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BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

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In the Matter of:

Docket No. 24-_____

Application of Great Basin Water Co.,
Pahrump, Spring Creek, Cold Springs,
Pahrump, and Spanish Springs Divisions for
Approval of its 2024 Integrated Resource
Plan and to designate certain system
improvement projects as eligible projects for
which a system improvement rate may be
established, and for relief properly related
thereto.

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APPENDIX A
Fixed Asset Registry

Great Basin Water Company – Pahrump Division (Volume II)
Fixed Asset Registry

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Motor	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Screw Press Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Screw Press Motor 3	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Odor Scrubber Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Sludge Handling Equipment	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Screw Press 2	2005	25	2030	\$ 10,000	2 - Good, Minor Wear
Sludge Handling Equipment	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Screw Press 3	2005	25	2030	\$ 10,000	2 - Good, Minor Wear
Tank	NV-Mountain Falls	DEWATERING (WWTP MF)	DEWATERING Flocculator Tank 2	2005	50	2055	\$ 5,000	2 - Good, Minor Wear
Motor	NV-Mountain Falls	HEADWORKS (WWTP MF)	HEADWORKS Odor Scrubber Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	POST EQ (WWTP MF)	POST EQ Motor 1	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	POST EQ (WWTP MF)	POST EQ Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	POST EQ (WWTP MF)	POST EQ Motor 3	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	SAND FILTER 2 (WWTP MF)	SAND FILTER 2 Carriage Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	SBR 2 DECANter (WWTP MF)	SBR 2 DECANter Actuator Motor 1	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Mountain Falls	SBR 2 DECANter (WWTP MF)	SBR 2 DECANter Actuator Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Mountain Falls	WELL 1 (Mountain Falls)	WELL 1 Pump	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Mountain Falls	WELL 2 (Mountain Falls)	WELL 2 Pump	2018	10	2028	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Mountain Falls	WWTP MF LIFT STATION	WWTP MF LS Motor 1 (At Plant)	2005	15	2026	\$ 8,000	2 - Good, Minor Wear
Motor	NV-Mountain Falls	WWTP MF LIFT STATION	WWTP MF LS Motor 2 (At Plant)	2005	15	2026	\$ 8,000	2 - Good, Minor Wear
Effluent Pump	NV-Mountain Falls	WWTP MF LIFT STATION	WWTP MF LS Pump 1 (At Plant)	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Emergency Generator	NV-Pahrump	(WWTP 3)(WWTP F)	WWTP 3/F LS Generator (Portable)	2015	30	2045	\$ 55,000	2 - Good, Minor Wear
Emergency Generator	NV-Pahrump	ALFALFA BOOSTER STATION (Main System)	ALFALFA BOOSTER Generator	2016	30	2046	\$ 100,000	1 - Very Good, Like New
Motor	NV-Pahrump	ALFALFA BOOSTER STATION (Main System)	ALFALFA BOOSTER Motor 1	2004	10	2026	\$ 10,000	4 - Poor, Serious Wear
Motor	NV-Pahrump	ALFALFA BOOSTER STATION (Main System)	ALFALFA BOOSTER Motor 2	2016	10	2026	\$ 10,000	2 - Good, Minor Wear
Pump	NV-Pahrump	ALFALFA BOOSTER STATION (Main System)	ALFALFA BOOSTER Pump 1	2004	10	2014	\$ 10,000	4 - Poor, Serious Wear
Pump	NV-Pahrump	ALFALFA BOOSTER STATION (Main System)	ALFALFA BOOSTER Pump 2	2016	10	2026	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	BACKWASH LS (WWTP 3)	BACKWASH LS Pump Motor 1	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	BACKWASH LS (WWTP 3)	BACKWASH LS Pump Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Pahrump	BACKWASH LS (WWTP 3)	BACKWASH LS Pump 1	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Pump	NV-Pahrump	BACKWASH LS (WWTP 3)	BACKWASH LS Pump 2	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Blower	NV-Pahrump	BLOWER ROOM (WWTP 3)	BLOWER ROOM SBR 1 Blower	2005	25	2030	\$ 25,000	2 - Good, Minor Wear
