

# TO MOVE AN OCEAN

BY TIM FINDLEY

The sheep rancher rode his mule through low sage off the left flank of his flock as they crowded and stumbled below him along the hard pan of the road through Spring Valley north of Ely. They steadily followed their own line, not close enough to be disturbed by a man in blue coveralls crouched over on the light slope. He was intently working at something in the earth, and seemed too busy to take notice of the sheep either, or of the herder who cast an unintentional

shadow ahead of him as he rode slowly up on the startled stranger and his little hole in the ground.

"Sorry," said the rancher as he dismounted. "I was just wondering..."

"Oh, that's okay," the young workman replied. "It's just a marker, a meter thing, you know. I've been checking them every few miles. Something to do with pipes, I think."

The rancher looked closely at the stainless marker about the size of a can lid. The stamped initials on it indicated it belonged to southern Nevada water authorities. "Las Vegas," he thought to himself. "I should be riding through the whole valley right now, telling them, 'Las Vegas is coming. Las Vegas is coming.'" He chuckled at the image as he remounted. It seemed like such a joke, but it was true, and it has troubled him for more than a decade that he never made that ride.

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It is tempting to draw comparisons to the dis-

turbing film, "Chinatown," depicting the snatch of water in the Owens Valley by Los Angeles developers in the 1930s. The details of the long reach of Las Vegas for rural northern Nevada water bear little resemblance to "Chinatown." But both have a relentless and sometimes secretive quest to move a full city's supply of a fundamental resource from where it is found in a rural area to where it is flushed by an out-of-control metropolis. Denver has done it for Aurora with much less attention. Phoenix has accomplished something similar with the help of its state's turncoat rancher serving as secretary of the Interior. It's just that in the driest state of the nation, one must draw on some imagination just to trust the dealer. Take the whiskey when they pour it is fair advice. Just watch your hand when it comes to water.

Water law in Nevada is more stringent than it is in California, guarding groundwater as well as surface streams from just being pur-

chased or taken and moved elsewhere by the highest bidder. All the water in Nevada is considered to be ultimately owned by the state and controlled in its use by the state engineer. But at least 87 percent of the state is federal property long thought to be useless for much more than mining and grazing. What water could be found was by custom devoted to the nearest best use. The law really comes down to use it or lose it and, at least until recently, custom in water rights has favored actual need of the water over the mere opportunity to exploit it. But that didn't really account for the state's greatest secret. Traditionally, Nevada was always ore rich and water poor. But now some think all it will take is money to turn the Silver State virtually inside out.

Howard Hughes, his brilliant mind already beginning to go supernova, is credited with setting off the frantic phase of new casino development in Las Vegas in the 1970s. The little railroad town converted by Bugsy



Siegel and Meyer Lansky into a sleepless fiesta of legal vice held only 273,000 full-time citizens then, but a boom of immigration unprecedented in western history was already underway. Although warm weather and easy taxes were probably as great a lure, slot machines rang like endless mission bells summoning an astonishing growth of over one million within 30 years. Most of them were adults without children who came not in hopes of making their fortune, but expecting to spend at least a portion of it.

Swaps of federal land around Vegas for properties the developers could find and buy in rural areas were encouraged and helped along by ambitious politicians such as then-Congressman Harry Reid. In the 1990s, the planned development of Summerlin was the fastest-growing community in the United States. There were waiting lists just to buy into the new developments and some entrepreneurs even bought up multiple houses to make a quick profit from those willing to pay a premium to get in earlier.

Only the very realistic with worried brows like Pat Mulroy seemed to recognize that Las Vegas and southern Nevada relied primarily on 300,000 acre-feet of Colorado River water that they were permitted under the 1922 agreement among seven western states. Who could have known then that Las Vegas would be a metro area of 1.5 million people by the turn of the century, expected to exceed two million by 2030?

Vegas arranged deals for water banking with both Arizona and California to meet any crisis and even began some fantasy talks with San Diego about a project to produce fresh water from the Pacific Ocean. The city imposed stringent restrictions on residential use and paid millions to dig up water-sucking suburban lawns. New deals were struck for use of Virgin River water and a small source of groundwater was granted to the district near Lincoln County, but unless southern Nevada could reach some unlikely new agreement on Colorado River use, no such temporary measures meant to meet a long dry spell could address the relentless rate of growth in Clark County.

Short of getting more water from the Colorado, Vegas would have to go into the forbidden zone. They wanted the mother lode. All of it.

Quietly at first, like slipping a hand in a baby's cradle, the Vegas interests set astir Nevada's greatest enigma, the source for many of the best of her tall yarns and the worst of her bar fights. It was like spinning the

wheel at last on a fortune of futures in a game of chance for a treasure lost beneath the desert like Solomon's mines and legally retrievable only with the help of someone having his legendary wisdom. State engineer Hugh Ricci, like it or not, would have to play that role.

Among the seven separate water districts serving Vegas and the Clark County region, competition only worsened at the end of the 1980s with the start of a long drought that some forecasters said would be the worst in five centuries. With no fanfare, Mulroy, as chief operating officer for Las Vegas, quietly

U.S. GEOLOGICAL SURVEY MAP. U.S. DEPT. OF INTERIOR



The Basin and Range aquifers consist of primarily unconsolidated basin-fill sand and gravel, but fractured carbonate rocks also underlie some basins and form important aquifers.

- Basin-fill aquifers
- Carbonate rock aquifers

“Chinatown” depicted the Owens Valley story as a mystery, but the reach of Vegas over just about the same distance of more than 200 miles to get about the same amount of water—200,000 acre-feet—is much more like science fiction. It had to be done a different way, like convening a tea party on the moon.

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Pat Mulroy has a married name that seems almost to chime with the Los Angeles Water Authority villain of the Owens Valley, William Mulholland. That is purely a stretched coincidence, even if those who call her the “water empress” of Las Vegas portray her as being no less dedicated. In the Southern Nevada Water Authority, which she created, Patricia “Pat” Mulroy is unquestionably the boss.

She takes her seat behind a large glossy desk carefully arranged with glass and crystal objects that are glittering prisms for the carefully even lighting in her office. Even the bright canary-yellow blouse jacket she wears seems uniformly like the blue one seen in her publicity photo. Just as bright. Just as intense.

“We’re the only city that actually sits on the Colorado. Not to allow us a sufficient allocation was like telling Chicago it can’t use the Great Lakes,” Mulroy declares. “Why should we be seen in the north as the bad guys? What have we ever done to northern Nevada?”

pooled their interests and in 1989 filed claims on nearly every drop of unappropriated groundwater in the eastern half of the state. Across the huge expanse of largely federal lands with lightly tapped rights among the scattered privately owned regions, the move of her newly forming Southern Nevada Water Authority (SNWA) amounted to an immense water grab begun with the unexpected style of an attack on Pearl Harbor.

