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**COLORADO RIVER COMMISSION**  
OF NEVADA

December 10, 2001

Clean Water Coalition  
C/O PBS&J  
Attn: Carrie Stewart  
901 N. Green Valley Parkway, Suite 100  
Henderson, Nevada 89074

Re: Scoping Comments regarding CWC's Proposed Effluent Interceptor Project

Dear Ms Stewart:

Pursuant to your invitation in the notice of public information and scoping meeting for the Clean Water Coalition's ("CWC") Proposed Effluent Interceptor, the Colorado River Commission offers the following comments:

Nevada's Colorado River Return Flow Credit:

In 1975, the Nevada State Engineer issued Permit Number 29814 to the State of Nevada, Division of Colorado River Resources, now the Colorado River Commission of Nevada ("CRC") for the right to appropriate the waters of the Las Vegas Wash, including all water tributary to the Wash, whether from ground water, surface water or precipitation, in the amount of 683 cfs or 461,890 afy, provided the permit does not guarantee delivery of water to the Wash from wastewater treatment plants. ("CRC Permit 29814") CRC Permit 29814 was issued primarily for the purpose of protecting the water that returns through the Las Vegas Wash and becomes a basis of Colorado River return flow credit pursuant to Article V of the Supreme Court Decree in *Arizona v. California*. Any significant interference with the volume of Nevada's Colorado River return flow credit should be avoided.

Accordingly, in developing the environmental assessment for the Proposed Effluent Interceptor Project, the Bureau of Reclamation should consider whether the Project will have any effect upon the return Colorado River flow available to the State of Nevada for purposes of obtaining return flow credits from the Bureau. In particular, the Bureau should analyze what, if any, effect the project will have on the relative rights and

responsibilities of the CWC members and the CRC under their respective permits for appropriation of waters from and tributary to the Wash and any related secondary permits. For your convenience, we have attached hereto two tables that list the surface water rights and permit applications related to the Las Vegas Wash and Colorado River return flow of which we are aware. If the Bureau concludes the project will have no effect on Nevada's Return Flow Credit, this should be stated in the environmental assessment.

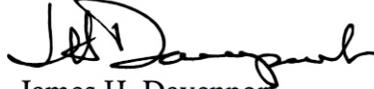
#### Integration of Effluent Interceptor and Other CWC Effluent Projects:

The CWC's Effluent Interceptor Project was developed as a component of a cooperative "Alternative Discharge Study," following on a recommendation of the 1997 Las Vegas Valley Watershed/Wastewater Needs Assessment Study calling for a feasibility study of alternate discharge locations, i.e., alternatives to discharging treated wastewater effluent into the Las Vegas Wash. The project alternatives listed in the Alternate Discharge Study Implementation Plan included several other elements, including Off Channel Wetlands Element, Sediment Impoundment Element, Floating Wetlands Element, Effluent Interceptor Element, Downstream Conveyance with Outfall/Diffuser Element, and Process Enhancement Element. The Effluent Interceptor Project was selected for immediate attention, as it could be evaluated independent of the others and developed without mutual exclusion of the alternatives elements.

We are particularly concerned that representatives of Lower Colorado River Basin states and the Republic of Mexico be permitted to express their views regarding the Downstream Conveyance with Outfall/Diffuser Element of the Alternate Discharge Study Implementation Plan. It is important that the process for consideration of the Downstream Conveyance Element, and the Effluent Interceptor Project to the extent it is related to the Downstream Conveyance Element, include an opportunity for other Lower Colorado River Basin state representatives to be heard. It is unclear at this time whether the Effluent Interceptor Project and the Downstream Conveyance Element are connected. A Boulder Basin Limnological Study, Colorado River Outfall Location Analysis and Colorado River Outfall Model are planned steps toward further consideration of the Downstream Conveyance Element. Inasmuch as other discharge alternatives continue to be considered, the Bureau should discuss in its Effluent Interceptor environmental assessment the extent to which the Effluent Interceptor environmental assessment will establish the Bureau of Reclamation's compliance with the National Environmental Policy Act, and CEQ Regulations with respect to its actions, if any, necessary to the Downstream Conveyance Element. The Effluent Interceptor environmental assessment should thus discuss whether these actions are "connected," 40 C.F.R. 1508.25 (a)(1), whether the impacts of them would be "cumulative," 40 C.F.R. 1508.7, or appropriate for "tiering," 40 C.F.R. 1502.20. "Tiering" is appropriate "when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe." 40 CFR 1508.28.

