Susan: I have got stuck in Denver last night and may not get back in time for the SB65 and SB81 workshop today at 1:00pm. A summary of suggestions I would appreciate being considered in the discussion for improving the bills follows:

**SB 65**

General Comment - Need to preserve the first in time, first in right principle which underlies Nevada water law. In all cases senior rights must be protected. Any impact to senior rights by delivery of water to junior rights must not go unmitigated. Domestic wells must be considered in the total water budget for each basin and delivery of water to domestic wells at the expense of senior rights must be mitigated.

1. Page 49, Section 76, Subsection 2, Lines 9-15 - Implementation of a groundwater management plan may be very capital intensive and there needs to be some limit to the amount which the State Engineer can assess for implementation of the Plan each year. Without a limit, the assessment represents a significant fiscal uncertainty for counties potentially being required to impose such an assessment. If the assessment is included within the statutory ad valorem cap, the extent of the assessment may impact the ability of counties to fund other local government services. Suggest a process for including counties in the determination of the amount and process for implementation of the assessment be included in SB 65.

Comments on SNWA proposed amendments to SB 65 -
1. Between Section 9 and Section 10, SNWA has added, “4. This section does not apply to diversion rate only permits.” If the State Engineer is going to establish a duty in acre feet for all permits and certificates, not sure why this would be needed?
2. In Section 13 at line 13, SNWA has added "same county where the source of surface water or groundwater being adjudicated is located." In some cases the surface or groundwater which is subject to adjudication may be found in more than one county and hence notification in each county in which the water is located is recommended.

**SB 81**

1. Prior to a final decision to require any one or more of the actions identified in Section 4, the State Engineer should be required to undertake a public notification and hearing process on the effectiveness and impacts of implementing said actions. Use of the notification and hearing process outlined in Section 8, Subsection 3 of SB 81 is suggested.

Comments on SNWA proposed amendments to SB 81-
1. The SNWA proposed amendments to Section 4 might result in a basin never being adjudicated as a single large water right holder or small group of large water right holders could conceivably prevent an adjudication from going forward. The SNWA proposed amendment here also dropped "or portion of a basin" which is important to maintain and might address the issues of a few holders of water rights impeding an adjudication.

I trust these few comments to be of assistance in your discussions later today.

Mike Baughman, Ph.D.
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On Fri, Feb 13, 2015 at 10:26 AM, Susan Joseph-Taylor wrote:
> February 13, 2015
NOTICE OF PUBLIC WORKSHOPS
ON SENATE BILL 65 AND SENATE BILL 81

In response to public comment given during the February 11, 2015, hearing before the
Senate Committee on Government Affairs, Chairman Senator Pete Goicoechea has
requested the State Engineer proceed with holding public workshops to discuss Senate Bill
65 and Senate Bill 81 and possible amendments thereto.

The first of two public workshops will begin at 1:00 p.m., on Tuesday, February 17, 2015,
and the second will begin at 1:00 p.m. on Tuesday, February 24, 2015, in the Tahoe
Hearing Room, which is located on the second floor of the Richard H. Bryan Building at 901
South Stewart Street, Carson City, Nevada.

We are pleased to make reasonable accommodations for members of the public who are
disabled and wish to attend the workshop. If special arrangements for the workshop are
necessary, please call Susan Joseph-Taylor, Deputy Administrator, Nevada Division of Water
Resources at (775) 684-2872.

JASON KING, P.E.
State Engineer

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