“It had nothing to do with sending out an alarm in the state,” says Mulroy. “It had to do with protecting ourselves against speculators—southern Nevada speculators. If the word had gotten out that the water districts were going to file on those water rights, everyone in southern Nevada would have filed on them, only to have the opportunity to sell them.”

In order to prevent such a “rush” of potential water pirates and extortionists, the Las Vegas districts methodically filed their claims in the state capital in Carson City and let the state engineer notify the counties. The alarm sounded wildly anyway, triggering protests to the engineer’s office from every county but Clark, including several counties not even mentioned in the Vegas claim for an amount of water that would have doubled its current use.

"People were shell-shocked," Mulroy acknowledges. "We blanket filed. We had to do something. The banks were starting to go south on loans down here, the economy was starting to tip, so we had to do something dramatic. We blanket filed."

By then Vegas and greater Clark County already held nearly 60 percent of the state's population. Mulroy's best hope was to catch a wave based on established need and meet still greater boom growth anticipated in the '90s. She knew nothing could be expected too quickly from the cautious office of the state

PHOTOS © TIM FINDLEY



*Pat Mulroy, boss of Southern Nevada Water Authority, says: "Las Vegas will not 'hit a wall' for lack of water. Other cities would not let that happen.... We are trying very, very hard not to decimate the rural counties." And, "In Nevada you cannot allow water to just run out of the state."*

engineer, but she was willing to run what might even be a bluff by filing on legendary deep underground supplies that some still doubted even to exist at all, then using that to gain support for a greater share of the Colorado. Critics said with sarcastic prophecy that it was like trying to squeeze water out of a stone.

"We used the USGS [United States Geologic Survey] numbers for those basins," Mulroy explains in describing the district's two years of research. "This isn't fable. If we believed in fable, we would have filed for a lot greater quantities."

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You can tell all the wild tales you want in places like Nye and Lincoln counties in southern Nevada. "The Kingdom of Nye" even occupies dark hours all over the country with a syndicated radio show of free-spinning yarns about spaceships and aliens and places

nearby that the government used to deny even existed. People around here saw gigantic bats appearing in a whisper on the dim skyline long before the military admitted there were "Stealth" aircraft invisible even to radar. Cowboys who threatened to take their story to the *National Enquirer* were paid off in return for quiet about the dead cattle they found with coffee can-sized holes clean through the carcasses. Tell a tale good as you like around a strong campfire out in this desert and at least you know somebody will listen. Especially if it's about water.

Mark Twain and some other early travelers with the gold and silver rushes in these bare volcanic-strewn mountains said they found many of the Paiute scratching out an existence in the desert to be among the most miserable Native Americans on the continent. But if you could understand them, they had plenty of good stories to tell. In fact, the evidence of stories told for millennia in these parts is still all around, etched into the burgundy lava ledges and high camp rock walls with petroglyphs even the Paiute can't understand. "Ancient ones," the Paiute say, meaning people who were there and gone even before the vanished Anasazi who preceded the Paiute. Little is known of the people who were here 10,000 years or more ago. But their marks are still clear in spirals and snakelike figures etched in the rock, and here and there odd animal shapes that can't certainly be identified but suggest a time of more abundant wildlife, left, perhaps, as messages, one hunter to another. They are always found in high spots, on the rims above where geologists believe was the receding shore of a vast inland sea called Lahontan.

What the Paiute know of this is contained in their legends, which, for a desert people, seem strangely to concentrate on water and an underworld of strange creatures and red-furred giants living in caves. To this day, Paiute children growing up near the unfathomed depths of Pyramid and Walker lakes that are the last remnants of Lahontan are warned not to linger too long on the shoreline. It is said they'll be charmed and captured by "water babies," froglike, but not frog, creatures that come to the surface just beyond the wading depth and give their strange charming cries urging the Paiute to help them.

Pyramid and Walker lakes near the western rise of the Sierra Nevada are part of the ultimate mystery of the Silver State. Each simmers in a vast and deep bowl, fed continually by the winter runoff of melting snow from the eastern slope of the high Sierra; each con-

verges into the Truckee, Carson, and Walker rivers. There is no outlet from Pyramid and Walker lakes. The water from the Carson, like that from the state's only boundary-contained river, the Humboldt, simply runs near to the center of the Great Basin and vanishes, disappearing in a sprawling "sink" of marshy wetlands. Almost nowhere can water flowing into the Great Basin find a known way out.

Hydrologists say the balance is brought by evaporation through the hot summers of the nation's "driest" state. But many Paiute disagree. They believe that Pyramid is somehow linked to Walker some 200 miles to the south. They tell old stories of Indians who drowned in Pyramid, only to surface weeks later in Walker, their bodies strangely preserved by the deep cold of some underground passage.

Some old prospectors from the 1930s and '40s claimed to have seen a flowing stream over a quarter-mile wide after climbing down hundreds of feet from a cave opening. One even described something close to a subterranean Grand Canyon with steep walls and a deep river banked in a beach of black sand glittering with gold.

At other spots in the desert, inexperienced hikers must be seriously warned to approach any small pond they see with care. Some of that water boiling to the surface is hot enough to strip their skin away in seconds. Water is certainly there beneath the ground—perhaps, old-timers joke, all the way down to hell. In some places like Meadow Springs south of Caliente, cowboys say both horses and men have been known to sink from sight in the bottomless warm springs that gurgle to the surface.

In the early days, even less than a century ago, it was commonly understood that Nevada was a barren, hostile wasteland where only the truly eccentric were meant to survive on their dreams and hallucinations. That alone was usually enough to put away with a knowing nod the origins of tall tales they told.

People in Washington preferred to see Nevada as a generally desolate federal reserve, unsuitable for permanent settlement beyond the latest lode of ore. There are still ghost towns in testament to that everywhere, some of them still in process with tumbling-down marquees on the old movie houses and long-empty drive-throughs at the abandoned burger joint.

After World War II, wherever the population showed any signs of lasting, the government seemed compelled to establish good neighborly relations, perhaps just to keep down the talk. Fallon, Nev., some 70 miles





*Harvey Whittemore bought Coyote Springs in 1998. It was a hostile-looking region of rocks and creosote brush on 49,000 acres of desert only an hour from Vegas. But there was plenty of water beneath it. In 2004, Nevada lawmakers proposed a bill to relocate a utility corridor from Whittemore's land to a wildlife refuge. Between 1997 and 2004, Whittemore contributed more than \$38,000 to the lawmakers' campaigns. INSET: The promise, without Whittemore & SNWA?*

east of Reno, for example, is a farming community built around the nation's first reclamation project. One afternoon, the entire leadership of Fallon, which amounted to about half the town, was invited out to a high mesa overlooking their fields from the east and fed a good lunch before being shown their seats on temporary bleachers. Then, a few hundred feet directly beneath them, the military set off a megaton atomic blast that did no more than jiggle the bleachers a little and raise some dust from the rim of the newly created cavern.