If you have any questions or need additional information, please contact me at (702) 486-2689.

Sincerely,



James H. Davenport  
Chief Water Division  
Colorado River Commission of Nevada

cc w/encl: Mr. Doug Karafa  
Clark County Sanitation District  
5857 E. Flamingo Road  
Las Vegas, NV 89122

Ms. Leslie Long  
City of North Las Vegas  
2829 Fort Sumter Drive  
North Las Vegas, NV 89030

Mr. James (Pat) Green  
Regional Environmental Officer  
U.S. Bureau of Reclamation  
Lower Colorado Region, LC-2530  
P.O. Box 61470  
Boulder City, NV 89006-1470

Mr. David Mendenhall  
Division Chief  
City of Las Vegas  
6005 E. Vegas Valley Drive  
Las Vegas, NV 89142

Mr. Dennis Porter  
Public Works Director  
City of Henderson  
240 Water Street  
Henderson, NV 89015

**Table 3.1  
Summary of Surface Water Rights Related to the LV Wash and Colorado River Return Flow**

App. No.	Date App. Filed	Application Owner <sup>12</sup>	App. Status <sup>13</sup>	Water Source <sup>14</sup>	Annual Duty (afy)	Secondary Use		Comments
						Contracted Amount (afy)	Available (afy)	
722	11/07/07	Albert L. J. Clark	CER	SPR	480			Source is spring; point of diversion is near Lake Mead Dr. and Valley Verde Rd.
2299	12/26/11	Ed W. Clark	CER	STR	160			Point of diversion near Duck Creek/Pittman Wash confluence.
4775	12/12/17	Hotel Nevada Mining Co.	PER	SPR	18			
5395	02/20/19	D. P. Stadelman; R. R. Stadelman	CER	STR	474			Point of diversion at Duck Creek
7726	04/24/26	Edward M. Taylor Estate	CER	STR	183			
11511	03/08/46	Frank Seibert	CER	STR	240			Source is Las Vegas Creek
11744	01/10/47	BMI	CER	EFF	50	50	0	
11757	01/22/47	Margie Grubb	CER	EFF	25	25	0	Source is Las Vegas Wash
17199	03/07/57	CLV	PER	EFF	10,000	4,106	5,894	
21014	02/04/63	CLV	PER	EFF	33,600	0	33,600	
21364	06/13/63	BMI	CER	EFF	120	120	0	
21587 <sup>11</sup>	10/23/63	CC	PER	EFF	11,900	2,000	9,900	
21635	11/18/63	BMI	PER	EFF	800	800	0	
21728	01/02/64	CCSD	PER	EFF	12,000	6,917	5,083	
24684	09/13/68	Stewart Brothers	CER	EFF	120	120	0	
<b>General Permit Rights Senior to CRC General Permit</b>					<b>1,555</b>			
<b>Primary Permit Rights Issued Prior to CRC General Permit</b>					<b>68,615</b>	<b>14,138</b>	<b>54,477</b>	
29814	11/28/75	CRC	PER	OSW	461,891			Source is Las Vegas Wash; point of diversion at Saddle Island, SNWS Intake
45746	06/02/82	CC	PER	EFF	110,897	0	110,897	
46158	09/16/82	NLV	RFP	EFF	11,201	0	11,201	
47242	09/12/83	CC	RFA	OSW	1,086			Point of diversion at Las Vegas Wash
47734	02/27/84	HEND	PER	EFF	9,120	9,120	0	
51838	02/18/88	CCSD	PER	EFF	41,498	4,455	37,043	
52099	05/17/88	CC	PER	EFF	100	100	0	
53111	04/10/89	CC	WDR	EFF	11,900	0	0	
53883	09/25/89	DUMPCO Inc.	WDR	EFF	100	0	0	
55508	12/07/90	HEND	PER	EFF	12,740	12,740	0	
56247	04/29/91	CLV	PER	EFF	30,356	5,605	24,751	
56341	05/22/91	CCSD	RFA	EFF	0	0	0	
58390	12/11/92	LLV	CER	OSW	2,029			Source is the Las Vegas Wash
61485	08/28/95	CC	PER	EFF	49	49	0	
V07659	04/25/96	LVVWD	VST	SPR	6,000			
64436	09/04/98	CLV	PER	EFF	13,450	13,450	0	
64853	02/16/99	CLV	PER	EFF	1,680	1,115	565	
65000	04/02/99	CCSD	RFA	EFF	11,200			
<b>General Permit Rights Junior to CRC General Permit</b>					<b>2,029</b>			Totals do not include permit applications 47242,
<b>Primary Permit Rights Issued After CRC General Permit</b>					<b>219,890</b>	<b>46,633</b>	<b>173,257</b>	53111, 53883, 56341, V07659, or 65000