Blower	NV-Pahrump	BLOWER ROOM (WWTP 3)	BLOWER ROOM SBR 2 Blower	2011	25	2036	\$ 25,000	2 - Good, Minor Wear
Blower	NV-Pahrump	BLOWER ROOM (WWTP 3)	BLOWER ROOM SBR 3 Blower	2005	25	2030	\$ 25,000	2 - Good, Minor Wear
Hydropneumatic Tank	NV-Pahrump	CM HYDROTANK (Calvada Meadows)	CM HYDROTANK Hydropneumatic Tank	2013	30	2043	\$ 50,000	2 - Good, Minor Wear
Motor	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Motor 1	2007	10	2025	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Motor 2	2007	10	2025	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Motor 3	2007	10	2025	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Pump 1	2007	10	2017	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Pump 2	2007	10	2017	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	CVE BOOSTER STATION (Country View Estate)	CVE BOOSTER Pump 3	2007	10	2017	\$ 10,000	3 - Fair, Moderate Wear
GST	NV-Pahrump	CVE TANK (Country View Estates)	CVE TANK GST	2005	50	2055	\$ 1,500,000	2 - Good, Minor Wear
Blower	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1993	25	2018	\$ 12,500	4 - Poor, Serious Wear
Blower	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1993	25	2018	\$ 12,500	4 - Poor, Serious Wear
Blower	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1999	25	2024	\$ 12,500	3 - Fair, Moderate Wear
Blower	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1999	25	2024	\$ 12,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1993	15	2008	\$ 12,500	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1993	15	2008	\$ 12,500	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1999	15	2014	\$ 12,500	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1999	15	2014	\$ 12,500	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Aerobic Sludge Digester Blow	1999	15	2014	\$ 12,500	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Screw Press Motor	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year	Service Life	Replacement Year	Replacement Cost	Condition Assessment
				Installed		(Projected)		
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Flocc Tank Motor	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Pump	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Sludge Transfer Pump 1	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Pump	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Sludge Transfer Pump 2	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Solids Conveyor Motor 1	2005	25	2030	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Solids Conveyor Motor 2	2005	25	2030	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Sludge Transfer Pump Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Sludge Transfer Pump Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Sludge Handling Equipment	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Solids Screw Press	2005	25	2030	\$ 10,000	2 - Good, Minor Wear
Tank	NV-Pahrump	DEWATERING (WWTP 3)	DEWATERING Flocc Tank	2005	50	2055	\$ 5,000	2 - Good, Minor Wear
Aeration_equipment	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Aerator 1	2016	25	2041	\$ 10,000	1 - Very Good, Like New
Aeration_equipment	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Aerator 2	2016	25	2041	\$ 10,000	1 - Very Good, Like New
Motor	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Motor 1	1995	15	2025	\$ 20,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Motor 2	1995	15	2025	\$ 20,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Motor 3	1995	15	2025	\$ 20,000	5 - Very Poor, Repair Req