People laughed and cheered and forgot all about it. For a time, before all testing was ordered underground, folks used to set up lawn chairs just to watch the glow that could be seen from nearly 300 miles away when they set one off in the atmosphere above the test site near Las Vegas. Except for those places where folks knew better, Nevada in the waning years of the 20th century was still regarded as a wasteland.

For a lot of Nevadans who would just as soon not be noticed, that arrangement was just fine. They went about working their ranches and tending their farms in valleys and mountain ranges few "dudes" ever saw. Even the "sagebrush rebellion" of the 1970s that was started in eastern Nevada was quietly put aside by its founders when President Ronald Reagan nearly decided to give them what they

wanted by privatizing much of the federally owned West. The ranchers suddenly realized that might mean competition for their grazing land that could put them out of business. Then-Interior Secretary James Watt was furious when they changed their minds.

So even land-rights leader Wayne Hage only tried to keep the feds in their place when the military decided in the 1970s to build the MX missile project running through the state like a thermonuclear Christmas train going nowhere. The MX needed water for construction and it was that, sources say, that really prompted state and federal officials to direct the USGS to at last take a serious look at all those tales of a deep limestone aquifer—a river, or perhaps even a fresh-water ocean trapped beneath the desert.

When the end of the Cold War made the MX project truly useless, a land-swap deal was arranged to trade a large portion of it nearest the guarded Nevada Test Site to Aerojet General for rocket research. Aerojet gave the government some property it owned in the Florida Everglades and in return got a wild, hostile-looking region of rocks and creosote brush on 49,000 acres of desert only an hour from Vegas called Coyote Springs. In the background of the secretly managed deal, cruising overhead with its scavenger sense, The Nature Conservancy was trying also because it had wind of the

Nevada property as a habitat for the desert tortoise. Its continued shadowy presence on what followed remains a mystery. Aerojet merely rediscovered what the MX had found. There was plenty of water beneath Coyote Springs for use in construction, but too much to deal with in operational stages. Test wells sunk for the MX in the 1980s produced astonishing amounts of water in certain areas, and Aerojet found similar problems in areas tested for silos. These were probes that for the first time went far below a prospector's reach by shovel and pick; deeper still than even the mines blasted into mountains.

Nobody seriously wanted to listen to Wally Spencer in those days. The more he nagged the government and water engineers about having found an underground river in southern Nevada that might extend as far north as British Columbia and run all the way to the Pacific, the more they smiled with understanding about what that wicked desert sun can do to a man prospecting on his own. Wally said he had found it with a special device he designed himself and that he would show them where it was if they would cover his expenses and promise not to charge people for the water. What seemed to separate Spencer from an earlier generation of presumably addled prospectors was that he too was an acknowledged rocket scientist who set

off on his own using a radiation device he had invented to look for oil, not water. Even so, his claims were ignored.

By 1994 the MX was already forgotten and newer concerns had set government agents off touring the state to explain their latest project to bore out an entire mountain in southern Nevada as a repository for the nation's nuclear waste. Awkwardly timed with the issue of Yucca Mountain, the USGS at last began producing reports on a deep carbonate aquifer locked in limestone as much as 6,000 feet below the surface and underlying even another higher aquifer fed by runoff into alluvial deposits of sand and gravel. One federal report said the deep carbonate aquifer ran

Vegas political pundits to be the second most powerful man in the state. He is also the proposed developer of what will probably be the largest single project ever constructed in Nevada. He is an extremely potent political lobbyist who represents the richest casinos in the state among other connections that make him the man to see about anything done in Nevada. Only recently has he also become owner of the Geyser Ranch, where he was due to arrive at 8:30 that morning.

The two ranch hands looked at each other then, and not really meaning the unison they produced, said, "Who?"

The Geyser stretched out that early day in green shades of a glorious season with a cloak of cold ermine across the shoulders of 13,000-foot Mt. Wheeler, still restraining the runoff spilling off the hills into a broadening shallow spread across its Lake Valley pastures. Carefully, still without any threat from hot days in the high country that might trigger a flood, the almost perfect spring was playing out what some call a century season. It seemed not to matter thinking about who might own it until that rather obvious black Cadillac SUV rolled into the yard with an unmistakable statement that sent the hands immediately back to work.

Harvey Whittemore isn't the overly imposing figure he is sometimes portrayed to be. He's a large man at 6'4" who pays careful attention to his light-colored beard and unruly full head of hair. As eager as he is always to get things done, he tends to charge right at you, but his approach seems more like a walrus than a bear. You don't want to get in

Harvey's way, but it seems clear he won't bite you, and it doesn't appear he's after you as much as something back there might be chasing him.

Harvey, as he generously welcomes all to call him, bought the Geyser last year, at just about the same time that Harry Reid was pushing through the Lincoln County Public Lands bill. Sen. Reid had the help of Rep. Jim Gibbons and Sen. John Ensign, both Republicans in the state's delegation to Congress, to guide the bill through last-minute passage. That, however, might say something about why pundits make Whittemore only the state's second most powerful character, next to his old friend, Harry Reid.

Some critics, in fact, questioned whether Reid might be carrying Whittemore's water in exchange for the lucrative executive positions made available to Reid's sons on Whittemore's high-powered law firm.

"Aw, now let's just get rid of that," Whittemore says in the barnyard. "My wife's father ran a hospital in Pioche. He helped deliver some of Harry's kids. That's how far we go back. I was happy to have all four of his sons working for me; they did a good job. But the truth is, I don't think I had anything directly to do with it at all, and they've got nothing to do with any of this."

It's like one of those good statewide family stories you used to hear more often in Nevada. The up-and-coming politician from the little town of Searchlight gets to know the doctor in Pioche whose daughter marries the ambitious grandson of a minister in Sparks and a lifelong friendship is formed that happens to take shape years later in some last-minute legislation that will form a utilities corridor, coincidentally leading right to Harvey's Geyser Ranch doorstep. That's not "Chinatown." That's just Nevada, where it was said that people spread across the whole state knew each other better than a lot of people living in some city apartment houses. Besides, although Reid's first draft of the bill would have cost Whittemore about \$160,000 to buy out a federal easement through Coyote Springs, the final version, made for passage, charges the developer about \$11 million to remove the U.S. right of way he says never really existed. "Was that so fair?" Harvey asks. Did that show influence?