Source: NDWR Water Rights Database, 09/27/99 (basin 212), 10/01/99 (basin 215)

<sup>11</sup> Permit application changed by permit numbers 52099, 53883, and 53111.

<sup>12</sup> Application Owner

BMI - Basic Management Inc.  
 CC - Clark County  
 CCSD - Clark County Sanitation District  
 CLV - City of Las Vegas  
 HEND - City of Henderson  
 NLV - City of North Las Vegas

<sup>13</sup> Application Status

ABR - Abrogated  
 CAN - Cancelled  
 CER - Certified right  
 EXP - Expired  
 PER - Permitted right  
 RFA - Ready for Action  
 RFP - Ready for Action - Protested  
 WDR - Withdrawn

<sup>14</sup> Water Source

EFF - Effluent  
 OSW - Other Surface Water  
 SPR - Spring  
 STR - Stream

Table 3.2  
Surface Water Permit Applications Related to the Las Vegas Wash and Colorado River Return Flows

App. No.	Date App. Filed	Application Owner <sup>13</sup>	App. Status <sup>14</sup>	Water Source <sup>15</sup>	Diversion Rate (afy)	Annual Duty (afy)	Secondary App. No.	Date App. Filed	Application Owner	App. Status <sup>14</sup>	Type of Use <sup>16</sup>	Diversion Rate (afy)	Annual Duty (afy)
722	11/07/07	Albert L. J. Clark	CER	SPR	724	480							
2299	12/26/11	Ed W. Clark	CER	STR	290	160							
4775	12/12/17	Hotel Nevada Mining Co.	PER	SPR	18	18							
5395	02/20/19	D. P. Stadelman; R. R. Stadelman	CER	STR	474	474							
7726	04/24/26	Edward M. Taylor Estate	CER	STR	243	183							
11511	03/08/46	Frank Selbert	CER	STR	290	240							
11744	01/10/47	BMI	CER	EFF	579	50							
11757	01/22/47	Margie Grubb	CER	EFF	36	25							
17199	03/07/57	CLV	PER	EFF	0	10,000	S01	11/21/57	LDS	CER	IRR	4,344	752
							S02	06/16/60	LDS	CER	IRR	3,620	766
							S03	10/12/61	LDS	CER	IRR	7,240	1,600
							S04	11/16/62	J. Wollenzien	CAN	IRR	0	0
							S05	11/16/62	L. Wood	CAN	IRR	0	0
							S06	06/16/64	NPCo	WDR	PWR	0	0
							S07	05/14/65	NPCo	CER	PWR	2,458	987
							S08	02/28/91	Breslin Builders	WDR	OTH	0	0
21014	02/04/63	CLV	PER	EFF	0	33,600	S01	10/27/70	NPCo	CAN	IND	32,260	32,260
21364	06/13/63	BMI	CER	EFF	434	120							
21587 <sup>11</sup>	10/23/63	CC	PER	EFF	11,900	11,900	S01	12/27/72	International Community Development	WDR	IRR	0	0
							S02	07/17/78	Paradise Valley CC; Summa Corporation	WDR	REC	1,260	1,228
							S03	07/03/80	CC	RFA	REC	724	260
							S04	12/09/82	CCPR	PER	IRR	0	2,000
21635	11/18/63	BMI	PER	EFF	0	800							
							S01 <sup>12</sup>	10/14/65	NPCo	CER	IND	6,087	6,087
							S02	10/27/70	NPCo	CAN	IND	0	0
							S03	01/04/71	United Ventures	WDR	REC	0	0
							S04	03/21/71	CC	CER	IRR	1,086	496
21728	01/02/64	CCSD	PER	EFF	0	12,000	S05	05/11/73	International Community Development	CAN	IRR	0	0
							S06	04/14/77	Paradise Valley CC	WDR	REC	1,260	400
							S07	08/04/93	CC	PER	REC	304	304
							S08 <sup>12</sup>	03/03/94	NPCo	PER	PWR	30	30
24684	09/13/68	Stewart Brothers	CER	EFF	742	120							
29814	11/28/75	CRC	PER	OSW	461,891	0							
45746	06/02/82	CC	PER	EFF	110,897	0							
46158	09/16/82	NLV	RFP	EFF	11,201	0							
47242	09/12/83	CC	RFA	OSW	1,086	0							
47734	02/27/84	HEND	PER	EFF	9,120	9,120	S01	10/04/84	HEND	WDR	IRR	9,120	9,120
							S02	12/07/90	HEND	PER	MUN	9,120	9,120

