Hearings on Proposed Orders for Hydrographic Basins

Nevada Division of Water Resources

Various Counties within Nevada in October 2020
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
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
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

To conserve, protect, manage and enhance the State’s water resources for Nevada’s citizens through the appropriation and reallocation of the public waters.
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
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- The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be withdrawn each year over the long term without depleting the groundwater reservoir.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

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
Different types of proposed orders

- **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
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
Designating a Basin: Investigation

- 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
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
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
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
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
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

• 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
Contact:
Michelle Barnes, Hearing Section
775.684.2809  mlbarnes@water.nv.gov

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

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