"People do not understand the hydrogeology of this region," Whittemore says, gesturing across the awesome green valley of his Geyser spread. "All the way from where we're standing today to the very tip of Coyote Springs is a huge carbonate aquifer system. The question is, how much can you use? The geology is that it might be 3,000 feet here, where we're standing today, and as you drive south, we know geology is pumping that water closer and closer to the surface.

"Now what I'm trying to do is create a series of acquisitions that have a variety of business purposes. I'm an investor in a dairy near Kansas City, you know, which milks over 5,900 cows a day. People think they know what we're trying to do, but I've already told them that we're acquiring resources that would allow us to build a major dairy facility like that here in Lincoln County."

"So how many acres do you have for that here?" this reporter inquires, and Harvey

PHOTOS © TIM FINDLEY



*Big shot Harvey Whittemore says: "At the outset, there was a large degree of distrust, but I think those things are slowly being resolved. The best solution is to cooperate with someone and get the best out of it. We're going to balance the water sources, I've promised the people that." Pat Mulroy's a fan.*

from the western border of Idaho south all the way to where it dipped beneath Death Valley. One report referred to the volume of water it was estimated to hold as "an ocean," and suggested it might be found nearest the surface in the deep valleys of eastern Nevada from Nye to White Pine counties.

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On an unusually chilly morning in June, two ranch hands worked in the open bay of Geyser Ranch's machine-shop garage. The ranch is almost exactly on the northern border of Lincoln County, and about midway between Lincoln's capital in Pioche and the White Pine County seat in Ely.

Harvey Whittemore is a lawyer said by Las



seems caught up short, like he'd never been asked that before.

"Carl?" he speaks across his shoulder. "How many acres do we have here?"

"About 7,000" Carl says after checking some papers himself.

Neighbors who knew the previous owner of the Geyser said he only bought it a few years back as a speculative piece of property that is pretty but tough to ranch in such high damp country. The neighbors said that owner paid a risky \$2.5 million for it. Harvey Whittemore, they were told, got it for \$35.1 million, outbidding another unnamed buyer.

It is a kind of bookend property for Whittemore. The Geyser sits astride Lincoln County's northern border with White Pine County. Whittemore's other major property in Lincoln, Coyote Springs, straddles the county's southern border with Clark County some 200 miles south. Between the Geyser and Coyote Springs is the utility corridor for pipelines and power won by Harry Reid in his Lincoln County legislation.

"Now down there, some writers have said I got a good deal in a land swap at Coyote Springs," Whittemore says. "I won't say I didn't get a good deal, but it was Aerojet General involved in the land swap, not me. It was



*Vidler Water Company attorney Steve Hartman says: "People get all riled up about it, but they just need more information. The transfer of water was done in Rome before Christ, the Incas did it in Peru. It's not new. Obviously, we're there to make a profit, but the whole purpose is general economic development of Lincoln County. The lifestyle will remain the same."*

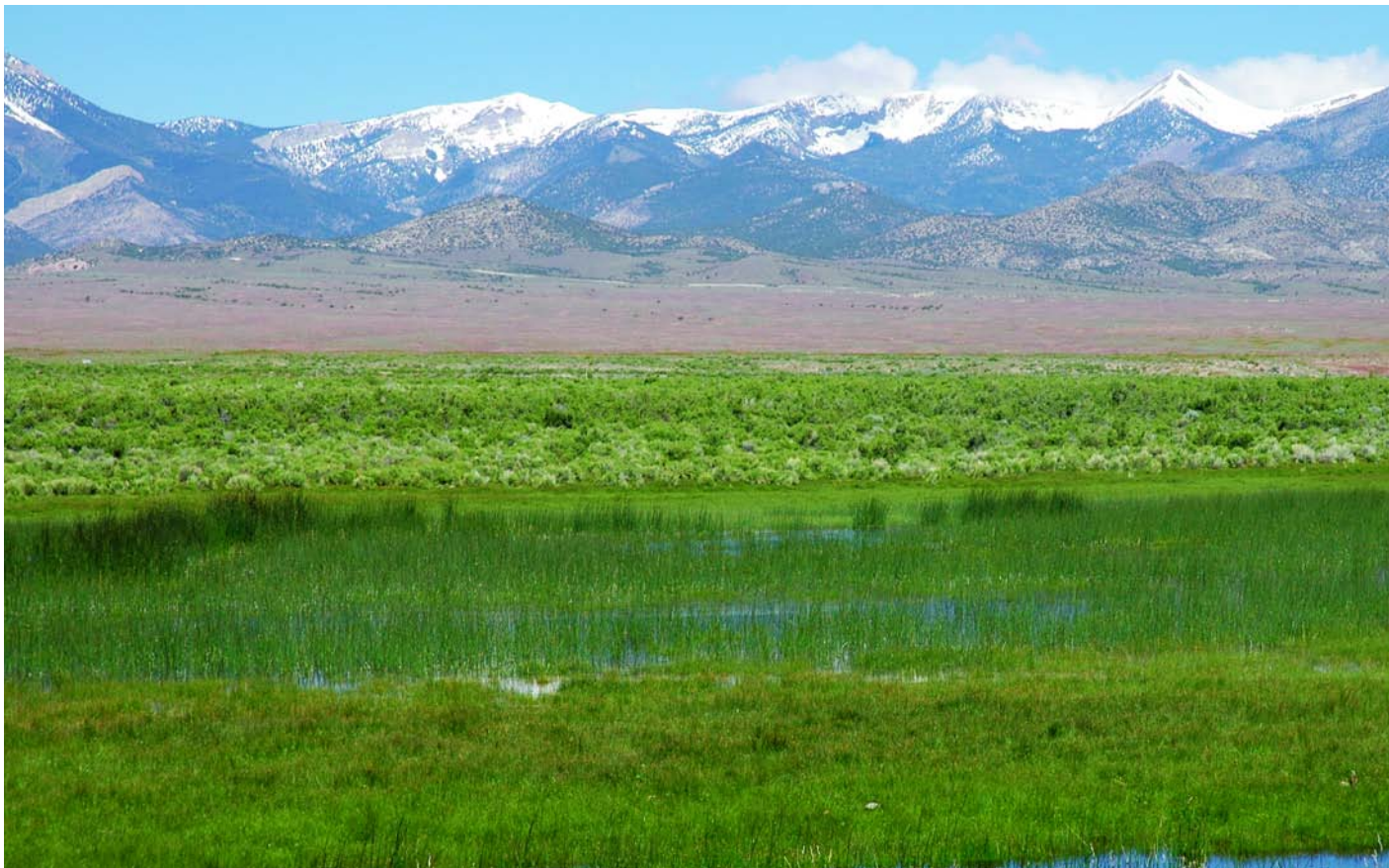
another business in my family that found it up for sale, and I took it over. Heck, you're a young lawyer knowing the movement into the Southwest, and here was the land and the water with it; what are you going to do?"

