



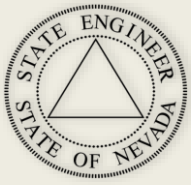
NEVADA DIVISION
OF WATER RESOURCES



Hearings on Proposed Orders for Hydrographic Basins

Nevada Division of Water Resources

Various Counties within Nevada in October 2020



Tim Wilson, P.E.
State Engineer

**Adam Sullivan,
P.E.**
*Deputy
Administrator*

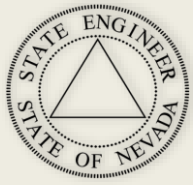
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Introductions

- Purpose of Hearing
 - Provide notice of proposed orders
 - Take testimony on proposed orders
- Hearing is being recorded for the records of the State Engineer, and will be available online
- Mandates issued pursuant to the Declaration of Emergency on March 12, 2020, in response to COVID-19, and in effect at the time of the public hearing, will be followed



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
Deputy
Administrator

Micheline
Fairbank, J.D.
Deputy
Administrator

Bradley Crowell
Director



Hearing Documents

1 News Forms Water Rights Programs Mapping & Data Hearings FAQ Calendar

State of Nevada
Division of Water Resources

NDWR Office Closure Due To COVID-19
NDWR office buildings are currently closed to the public until further notice.

Site Search

News

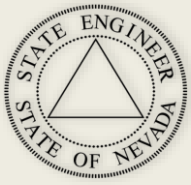
Recent	General	Recent Presentations	Hearings, Adjudications, and Orders	Well Driller and Surveyor News	Water Right
Humboldt Announcements	Humboldt Orders	Humboldt Presentations	Walker River Curtailment	Diamond Valley GMP	LWRFS
AB 62 Regulations	Order 1307	Proposed Orders			

2

Proposed Orders

- Proposed Orders
 - Dry_Valley_(095)
 - Notice_of_Hearing
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Churchill_and_Washoe_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Elko_and_WhitePine_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Esmeralda_Mineral_Nye_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Humboldt_and_Pershing_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Lincoln_County.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Lincoln_WhitePine_Nye_Clark.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Mineral_Esmeralda_Lyon_and_Churchill_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Nye_Eureka_WhitePine_Lincoln.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_Pershing_and_Churchill_Counties.pdf
 - Notice_of_Hearing_on_Proposed_Orders_for_Hydrographic_Basins_within_White_Pine_Elko_and_Lincoln_Counties.pdf

<http://water.nv.gov/news.aspx?news=Proposed%20Orders>



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

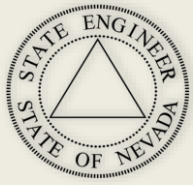
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Overview

- Division of Water Resources
- Terminology
- Different types of proposed orders
- Designating a basin
 - Purpose
 - Additional tools
 - Procedure
 - Investigation
- Guidelines for providing testimony
- Proposed order by hydrographic basin
- Public comment



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director

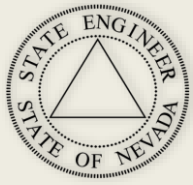


Testimony

- Oral testimony during hearing
 - Testimony will be limited to not more than 5 minutes per person
- Written testimony
 - Submitted by mail to

State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701

Nevada Division of Water Resources



Tim Wilson, P.E.
State Engineer

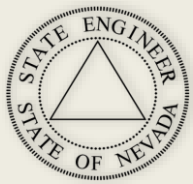
Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

*To conserve, protect, manage and enhance the
State's water resources for Nevada's citizens
through the appropriation and reallocation of the
public waters.*

Bradley Crowell
Director





Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Terminology

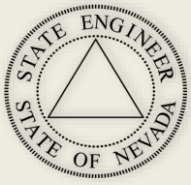
Hydrographic Basin

- 14 Hydrographic Regions
- 256 Hydrographic Basins
- Maps on Division Website
 - <http://water.nv.gov/>



Manner of Use

- How the water is being used
- Specifying the manner of use is up to the applicant
- Ex. IRR, MUN, COM, IND, MM



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Terminology

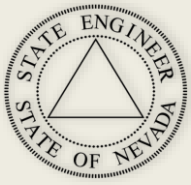
Perennial Yield

- The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be withdrawn each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be utilized for beneficial use. The perennial yield cannot be more than the natural recharge to a groundwater basin and in some cases is less.¹

¹ Office of the State Engineer, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

Designating a Basin: Purpose

- Protects existing water rights holders
 - Proposed actions directed to new appropriations of groundwater in the basin
- Manage the resources in a sustainable manner
- Evaluate the management needs of a basin
- Incremental step increasing the State Engineer's proactive management of a basin
- Only pertains to groundwater



Tim Wilson, P.E.
State Engineer

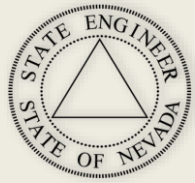
Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Different types of proposed orders



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

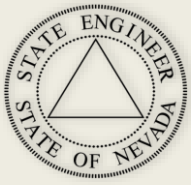
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



