

Private Well Owners Cooperative of Nye County  
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### **Comments for SB 271 April 10, 2017**

Senate Floor Session  
Legislative Building  
401 S. Carson St.  
Carson City, NV 89701

RE: SB 271

Dear Senator,

My name is John F. Bosta, President of the Private Well Owners of Nye County, representing the domestic well owners.

**Please Vote "NO" on SB271. Do not give the State Engineer unprecedented authority over domestic wells.**

**This bill like so many others before the Legislature is trying to include water for domestic purposes using domestic wells into Nevada Water Law without amending the original 1939 Water Act Chap. 178.**

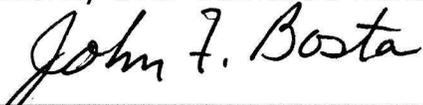
The Thursday April 6, 2017 issue of The Mirror front page article NV Senator eyes flood of water; Goicoechea troubled by possible conflicts reports the following:

- During the Senate Committee March 28, 2017 hearing Senator Pete Goicoechea opening statement for the agenda item on Senate Bill (SB) 271. "The bill would allow domestic wells owners to continue accessing domestic well water in the event that the Nevada State Engineer decides to curtail water use in a basin."
- "SB 271 is really a short bill. What it allows for is, in the event that domestic wells were curtailed by the state engineer in a basin that was either-appropriated or over pumped ... it is the view of the state engineer that he can curtail by priority and clearly, the domestic wells in most of these basins are junior to a lot of the senior (water) rights."

- He remarked that the bill would provide protection to ensure that domestic well access would not be completely cut off in times of curtailment.
- SB 271 is a byproduct of the Legislative Commission's to Study Water which met six times in 2016 to discuss possible water legislation for this year's session.
- The idea was also previously broached by Nye County Water Board Member Ken Searles, who stated he felt domestic well users should never be forced off their land by a lack of indoor water due to curtailment.
- "The real issue in my mind, and of course the state engineer and I continue to differ on this, is **the status of a domestic well versus a permitted well.**"
- **"In my mind domestic wells are a property right"** [Emphasis added]
- With so much argument over whether the state engineer can in fact curtail domestic water use."
- **"We put a law in place in 2007 and applied it retroactively."**
- Goicoechea said, referring to bill passed in 2007 legislature which provided that the priority date for a domestic well was the date of completion of that well.
- **"I don't know if that would stand up in court.** Again, a lot of these issues need to be determined in court." [Emphasis added]
- Amargosa resident John Bosta who has been waging a personal legal battle against the state engineer's office for some time with his lawsuit currently at the Nevada Supreme Court, testified against SB 271.
- Bosta has continually and staunchly asserted that the state engineer's office does not have authority over domestic wells, citing the 1939 Water Act, Chapter 178, Section 3. He also evidenced his position by citing the Treaty of Guadalupe Hidalgo, stating that the lands in Pahrump were issued under federal patents and therefore, the priority date for the land and thus, its water, is the date of the treaty. "No action of the state government can take away from me." Bosta proclaimed, speaking on behalf of the Private Wells Owners Cooperative of Nye County.
- "Again, John, we were very hopeful that you would have the litigation settled before we got here. It would have helped us tremendously." Goicoechea responded.

The Mirror's front page and page 9 have stated the issues and facts in Goicoechea's comments about SB271 which I do not need to repeat.

The Private Well Owners continues to maintain the idea that the State Engineer has no authority over domestic wells.

Respectfully,  , President