Who led his family's company to the

Aerojet defense contractor's interest in selling, Whittemore doesn't say, but wildly less scenic though the property may be by comparison to what he paid for the Geyser, it was a good deal, indeed.

In 1988 Coyote Springs was federally appraised at a value of \$2.6 million. In 1996, without much if any advertising, the defense contractor sold the 49,000-acre former test site to a company controlled by Whittemore's family for \$15 million. It was not nearly as pretty, but compared to the \$35.1 million he would later pay for the Geyser, Whittemore got seven times the property at less than half the price. Furthermore, Coyote Springs was just 40 miles from Vegas and atop what might be the strongest well in the state.

"They pumped a well for 30 straight days at 4,500 gallons a minute, and it didn't impact the water table at all. They were down 685 feet. The water is there. It has always been there," Whittemore says. Two years later, in 1998, Harvey sold Pat Mulroy and the SNWA water rights on the land for \$25 million, and two years after that, Whittemore announced plans to build a planned community at Coyote Springs of mostly upscale housing much along the lines of boom developments in Vegas, except that it would stress the location



Sen. Harry Reid won a utilities corridor for power and pipelines that just happens to run between Harvey Whittemore's Geyser Ranch (above) and his Coyote Springs property, shown on page 49.

of his new homes around as many as 15 golf courses, much lacking in Vegas. The development, he says, would include no new casinos, at least not in Clark County. Ultimately, maybe 40 years from now, Whittemore envisions it may be a model city of 100,000 people. He is well aware that Summerlin in the 1980s filled up in half the time projected.

"Harvey's just Harvey," says Pat Mulroy with what sounds like genuine affection. "He's doing good things for Lincoln County and that means good things for us."

PHOTOS © TIM FINDLEY



*White Pine County Commissioner Brent Eldridge says: "Their position is that money can buy anything. It makes it hard when they are willing to spend it among people who need it. They say there will be enough water to go around. For how long?"*

It no longer seems to matter much to her that also in 1996, Whittemore filed his own claims for unappropriated water in Lincoln County, right on top of

those already filed by SNWA.

In the intervening years since 1989, Mulroy had told one reporter that it was "stupid" to make all those blanket filings on "loose" groundwater. By then the SNWA had already

peeled back its claims to just two main valleys in White Pine and Lincoln counties—Spring Valley, cutting down east of Ely and the Snake Valley, skirting a line south from Baker near the Utah border. Now with Whittemore in the mix, and at least some talking time still open with the counties, Mulroy can temporarily solve a problem and maybe not have to rely on another appeal for a greater share of the Colorado.

"Harvey's going to do something great for Lincoln County," Mulroy says. "Something they've needed since the mines ran out. We still love Harvey."

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Legend says the Pioche cemetery held the bodies of 75 gunshot victims before anyone

## GOING WITH THE FLOW

*Will all of Nevada's water run south? By Hank Vogler*

Thirty-five of my first 36 years of life were spent in southeast Oregon and the upper end of the high cold desert. You could see the mountains that ran water to the Pacific Ocean, yet, for all intents and purposes, most Great Basin tributaries ran water into a lake system with no outlet to that ocean. Water, with little effort, could be the topic of any and all conversations.

The ground north of the Malheur and Hamey lakes was irrigated from a source of water that always seemed to be in short supply. The shorter the water, the shorter your fuse, and that of everyone else involved. Actually, a complete drought with nothing to fight over caused the least consternation.

Don Opie always said you neighbor for 11 months and fight for one month. Bob McDonald used to say he didn't want any of the water that ran off the Island Ranch, because by the time the Voglers got through with it there was no moisture left in it.

The sale of dynamite seemed to go up in the spring when the arduous process of water winding through meadows became so slow that measures seemed to justify the noise. Truth was, it didn't speed up the flow much. The valley was flat. But the sheer satisfaction that the world knew you were there seemed to be enough.

Legends of fights with shovels on ditch banks were many. An unsolved shooting or two were whispered of having to do with water. At my house, being able to cite each 40-

acre adjudication was considered the difference between a seat at the dinner table or not. Having complete knowledge of prior rights committed to memory was placed ahead of learning to read.

I remember the time that my grandfa-



*Hank Vogler, above, lives a bedouin lifestyle, counting on snow in winter and a few springs for stock water for his sheep. He does not forget a workman in coveralls out on his sheep range almost a decade ago. He was checking a meter in the ground (opposite). "It's just a marker," the young man explained. "I've been checking them every few miles. Something to do with pipes I think."*

ther and Johnnie McRae got into it over a headgate. The water master, a state employee, posted the dam regulations. His job to help settle disputes over water was tough, but nearly impossible when water was short. The water master declared that seven

2"x6" boards would be put in the headgate, no less, no more. The water master's posting was final. End of story.

Wrong.

Day after day, Johnnie and granddad checked the dam, each counting the boards to make sure that it was in compliance. Granddad wanted the water to spill over the top of the seventh board. Johnnie didn't want it to spill over too soon. Then one afternoon granddad and I took a block plane to the dam. With great skill we shaved a little off the seven boards until the water splashed over the top. Granddad saw Johnnie coming and said he would be right back.

I lay in the weeds for an eternity as Johnnie counted and recounted the boards. He scratched his head and cursed. How could it be? The water shouldn't run over this soon. If he only knew he was nearly standing on my hand, the block plane at my side. Looking back, very little water was involved. Yet the principle was what mattered.

After a series of high-water years and a few other complications, I left Harney County. The U.S. Fish & Wildlife Service quit using the water as vigorously in the P Valley. The P Valley had the Donner and Blitzen River running through it. It was about 60 percent of the water that ran to the lake bottom. This put an artificial bottom in a lake that most years nearly dried up. So, when the high-water years of the early '80s came along, a bunch of family ranchers became displaced boat people. The lake had grown to the point that many ranches were now submerged.

I left for one of the driest parts of the driest state in the nation. How in the world could a water fight follow me to Nevada? Nothing here hardly to fight over. A few springs for



Rancher/pilot Dean Baker says: "When an area loses its water, it loses its future.... They say, 'trust us.' Well, when they put that pipe in, do you think they will just make it half full? They won't take some of it. They'll take it all." He vows "not to let eastern Nevada farms dry up to service Las Vegas."

had time to die a natural death in the town. The silver boom of the late 1860s made it the wildest town in the West, where the office of the Lincoln County sheriff ran on bribes and even construction of the county courthouse was finagled through a series of bonds that cost taxpayers \$1 million before the building was condemned. The new courthouse, built in 1938, takes itself a lot more seriously in its art deco way, though one wonders why the county commissioners' hearing room is



stock water. A little snow in the winter. A few water trucks to get you from point A to point B. If you can adapt to this bedouin lifestyle you can live well enough to survive. Yet, here I am—and Las Vegas wants the water.