**Nevada Department of
CONSERVATION &
NATURAL RESOURCES**

- Designation
 - Does not change the terms of existing rights or status of pending applications
 - A water right is required before drilling a new well, unless it is a replacement well
 - Applications to change existing rights would be considered under NRS 533.370 criteria
- Designation, Establishment of Preferred Use, and Curtailment of New Appropriations
 - Does not change the terms of existing rights or status of pending applications
 - A water right is required before drilling a new well, but also new appropriations will be limited to the preferred uses specified in the order
 - Applications to change existing rights would be considered under NRS 533.370 criteria, except changes to manner of use to non-preferred uses



Designating a Basin: Additional Tools

- Designation of a basin, or portion of, allows the State Engineer to make additional management rules as provided in NRS Chapter 534
- Water right must be acquired before a well is drilled
 - Authority provided by NRS 534.050; Well driller duties by NAC 534.300; Waivers by NAC 534.440 - 534.446
- Making Rules, Regulations, and Orders
 - Authority provided by NRS 534.120
 - Ex. meter installation, meter reporting, preferred use, mine dewatering, curtailment
- Basin Assessments
 - Authority provided by NRS 534.040

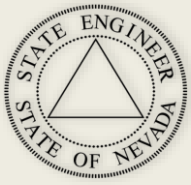
Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director





Designating a Basin: Procedure

- Administrative procedure
 - Authority is provided by NRS 534.030
- Hold a public hearing to provide notice of the intended action
- Take testimony from the public in support or opposition of the proposed actions
- Further investigate to determine if the basin is in need of additional administration
- The State Engineer issues an order to designate the area by basin, or portion therein

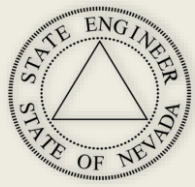
Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director





Designating a Basin: Investigation

Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

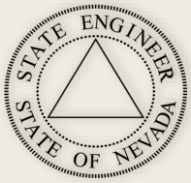
- Many factors are considered during the investigation, and these factors may not be the same for every basin
- Factors suggesting a need for further administration may include, but are not limited to:
 - perennial yield and available water budget of that basin
 - appropriations or committed resources
 - pending groundwater applications
 - quantity of water pumped with respect to the perennial yield
 - issues that could be addressed through further management
 - planned or existing development, including mineral exploration
 - the predominant manner of use
 - geography, i.e., common supply with another state, contains reserved or federal land within the basin
 - actively monitoring of the basin

Bradley Crowell
Director



Rules pursuant to NRS 534.120

- Establishment of Preferred Use
 - Limiting irrigation rights is a way to provide for other uses of water supporting the public interest, environmental benefits, economic growth
 - Irrigation as a non-preferred use means that no new appropriations for irrigation will be granted but also that applications to change the manner of use to irrigation will be denied
- Curtailment of New Appropriations
 - Only applications with a manner of use meeting the criteria of the exceptions listed on the final order will be considered for approval, still subject to NRS Chapter 533



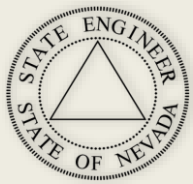
Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director





Tim Wilson, P.E.
State Engineer

**Adam Sullivan,
P.E.**
*Deputy
Administrator*

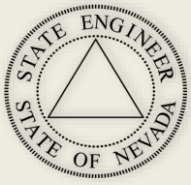
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Testimony and Questions

- If providing testimony
 - State your name
 - Specify if you are an owner of a well or groundwater right within the basin, or representing one
 - Indicate if you are for or against the proposed order
 - Provide brief statement
 - Testimony will be limited to not more than 5 minutes per person
- If asking questions
 - State your name before asking your question



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

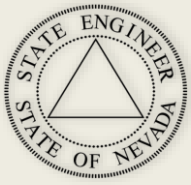
For Each Hydrographic Basin

- Exhibits
- Summary of proposed order
 - What is being proposed
 - Factors considered in investigation
 - Conditions that warrant the proposed actions
- Testimony and Questions

See hearing exhibits

Bradley Crowell
Director





Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

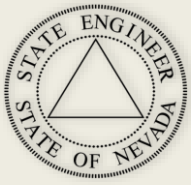
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Public Comment

- If providing public comment on any other topic
 - State your name
 - Specify which issue, other than the proposed order, you wish to speak on
 - Provide brief statement
 - Public comment will be limited to not more than 5 minutes per person
- If asking questions on any other topic
 - State your name before asking your question



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

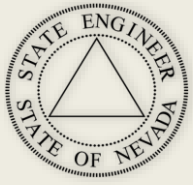
**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Additional Information

- Written Testimony
 - Submitted by mail to
State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701
- Recording with be available on the website
<http://water.nv.gov/news.aspx?news=Proposed%20Orders>
- CD Copies of Recording
 - Contact the Division at (775)684-2800 for fee information and a copy request form
http://water.nv.gov/forms/forms09/COPY_REQUEST_09.pdf



Tim Wilson, P.E.
State Engineer

Adam Sullivan,
P.E.
*Deputy
Administrator*

**Micheline
Fairbank, J.D.**
*Deputy
Administrator*

Bradley Crowell
Director



Contact:

Michelle Barnes, Hearing Section
775.684.2809 | mlbarnes@water.nv.gov

Melissa Flatley, Hearing Section, Chief
775.684.2882 | mlflatley@water.nv.gov

Nevada Division of Water Resources
<http://water.nv.gov>