

JIM GIBBONS
Governor

STATE OF NEVADA

LEO DROZDOFF
Acting Director

JASON KING, P.E.
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

July 7, 2010

Great Basin Water Network, et al. v. State Engineer and Southern Nevada Water Authority

On June 17, 2010, the Nevada Supreme Court issued its new opinion in the matter of *Great Basin Water Network, et al. v. State Engineer and Southern Nevada Water Authority*. Since that time, the State Engineer has received multiple inquiries as to how he will interpret the decision and how that interpretation will be implemented. Although the State Engineer cannot state with certainty how that decision will be interpreted in all circumstances, he provides the following general response to those inquiries regarding the republication of a water right application:

Republication

All applications that were filed after March 31, 1947 and protested prior to July 1, 2002 that have not been acted upon and do not fall within the exceptions for actions found in NRS 533.370, will be republished pursuant to Nevada Revised Statute (NRS) 533.360. The cost of the republication shall be borne by the applicant.

The water rights issued to the Southern Nevada Water Authority (SNWA) under the 1989 applications in Spring Valley, Cave Valley, Dry Lake Valley and Delamar Valley will revert to application status. Those applications will be republished pursuant to NRS 533.360. The cost of the republication shall be borne by the applicant.

No Republication

Water rights that took longer than one year to act on but were eventually permitted or denied remain "as is" and require no further action. This includes the permits issued to SNWA in Hidden Valley, Garnet Valley, California Wash, Tikapoo and Three Lakes Valleys.

Any application that was not originally protested and is pending action, whether it has been more than one year since the last day of protest or not, is not subject to any additional action.

In addition, the following interpretations of the June 17th opinion are made:

Timing of Renoticing Protested Applications

There are many reasons why applications have not been acted on within the one-year time frame and will not be acted on in the immediate future; for example, top filings on claims of pre-statutory water rights that are under adjudication. The State Engineer will not be renoticing those applications until the time approaches for taking action. As to other applications, republication will be staggered as the workload of the agency can accommodate the work and the applications are ready to be acted on.

Protests to 1989 Applications and New 2010 Applications

When the State Engineer renotices the SNWA's applications in Spring, Cave, Dry Lake and Delamar Valleys, any person wishing to protest must file new protests to those applications. However, the original protestants to the 1989 filings do not need to refile their protests if they are content to stand on those original protests. The protests filed in response to the new 2010 applications cannot be transferred to the 1989 applications and the protest filing fee will not be refunded.