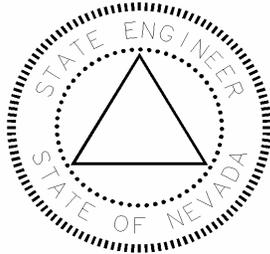


NEVADA DIVISION OF WATER RESOURCES ANNUAL NEWSLETTER TO LICENSED STATE WATER RIGHT SURVEYORS

May 2017



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MESSAGE FROM JASON KING, STATE ENGINEER

As I am writing this, we have approximately 30 days left in the 2017 Legislative Session. I can't remember a session where there have been more "water" related bills being introduced and discussed. I believe the proliferation of water related bills this session is directly tied to three things: 1) over-appropriated basins and domestic well use and their priority; 2) the recent prolonged drought; and 3) the ever increasing litigation associated with water right decisions. Two of those bills, Senate Bill (SB) 47 and SB 51 were introduced by our office. We characterize SB 47 as a "housekeeping" bill that we believe clarifies or makes minor adjustments to various sections throughout the water law. SB 51 is a modernization of the adjudication statutes found in Nevada Revised Statutes (NRS) Chapter 533. Much of the current language remains unchanged since introduced in 1919 and SB 51 is an attempt to modernize the language, not change the process.

Other bills of interest to water professionals are: Assembly Bill (AB) 52 dealing with dissolved mineral exploration (lithium); AB 138 which legalizes rain capture from single family dwellings; AB 209 dealing with forfeiture; SB 270 which puts a deadline of December 31, 2027, for filing proofs of vested claims; and AB 298 which addresses Monitoring, Management and Mitigation (3M) Plans. All the bills must pass both the Senate and Assembly and be signed by the Governor before becoming law.

Legislative activities aside, northern Nevada experienced one of the wettest winters of record. Reservoirs are being lowered in anticipation of the spring/summer runoff – it will be nice to have full reservoirs headed into the irrigation and peak water use season. I wish the same could be said for the Colorado River system. Although it has been a decent water year along the Colorado, the system is in dire need of a string of very wet years.

Please never hesitate to contact our office with any questions you have and as always, thanks for everything you do and I hope you have a great 2017!

Best Regards,
Jason King, P.E

Water Right Surveyor License Renewals

If your annual renewal is not received on or before the June 30th deadline, your license will expire and you will be required to submit a renewal form with a \$50.00 filing fee for reissuance of your license. New references will not be required if your renewal application is received prior to September 30th. After September 30th, it will be necessary to file a new application with references. When your three references have responded, you will be issued a new Water Right Surveyor number.

GIS Project Update

Over the past year, the Point of Diversion (POD) and Place of Use (POU) mapping efforts have expanded to include the vested claims of right that we had not previously digitized. As you may know, under certain circumstances, maps supporting vested claims of right may be filed at some time after the filing of the claim. With some research and assistance from the Division's Adjudication Section, we added nearly 600 vested claim PODs to our dataset. Currently, our data include 27,072 PODs and 14,777 POUs.

Along with digitizing features from new maps filed with our office and searching through the stacks to identify older decree and claim maps we can incorporate in the data, we continue to edit irrigation POUs to reflect any changes that occur at the time of certification. If you identify any errors or omissions in our features, please let us know and we will get the corrections made ASAP. The contact for corrections to the PODs and POUs is Matt Dillon, Water Resource Specialist; tel. 684-2856, email mdillon@water.nv.gov.

The Division has mapping applications for water rights, adjudications and hydrology data. Connections to the applications are here: [http://water.nv.gov/mapping.aspx?mapping=Mapping Application Links](http://water.nv.gov/mapping.aspx?mapping=Mapping+Application+Links)

Compliance Update

As the number of new Alleged Violation cases continues to increase each year, the Division's Compliance and Enforcement Program continues to successfully obtain compliance with statutes, regulations and State Engineer's decisions pursuant to Nevada water law. During calendar year 2016, 38 new Alleged Violation cases were initiated with 31 alleged violators came into compliance, 2 Finding of Alleged Violation and Violation Orders were issued, 1 Hearing to Show Cause was conducted.

Encumbering of Water Rights

If you've visited the Forms tab on the Division's website lately, you may have noticed a new set of **Guidelines for Encumbering Ownership of Water Rights-Notice for Lenders**. We split the two Guidelines so we could be more explicit on the differences between filing conveyance documents to update title and the two methods of filing encumbrances by lenders.

The Division receives hundreds of encumbrance documents every year from private individuals, banks, or financial institutions. There are two methods for filing these instruments with our office, each with its own pros and cons. The more formal method is to use the standard *Report of Conveyance* forms and provide a recorded copy of the Deed of Trust or Notice of Pledge forms. When filing the Deed of Trust instrument, the Notice of Pledge is redundant and unnecessary. This method receives the same treatment, as do conveyance documents to update the ownership of the possessory interest-tracked by entry into the Titles Database and a

letter of confirmation after processing. They are processed in receipt order, meaning they have to wait processing through the backlog period from actual receipt.