Effluent_pump	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Pump 1	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Effluent_pump	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Pump 2	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Effluent_pump	NV-Pahrump	DP1 (DISCOVERY PARK)	DP1 Pump 3	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Effluent_pump	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Pump 1	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Effluent_pump	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Pump 2	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Effluent_pump	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Pump 3	1996	27	2026	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Motor 1	1995	15	2025	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Motor 2	1995	15	2025	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	DP2 (DISCOVERY PARK)	DP2 Motor 3	1995	15	2025	\$ 20,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	EFFLUENT (WWTP 3)	EFFLUENT Contact Tank	2005	50	2055	\$ 5,000	2 - Good, Minor Wear
Influent_screen	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Equipment Grit Classifier	2005	25	2030	\$ 70,000	2 - Good, Minor Wear
Motor	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Grit Tank Motor	2005	15	2020	\$ 3,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Grit Removal System Motor	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Mechanical Screw Screen Mo	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Grit Removal System Tank	2005	25	2030	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Pahrump	HEADWORKS (WWTP 3)	HEADWORKS Grit Removal System Pump	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Emergency Generator	NV-Pahrump	HEADWORKS (WWTP F)	HEADWORKS Generator	2006	30	2036	\$ 75,000	2 - Good, Minor Wear
GST	NV-Pahrump	HIGH ZONE TANK (Main System)	HIGH ZONE TANK GST	1997	50	2047	\$ 2,000,000	1 - Very Good, Like New
GST	NV-Pahrump	LOW ZONE TANK (Main System)	LOW ZONE TANK GST	1988	50	2038	\$ 1,500,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS1 (WWTP 3)	WWTP 3 LS1 Motor 1	1996	15	2026	\$ 8,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	LS1 (WWTP 3)	WWTP 3 LS1 Motor 2	1996	15	2026	\$ 8,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS1 (WWTP 3)	WWTP 3 LS1 Pump 1	1996	15	2011	\$ 3,500	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS1 (WWTP 3)	WWTP 3 LS1 Pump 2	1996	15	2011	\$ 3,500	5 - Very Poor, Repair Req
Emergency Generator	NV-Pahrump	LS10 (WWTP 3)	WWTP 3 LS10 Generator	2010	30	2040	\$ 35,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS10 (WWTP 3)	WWTP 3 LS10 Motor 1	2010	15	2025	\$ 4,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS10 (WWTP 3)	WWTP 3 LS10 Motor 2	2010	15	2025	\$ 4,000	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS10 (WWTP 3)	WWTP 3 LS10 Pump 1	2010	15	2025	\$ 3,500	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS10 (WWTP 3)	WWTP 3 LS10 Pump 2	2010	15	2025	\$ 3,500	2 - Good, Minor Wear
Emergency Generator	NV-Pahrump	LS11 (WWTP 3)	WWTP 3 LS11 Generator	2010	30	2040	\$ 35,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS11 (WWTP 3)	WWTP 3 LS11 Motor 1	2010	15	2025	\$ 4,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS11 (WWTP 3)	WWTP 3 LS11 Motor 2	2010	15	2025	\$ 4,000	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS11 (WWTP 3)	WWTP 3 LS11 Pump 1	2010	15	2025	\$ 3,500	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS11 (WWTP 3)	WWTP 3 LS11 Pump 2	2010	15	2025	\$ 3,500	2 - Good, Minor Wear
Motor	NV-Pahrump	LS2 (WWTP 3)	WWTP 3 LS2 Motor 1	1995	15	2028	\$ 10,000	5 - Very Poor, Repair Req

