could fail.
  - If wells fail well owners will have to either (1) connect to the City’s water system, (2) deepen the wells, or (3) install a water tank and have water delivered by truck. The Bureau, not Fernley residents, should pay for these costs.

- The cure should not be worse than the disease. While we want the canal to operate safely, we also need to protect the aquifer. There is no reason we can't do both.
- Domestic wells have a right to demand continued recharge from the Canal.
  - The Canal was built to supply water to communities like Fernley for irrigation, domestic, and municipal uses. The Orr Ditch Decree specifically says that Newlands Project water is supposed to be used for “supplying the inhabitants of cities and towns on the project and for domestic and other purposes.” The Bureau has no right to take this water away.
  - The United States Supreme Court already decided that the Bureau does not own the water in the Newlands Project – the people who use it do. (See *Nevada v. U.S.*, 43 U.S. 110 (1983).
  - Domestic well owners placed water to beneficial use, so they have a right to the water.
- Domestic well owners and others in Fernley reasonably relied on the seepage from the Canal support their wells.
  - Seepage from the Canal has been supplementing the water in the aquifer for over 100 years.
  - Homeowners built their homes and drilled their wells in reliance on the continued recharge from the Canal.
  - The Bureau knew these homes were being built with domestic wells that would go dry if the recharge from the canal was shut off.
  - The Bureau built the canal for the express purpose of enticing people to move to Fernley and Fallon. Now, after over 100 years of development in the area, they want to yank the rug out and cutoff the water supply to hundreds of homes.
- In the EIS the Bureau turns a blind eye to the impacts that lining the Canal will have on homeowners in Fernley.
  - The Bureau has spent 5 years developing this EIS. They had plenty of time to study the effects of the project on groundwater levels.
  - In fact, on multiple occasions Fernley specifically asked the Bureau to perform such studies.

- The Bureau stuck its head in the sand, refused Fernley's requests, and failed to do anything to investigate how much the project may affect water levels or how many homeowners will be impacted.
- Because the Bureau failed to study the issue, Fernley did its own modeling. That modeling shows that the impacts could be drastic.
- Now that it has this information, the Bureau needs to address the issue more directly and look for ways to either do the project without lining the canal or reimburse Fernley and any affected homeowners for any damages they suffer as a result of the lining.
- Some things the Bureau could do to help domestic well owners who will be impacted by the project include;
  - Paying the costs of extending the City's water system,
  - Paying for deepening or replacing failed wells, or
  - Constructing a recharge system (using either infiltration wells or ponds) as part of the project. This way you can fix the flooding problem while still protecting the groundwater aquifer.
- The Bureau wants to force Fernley residents to pay for a project that harms them.
  - The project could cost as much as \$150 million dollars. Newlands Project water rights holders will be taxed to pay this money back to the government.
  - The City of Fernley owns a sizable number of Newlands project water rights. Therefore, Fernley taxpayers will be footing the bill for a project that will harm, not help them.
  - This is akin to being forced to pay someone to slit your throat.
- The Bureau ignored alternatives that would cost less money to build without cutting off the water supply to hundreds of homes.
  - In 2013 the Bureau conducted a study that found the best alternative for fixing the flooding problem is to install cutoff walls within the existing canal embankment. The walls could be constructed of either steel or cement. Because a project of this type would not change the bottom of the canal, the recharge to the aquifer would continue. Despite being less expensive than the full concrete lining that is being proposed, the Bureau completely rejected this option.

- Another option that the Bureau rejected is to rebuild the portions of the embankment that are most at risk of breaking. Like the cutoff wall option this would not have any impact on the local aquifer.
- Finally, the Bureau could also do nothing and leave the canal as is. The flow restrictions put in place after the 2008 flood have already reduced the risk of another flood without affecting water deliveries.
- In short, the Bureau's proposal to line the Canal makes no sense. Lining the canal is the most expensive option to fix the high-risk portions of the Canal and will also cause the most harm to city residents.