Did this all happen yesterday? No. Fifteen years ago, my mules and I ran into a man in the creek measuring the water. He told me that Las Vegas had hired his firm to measure the water a couple of times a year.

Armed with that knowledge, I raced my steed through the valley. Felt like Paul Revere. "Las Vegas is coming, Las Vegas is coming!"

Never even raised an eyebrow. The conventional wisdom was that the water rights went back to before Nevada was a state. Vegas better not try and, if it does, it had better bring its checkbook.

Well, I am a bedouin. No irrigation water rights. They surely won't want my few springs, and how cost-effective could it be to vacuum up the snow?

No matter, the Southern Nevada Water Authority is now proposing to build a \$2-billion-plus pipeline within sight of my Need More Sheep Company headquarters.

Having been dealt a bad hand or two in my short life, squeezing lemons and making lemonade has become an art form. When squeezing lemons you must first step back and find every positive thing you can about the new life-altering venture you are about to undertake. Then you grab your sense of humor. Mix that with a few twisted cynical thoughts, and then calmly say: "Well, other than that Mrs. Lincoln, how did you like the play?"

Realizing that it can always be worse, just remember to follow the money. As long as you keep your perspective, you will start to see

very clearly what all the possibilities are.

First, I am forever and ever against transferring water to Las Vegas. It is like buying a liquor store for a drunk, hoping that he will get tired of drinking if you let him have all he can get his hands on. Second, can I stop Las Vegas? Sorry, no big red S on my chest. I don't stop speeding bullets or locomotives. If, when this project is complete and for no particular reason I can no longer survive, please spell my name right on the check.

Sounds a little shallow? Yes, David did whip Goliath. Miracles do happen. Knowing the odds here in Nevada is also important. Like it or not, Las Vegas controls all branches of government in the state. Seventy percent of the revenue for the state government comes from Clark County. So let's hope they hit that underground Mississippi River in the first hole they drill. If not, maybe it will be more cost-effective to go to the ocean to get water. Warehousing people in the Vegas Valley in southern Nevada makes more sense to me than burying good farmland in Idaho or the central valley of California under houses. See how easy a positive spin comes to life?

All of a sudden, environmental groups are falling all over themselves to stage photo ops with the country folks. Yes, the same groups that just a few minutes ago painted targets on ranchers' backs. They feel our pain. They are here to help. There is no end to the obstacles they are willing to throw up for the poor, downtrodden, free-spirited, salt-of-the-earth. Well, just trust them and they will make it all better.

Mom had a one-liner saying beware of

strangers bearing gifts. The politicians in the state look like deer caught in the headlights. For or against, this thing is bigger than they are. Las Vegas knows that indoor plumbing and swimming pools or any other water theme in Las Vegas means more to the State of Nevada than all the rest of the state combined. Wishing ill will on Las Vegas would be counterproductive. Newton's law of gravity someday will take over and the urgency of growth may subside.

In the meantime, the Endangered Species

Act for the first time in a long time might become a little more compatible. We have a chance of bipartisan support for its change. Strange bedfellows abound.

Environmental groups know they can't stop Las

Vegas, so when the real deal making is done in Washington, D.C., the theme will be money and power, and hypocrisy will rule. The water will go to Las Vegas. The environmentalists will want power and money for their causes. They'll trade their newfound friends, the ranchers, for some other area or mountain range. Any endangered species in the way of the water pipeline be damned. The mitigation will give more wilderness control of more federal land to the special-interest groups than ever before.

And the ranchers? Well, they will look like the Thanksgiving turkey the day after Thanksgiving. Picked clean to the bone. Ladies and gentlemen, start your lemonade squeezers. Good luck, and good hunting. This is Nevada. This is high-stakes poker. If, when you sit down at the poker table you can't spot the sucker, it's you. ■





jammed into such a small backroom space in a corner of the basement.

Dairy rancher Bevan Lister sat in a dark corner of the room, while retiree Louis Benezet piled his papers on an open seat at the center of the four rows of audience chairs. Harvey Whittemore sat along the side, nearest the commissioners, and stretched his long arms out across the backs of empty seats on either side. Meetings are sometimes like body posture—it tells you a lot just by how it's arranged.

It was one of countless sessions in recent years conducted by the commissioners on a complex water issue that seems to grow like a

PHOTOS © TIM FINDLEY



*Nevada state engineer Hugh Ricci was born in Ely. It will be his decision that will change the face of eastern Nevada or Clark County. In the long run, there will only be one winner.*

tentacled beast, constantly demanding attention. The crowds of dubious county residents have dwindled away to a few like Benezet who keep their own careful records, or Lister who openly doubts how the county may repay all the \$4 million in “help” it has already been offered by Vidler Water Company in developing its resource. But Harvey, at least as comfortable in the small commission room as he is regularly in the state legislature, insists that he will be good to his word to protect Lincoln County from any loss. He has been to many of these meetings and is a presence who almost seems to be leaning on the stage of the raised-platformed commissioners’ desks.

He assures them again. Even with utility corridors through the county approved by Harry Reid’s legislation to benefit southern Nevada, Lincoln County water that Whittemore can claim will only go to his development at Coyote Springs. If there is any negative impact to



*Indian petroglyphs are overshadowed by the Fallon Naval Air Station in the distance, where they train Top Gun pilots and do pretty much whatever they like. After all, the government owns almost all of Nevada.*

Lincoln County, he will turn it off.

It is mildly interesting that he’s talking about the very region along highway 93 that used to be known as Cathouse Flat, which serviced Las Vegas until Lincoln County banned prostitution in the 1960s. In less troublesome ways, the long mountainous county that once included the train stop of Las Vegas in its boundaries is still a playground for middle class money of the metropolis. The capital of Pioche itself, spilling down a hillside just ahead of the mounds of tailings from long-played-out mines, dresses up in gaudy western fashion, pandering to the tourists with old saloons and an opera house, selling its history as souvenirs, and gradually more and more of its land as vacation and retirement homes. But even combined with some county work and a couple of correctional facilities, what tourist stops there are at Alamo, Caliente or Pioche allow the county to employ a few hundred residents not working on farms and ranches. Lincoln only has about 4,500 citizens, a large portion of whom are probably in need of a job if they don’t already work in Las Vegas. Why wouldn’t they listen to Harvey when he tells them he will bring it all closer?

Maybe it’s because the boom and bust of Pioche and Lincoln County was carried out over generations without popping up in full-form planned neighborhoods like Las Vegas. Lincoln County has a history. Clark County has a publicity agent.

