February 11, 2015
SB 65
Proposed comments by Washoe County Community Services Department

Sec. 9. "Diversion Rate Only" permits may be defined as those permits which do not appropriate any new or additional duty of water and provide for an alternative point of diversion or additional rate of diversion only.

Sec. 51. NRS 533.364 is hereby amended to read as follows:
14 533.364. In addition to the requirements of NRS 533.370,
15 before approving an application or group of applications, which collectively attempt to appropriate for an interbasin transfer of more
16 than [250 acre-feet of groundwater] 25 percent of the perennial
17 yield from a basin which the State Engineer has not previously
18 inventoried or for which the State Engineer has not conducted, or
19 caused to be conducted, a study pursuant to NRS 532.165 or
20 533.368, the State Engineer or a person designated by the State
21 Engineer shall conduct an inventory of the basin from which the
22 water is to be exported.

Sec. 68. NRS 533.481 is hereby amended to read as follows:
15 533.481 1. In addition to any other penalty provided by law,
16 the State Engineer may, after notice and opportunity for a hearing,
17 require a person who violates any provision of this chapter or any
18 permit, certificate, order or decision issued or regulation adopted by
19 the State Engineer pursuant to this chapter or NRS 532.120 to:
20 (a) Pay an administrative fine not to exceed $10,000 per day for
21 each violation as determined by the State Engineer.
22 (b) In the case of [an unauthorized] possession, storage and/or impoundment or use of water
23 without legal right or willful waste of water in violation of NRS
24 533.460, [or] an unlawful diversion of water in violation of NRS
25 533.463, or any other violation of this chapter that, as determined by
26 the State Engineer, results in an unlawful use, waste or diversion of
27 water, replace not more than 200 percent of the water used, wasted
28 or diverted.

Sec. 73. Before a person may obtain a right to the use of
8 groundwater from a basin, the person must ensure that wildlife
9 which customarily uses spring sources in the basin which could be
10 impaired by any groundwater pumping in the basin will continue
11 to have access to those sources.

Comment [a3]: Support the concept, but the proposed language is too broad. Does this apply to NPW APP or CHANGE APP? May want to impose a threshold quantity such as "xx acre-feet" or some distance from the spring "xx miles, or feet". The word "ensure" is subject to interpretation. Monitoring and Mitigation ????
Valid Behmaram