The optional method is preferred by the division because it offers essentially the same protection for the lender but is quicker, easier, and costs less. This *instrument filing fee method* requires a copy of a Notice of Pledge for each file and ten dollars per file. Within a few days of receipt, a copy is inserted in each file to be encumbered. No letter of confirmation is sent, but if an extra duplicate copy is provided with a SASE, it will be signed by a deeds technician and returned to the sender. A model Notice of Pledge form is a downloadable writable document from our Forms web page. Please note that this must be signed by both the lender and the borrower and must reference the original recording number of the Deed of Trust.

Under either method, when the loan is paid off, the reconveyance instrument needs to be forwarded to this office to release it on our records. These can be sent and will be filed without any fees or other documentation required but must indicate the water rights to be released specifically or by reference to the original document, which should already be on file here.

Before filing documents under either method, some consideration should be given to the following: Are these rights surface or ground, permitted, certificated, or decreed? Are they subject to forfeiture? Are any notices emanating from our office likely forthcoming? Do the nature of these rights allow for changes from the current encumbered place of use? For instance, a ranch with old certificated rights mostly for stock water from springs or even wells. These are not likely to be changeable (or forfeitable?) and may be on public lands. When we see these types of encumbrance requests submitted, one wants to ask why (?) when considering all the above. Remember, filing encumbrances on these does not prevent a future sale/transfer, but it can put a halt to our approval of an Application to Change the place of use. When encumbered rights are proposed to be changed, we will ask for a reconveyance or permission of the lender before approval of the change application.

Flood Awareness Week and Website

Nevada Flood Awareness Week. With the goal of increasing flood awareness and enabling Nevada citizens to become more flood resilient, the Floodplain Management staff and the multi-agency Nevada Flood Awareness Planning Team - in conjunction with the Nevada Silver Jackets - hosted Northern Nevada's inaugural Flood Awareness Week campaign the week of November 10-15, 2014. This Flood Awareness campaign included a Gubernatorial Proclamation, a press conference with the Governor, FEMA, State and local officials, the creation of an award winning, interactive website (nevadafloods.org), billboard advertisements, radio and television spots, distribution of flyers, brochures and booklets, flood model presentations for communities and schools, social media flood awareness materials posted to Facebook and Twitter, local community sponsored events and City and County flood awareness proclamations. Flood Awareness Week this year will be from November 13-17, 2017; please visit the Nevada flood information website at <http://nevadafloods.org/>. for more information on upcoming events throughout 2017.

This Elevation Certificate is Easier to Use

On March 1, 2017, the Federal Emergency Management Agency made a handier version of the Elevation Certificate for the National Flood Insurance Program available on its website (<https://www.fema.gov/media-library/assets/documents/160>). It's the same form - there were no substantive changes, and the actual look and physical format remain the same. What this version does is incorporates changes to the programming of the fillable PDF that make it easier to use.

The following improvements were made to the Elevation Certificate (FEMA form 086-0-33):

---Both items A8 and A9 now accept alpha and numeric characters.

---If the wrong box is checked in Item B12 (Coastal Barrier Resources System CBRS or Otherwise Protected Area), the user can highlight and delete to remove the selection.

---Section C2.a through C2.h and Section E have been adjusted to allow correct rounding for decimal input.

---Photos can now be deleted by clicking the “Clear Photo” button to the right of the caption box.

The expiration date, of November 30, 2018, remains on the form. As a reminder, only this fillable version or the four-page Elevation Certificate form released on June 6, 2016 can be used after January 1, 2017. No earlier versions can be accepted for CRS purposes. Note that an 8-page form-only version of the Elevation Certificate is available at the link above website so users can work with a smaller file size.

Totalizing Meter Reading Website

The Division launched a new website in May of 2016 that provides the public an additional way to submit their totalizing meter readings. This website provides the ability to see previous meter readings, annual usage data and information about the installed totalizing meters. The website also links some water right information that is associated with the point of diversion (POD) that the totalizing meter is located at such as the manner of use, location data and the permitted duty. To use the website a user account will need to be setup by the Division linking your totalizing meter with your account. This website has overall been quite a success. There have been some change requests and enhancements that will be implemented in the second half of 2017 as we strive to make this new website more robust and provide us with better reporting capabilities.

Website

The Division’s website has been reconstructed to not only provide a more modern look but to also make it responsive. This means that the website will render more efficiently across multiple devices such as desktops, tablets and smart phones. The website is continually updated with news briefs, hearing dates, coming events as well as new features. The website presents a “live” look at the Division’s Water Rights Database allowing the public to track the progress of pending applications or check the status of existing water rights. Visit us at <http://water.nv.gov>. This database is a very valuable and powerful tool for water right professionals and permittees. A recent change is the ability to customize the basin hydrographic abstract to include latitude and longitude fields. With this information, users can now create their own PODs. When using the coordinate information to display site events in GIS software e.g. ArcGIS, the coordinate system and datum must be defined for the events to display in the proper location. The latitude and longitude from our database are in decimal degrees. The Geographic Coordinate System is GCS North American 1983 and the datum is North American 1983, aka NAD83. The Division strives to make the database as complete and accurate as possible, but mistakes do happen. Please help the Division maintain and improve the database by notifying us of any omissions or errors that you may find. If you have any questions, comments or suggestions regarding the website, please email Brian McMenamy (bmcmenamy@water.nv.gov).