Not so surprisingly, many in Lincoln who

strongly oppose the southern Nevada claims are themselves former residents of Las Vegas. “It’s our water,” they say with newfound pride.

\* \* \*

When Pat Mulroy says she loves somebody like Harvey, you can tell she really means it. When she doesn’t really say anything but sends an icy stare skating across her glass-topped desk at the mere mention of Vidler, it’s obvious she means something else.

Vidler Water Company Inc. is a consulting and development firm headed by the opposite number of Mulroy, Dorothy Timian-Palmer, who formerly ran the Carson City water district and now heads the deceptively modest-sized Vidler business in the state’s capital. Vidler only has about a dozen employees, but it is backed by PICO holdings of La Jolla, Calif., which also owns the Nevada Land and Resource Company (NLRC), which in 1997 acquired all the rights-of-way granted to the Central Pacific Railroad. Its checkerboard holdings of 1.2 million acres make NLRC the largest private landowner in the state.

Vidler thus had the bankroll, and even the implied historic background it takes to enter the game, and in 1998 put in its own claims to unappropriated water along the eastern valleys, right on the stack of bets already placed by Mulroy and Whittemore in Lincoln and White Pine counties.

Mulroy considers Vidler and Timian-

Palmer to be speculators and buccaneers. The feelings between the two women have been described as something like that between Tonya Harding and Nancy Kerrigan.

"We came along at a time when they [SNWA] could have stormed right over eastern Nevada," says Stephen Hartman, the corporate counsel for Vidler, whose steady, facts-only responses are intentionally meant to take any emotional edge off the argument. "We're in Lincoln County to help Lincoln County. Nothing else."

Vidler represents something relatively new in the management of public resources, especially in what was once considered the nonmarketable value of public water rights. But Hartman insists the company is not trying to sell Lincoln County's water, only to develop it and manage it for the good of the county. Since Lincoln itself can't afford to do that by taking care of all the legal details and plumbing the deep aquifer, Vidler would take on the expense and cover it later with profits shared by the county. In effect, Vidler offered to be Lincoln County's water agent and much to the distress of Pat Mulroy, the county accepted the deal. Mulroy struck her own agreement granting Lincoln County first claim on its own water, but preventing the county and Vidler from selling it to SNWA. Lincoln's main and maybe only client would have to be Coyote Springs.

If for the state engineer it is going to be a Solomon's choice over who claims the baby as her own, Vidler is declaring its stance as the wet nurse—the only party, according to Hartman, who really cares about Lincoln County's sustainable future.

\* \* \*

Harry Reid had spent those early years of the '90s at the end of his first term developing a reputation of himself which he arrogantly defined as "The Devil in Churchill County." He used fast-shuffle "negotiations" and last-minute legislation to strip water away from farmers he once knew as a boy playing baseball for his hometown of Searchlight at the southern end of the state. The grown-up farmers he knew then sat before him at a special hearing in Fallon in 1992 and stared in shock as the little bully threw at their heads. Reid had fashioned a deal with environmentalists headed by The Nature Conservancy and with some of his old Del Webb gaming contacts now in the business of Las Vegas land development. The greens took the irrigation water and Del Webb bought the empty farms to trade for federal land around booming Las Vegas. "I know you don't like

me," the squinting senator told the farmers. "And that's too bad, because this train's leaving the station and you'd better be on it."

Six years later, when it became obvious that the federal land swaps possibly involving Vidler only posed more problems in finding water to serve the developments, it was Reid who introduced new legislation righteously

halting such federal land-swap deals as he once engineered. It was also Reid who introduced the Lincoln County Lands bill in 2004, directing the sale of some 90,000 acres of federal land in that county (98 percent of which is federal land), as well as authorizing a right-of-way for a massive 300-mile pipeline system bearing north from Las Vegas. The bill, inci-

## PROMISES, PROMISES...

*What's mine is yours. By Tim Findley*

Red Cloud went to Ft. Laramie, Wyo., in 1868, not to surrender, but to buy more time before his people could finally be forced away from their ancestral land in Nebraska's Platte River Valley. The Ogallala leader had no illusions about the future. In four trips he made east to plead his people's case over the next 10 years, thousands of people in Washington and New York came to hear and cheer Red Cloud—even after the defeat of Custer at the Little Big Horn.

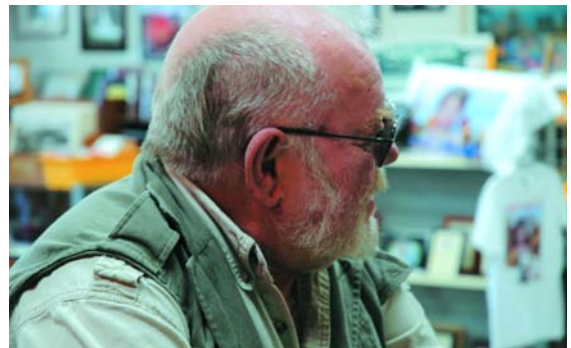
We in the West today seem to have no one with the eloquence and stature of Red Cloud or other Native American leaders. We do not even have an active tradition of temporary victories we can claim, unless it is as what the media continues to misconstrue only as George W. Bush's "red state" success in the last national election. It is as if our cause, as second-class citizens, can only be defined by the election of one candidate, one "chief." Yet like the Sioux and the Cheyenne and so many others, we surely know we must find a way to cope in face of the onslaught or be overrun. Even then, we wonder if the sacrifices we make can promise us peace.

I am certain that if we could push aside the obstacles to speak with one voice as Red Cloud did, we might be met with cheers and surprising support among even the "blue" piles of population mass today in Washington or New York. If someone could speak for us as a people and not a cartoon, it would be understood.

But we are in a conflict beyond our control when even the U.S. Supreme Court opens the way to our property being seized by greed. We have little hope when our elected representatives cynically use their power to enrich

themselves by trading away our rights and even our livelihoods to make possible what Las Vegas water boss Pat Mulroy referred to as "blanketing" claims to water rights in rural Nevada.

We are told our resources do not belong to us, but to all the people, as if we are too few to matter. We are told that we should expect to be governed by people who can afford to be generous, and then we are asked to give them more. We are warned not to resist or



*Tim Findley, above, drove more than a thousand miles to cover this story. He interviewed key players in Las Vegas, Carson City and eastern Nevada, and always followed the water.*

complain, but to trust in leaders appointed for us in some mysterious circles. If we would prosper, we are advised, they must prosper first.

Are "community" developers of our time different from the land-grabbers of another? Are politicians in wire-rimmed glasses and pasted-on smiles any different today than when they made the way clear for corrupt traders and agents a century ago, and can you not see the similarity of those sleazy thieves to the self-righteous accumulations of "environmentalists" like The Nature Conservancy?