**Table 3.2  
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51838	02/18/88	CCSD	PER	EFF	41,498	0	S01	10/19/89	Breslin Builders	CER	REC	7,964	2,891
52099	05/17/88	CC	PER	EFF	0	100	S02	01/22/90	Washington Construction Co.	EXP	OTH	840	224
53111	04/10/89	CC	WDR	EFF	11,900	11,900	S03	04/26/90	NPCo	CER	IND	660	660
53883	09/25/89	DUMPCO Inc.	WDR	EFF	0	100	S05	10/06/97	National Golf Operating Partnership	PER	REC	629	629
55508	12/07/90	HEND	PER	EFF	12,740	12,740	S04	05/26/98	Palm City Developers, LLC	PER	CON	724	275
56247	04/29/91	CLV	PER	EFF	30,356	30,356	S01	10/06/89	DUMPCO Inc.	PER	OTH	0	100
56341	05/22/91	CCSD	RFA	EFF	0	0							
58390	12/11/92	LLV	CER	OSW		2,029							
61485	08/28/95	CC	PER	EFF	49								
V07659	04/25/96	LVVWD	VST	SPR	6,000	6,000							
64436	09/04/98	CLV	PER	EFF	16,832	13,450	S01	12/16/98	LLWD	PER	MUN	12,740	12,740
64853	02/16/99	CLV	PER	EFF	3,620	1,680	S01	02/16/99	CLV	PER	IRR	1,115	1,115
65000	04/02/99	CCSD	RFA	EFF	11,200								

Source: NDWR Water Rights Database, 09/27/99 (basin 212), 10/01/99 (basin 215)

<sup>11</sup> Primary permit changed by permit numbers 52099, 53883, and 53111.

<sup>12</sup> Point of diversion for 30 afy of secondary permit number S01 changed by S08.

<sup>13</sup> Application Owner

- BMI - Basic Management Inc.
- CC - Clark County
- CCSD - Clark County Sanitation District
- CLV - City of Las Vegas
- HEND - City of Henderson
- NVL - City of North Las Vegas

<sup>14</sup> Application Status

- ABR - Abrogated
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- CER - Certified right
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- WDR - Withdrawn

<sup>15</sup> Water Source

- EFF - Effluent
- OSW - Other Surface Water
- SPR - Spring
- STR - Stream

<sup>16</sup> Type of Use

- CON - Construction
- IND - Industry
- IRR - Irrigation
- MUN - Municipal
- REC - Recreation
- PWR - Power
- OTH - Other