Said Red Cloud: "They made us many promises, more than I can remember, but they never kept any promises except one; they promised to take our land, and they did." ■



dentally, also establishes 768,000 acres of wilderness, covering, some say, every mountaintop in the state. And with time getting short, Reid urged the Bureau of Land Management to expedite an environmental impact statement on the impacts of moving water south. Could he have played some greater or more helpful role?

\* \* \*

White Pine and Nye counties had also been invited to meet with Vidler to discuss some sort of protective partnership. Nye just ignored it, aware in part that a major pool of the aquifer might be found beneath the farm-rich town of Pahrump. In White Pine County, a subsequent election voted out commissioners who even openly considered talks on relinquishing the water rights. Even so, beyond Lincoln County it was like waiting for a runaway truck.

“The precedent has already been set for someone to move the water,” says White Pine County Commissioner Brent Eldridge, “but it’s still not clear how they will do it and we won’t sell until it’s certain what impact it will have on our rural way of life. Ranching, mining, even tourism—it has the potential to take away all three.”

Like Pioche, Ely guards a lost mine that was once the heart of its existence. With more tourist and commercial traffic on U.S. 50, Ely isn’t quite as isolated as the Lincoln County capital. But part of the expenditure of the Chamber of Commerce in recent years has been for ads in the Las Vegas papers asking new industries to consider relocating. In July, White Pine commissioners faced a \$250,000 deficit in their fiscal budget. State authorities were called in to manage the county’s financial affairs until 2006.

The deep aquifer is thought to lead into Ely in the Steptoe Valley, and though that valley may be the richest of all, southern Nevada abandoned its claims on it to avoid an even bigger battle with the White Pine county seat. Instead, Mulroy and Whittemore are confronted most actively by Dean Baker, a wiry second-generation rancher in the Snake Valley with three grown sons just as dedicated as he is to protecting water rights on their own nearby ranches. Baker is a pilot who keeps his four small planes, including a crop duster, in a hanger at his place in the tiny town named for his family.

He is no Harvey Whittemore, but he is equally determined that no water will be carried out of the Snake Valley (population: Baker himself and about 350 others) until it is absolutely certain that it would have no effect on a water table so rich in this exceptional spring that you can plunge a fist in the earth and create a well.

“It might not be known for years or decades what pumping that deep aquifer might do to the water table,” Baker says. “In any case, if we just let them do it, there would be no way to fix the damage that is done. We’re not going to let our farms dry up to service Las Vegas or southern Nevada. Whatever is taken that deep can never be replaced. You can’t convince me there is no connection to the surface water.” The energetic and sometimes low-flying Baker is rounding up a grassroots movement in White Pine County and beyond, willing to take their case to the federal courts if necessary.

In White Pine County, where Vidler recently countered Whittemore with the purchase of its own valley ranch, the stakes are rising. “I don’t know one rural landowner who would consider selling at this point,” says Eldridge, “but I know the position of those in the south is that money can buy anything.” In the Spring Valley, where they share a ranch, Eldridge’s brother George has been operating a drill on their property for weeks. He has broken three bits trying to punch through a deep limestone layer.

Money may be the answer but, in the end, the question may be whether it can buy character. That is the difficult to pose question that hangs in the Lincoln County Courthouse as Louis Benezet looks for more answers under the looming presence of the state’s most accomplished lawyer/lobbyist and the uncertain gaze of rancher/commissioner Rhonda Haslet, who refuses even to return press calls.

“Change is inevitable,” Commission



*Punching a hole in the ground to reach a mythical ocean-size aquifer may just be a pipe dream, but no one knows what pumping will do to the water table. People in rural Nevada fear being left high and dry while Las Vegas waters its golf courses—thirty-*

Chairman George T. Rowe says simply, but with regret. "We're looking out for Lincoln County as best we can." Rowe's grandfather helped found one of the first mines in the county, and Rowe served a triple career as postmaster of Caliente, Tonopah and Pioche before retiring. "Maybe," he says, "this will get people back here who can love this life."

Active talks are underway among all the rural counties in the state to form some kind of mutually protective agreement that might counter the leviathan approach of southern Nevada. But they meet cautiously, knowing that what is at stake is more than just family folklore.

"I don't know," the woman in the Alamo Meadows motel near the southern edge of Lincoln County says. "It's not really 'our' water. It's the state's water, and they're going to do whatever they want. They're going to drain our fields and our lakes sooner or later and leave us dried up, just like the Owens Valley."

The last billboard on 93 heading south out of Alamo is a sadly neglected metal sign oxidized to red, but still readable for the good

information warning of "no gas" between there and Las Vegas, 90 miles down the highway. Harvey Whittemore means at least to shorten the distance. What else he might change is the heart of the problem, but he promises—they all promise—that Lincoln and White Pine counties won't be hurt.

Even state engineer Hugh Ricci, who must make the ultimate decision on claims to the long-lost deep aquifer, is torn by experience typical of a Nevadan his age. He does

present a highly respected professional presence, schooled and worthy perhaps of a water Solomon in a difficult science. He is also firmly honest in admitting that he still feels his roots where he grew up in Ely.

In 2002, Ricci directed that the claimants produce a test well to be drawn for three years in an effort to establish what effects tapping the deep aquifer might have on the water table in eastern Nevada. So far, apparently due to complications presented by fish and wildlife authorities, the test has not begun. The utilities' corridor for pipelines that could stretch beyond 350 miles is in place; the still-

**"If, when you sit down at the poker table you can't spot the sucker, it's you."**

clumsy deal between Vidler and Lincoln County has already cost millions, which makes Bevan Lister wonder how the county might pay back its share someday. But until Ricci can see the proof, the claims remain in limbo and the deep aquifer remains a legendary untapped treasure.

"It will all work out," says Pat Mulroy in her especially imperative manner. "It's just a matter of trusting each other."

"We're grading that ground right now," declares Harvey Whittemore. "Our first golf course at Coyote Springs will be ready by March."

Like the rabbit hole that swallowed up Alice, the search leads on, curiouser and curiouser. In that Louis Carroll fable, Alice asks the Cheshire Cat which way she might go next. "That depends a good deal on where you want to get to," replies the cat.

\* \* \*

"Las Vegas is coming," the sheepherder thought to himself those many years ago before he remounted his mule and rode on, unable to stop thinking about it. ■

*Tim Findley didn't want to write this story. He wonders whether money can buy character and how much more than water rights will go down the drain. Who wins? Who loses?*



Northern Nevada sheep Rancher Hank Vogler's headquarters will be within sight of the proposed \$2-billion-plus water pipeline for Southern Nevada Water Authority. Vogler says transferring water to Las Vegas is like buying a liquor store for a drunk, hoping he'll tire of drinking.