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Motor	NV-Pahrump	LS2 (WWTP 3)	WWTP 3 LS2 Motor 2	1995	15	2010	\$ 5,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS2 (WWTP 3)	WWTP 3 LS2 Pump 1	1995	15	2010	\$ 4,500	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS2 (WWTP 3)	WWTP 3 LS2 Pump 2	1995	15	2010	\$ 4,500	5 - Very Poor, Repair Req
Emergency Generator	NV-Pahrump	LS3 (WWTP 3)	WWTP 3 LS3 Generator	2016	30	2046	\$ 60,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS3 (WWTP 3)	WWTP 3 LS3 Motor 1	1996	15	2026	\$ 12,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	LS3 (WWTP 3)	WWTP 3 LS3 Motor 2	1996	15	2026	\$ 12,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS3 (WWTP 3)	WWTP 3 LS3 Pump 1	1996	15	2011	\$ 4,500	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS3 (WWTP 3)	WWTP 3 LS3 Pump 2	1996	15	2011	\$ 4,500	5 - Very Poor, Repair Req
Emergency Generator	NV-Pahrump	LS4 (WWTP 3)	WWTP 3 LS4 Generator	2010	30	2040	\$ 50,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS4 (WWTP 3)	WWTP 3 LS4 Motor 1	2010	15	2025	\$ 5,000	2 - Good, Minor Wear
Motor	NV-Pahrump	LS4 (WWTP 3)	WWTP 3 LS4 Motor 2	2010	15	2025	\$ 5,000	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS4 (WWTP 3)	WWTP 3 LS4 Pump 1	2010	15	2025	\$ 4,500	2 - Good, Minor Wear
Effluent Pump	NV-Pahrump	LS4 (WWTP 3)	WWTP 3 LS4 Pump 2	2010	15	2025	\$ 4,500	2 - Good, Minor Wear
Motor	NV-Pahrump	LS5 (WWTP 3)	WWTP 3 LS5 Motor 1	1999	15	2025	\$ 6,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	LS5 (WWTP 3)	WWTP 3 LS5 Motor 2	1999	15	2025	\$ 6,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS5 (WWTP 3)	WWTP 3 LS5 Pump 1	1999	15	2014	\$ 2,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LS5 (WWTP 3)	WWTP 3 LS5 Pump 2	1999	15	2014	\$ 2,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	LS6 (WWTP 3)	WWTP 3 LS6 Motor 1	2002	15	2017	\$ 2,000	4 - Poor, Serious Wear
Motor	NV-Pahrump	LS6 (WWTP 3)	WWTP 3 LS6 Motor 2	2002	15	2017	\$ 2,000	4 - Poor, Serious Wear
Motor	NV-Pahrump	LS7 (WWTP 3)	WWTP 3 LS7 Motor 1	2014	15	2029	\$ 4,000	1 - Very Good, Like New
Motor	NV-Pahrump	LS7 (WWTP 3)	WWTP 3 LS7 Motor 2	2014	15	2029	\$ 4,000	1 - Very Good, Like New
Effluent Pump	NV-Pahrump	LS7 (WWTP 3)	WWTP 3 LS7 Pump 1	2001	15	2016	\$ 3,000	1 - Very Good, Like New
Effluent Pump	NV-Pahrump	LS7 (WWTP 3)	WWTP 3 LS7 Pump 2	2001	15	2016	\$ 3,000	1 - Very Good, Like New
Motor	NV-Pahrump	LS8 (WWTP 3)	WWTP 3 LS8 Motor 1	2016	15	2031	\$ 4,000	1 - Very Good, Like New
Motor	NV-Pahrump	LS8 (WWTP 3)	WWTP 3 LS8 Motor 2	1992	15	2007	\$ 4,000	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LSF-N4 (WWTP F)	WWTP F LSF-N4 Pump 1	1996	15	2011	\$ 1,500	5 - Very Poor, Repair Req
Effluent Pump	NV-Pahrump	LSF-N4 (WWTP F)	WWTP F LSF-N4 Pump 2	1996	15	2011	\$ 1,500	5 - Very Poor, Repair Req
Emergency Generator	NV-Pahrump	MAIN OFFICE (WWTP 3)	MAIN OFFICE WWTP 3 Generator	2005	30	2035	\$ 400,000	2 - Good, Minor Wear
Tank	NV-Pahrump	MAR-WOOD (WWTP 3)	MAR-WOOD Concrete Aeration Tanks	1993	100	2093	\$ 2,000,000	4 - Poor, Serious Wear
Emergency_Generator	NV-Pahrump	MESQUITE BOOSTER STATION (Main System)	MESQUITE BOOSTER Generator	2010	30	2040	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Pahrump	MESQUITE BOOSTER STATION (Main System)	MESQUITE BOOSTER Motor 1	2010	10	2026	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	MESQUITE BOOSTER STATION (Main System)	MESQUITE BOOSTER Motor 2	2010	10	2026	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	MESQUITE BOOSTER STATION (Main System)	MESQUITE BOOSTER Pump 1	2010	10	2020	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	MESQUITE BOOSTER STATION (Main System)	MESQUITE BOOSTER Pump 2	2010	10	2020	\$ 10,000	3 - Fair, Moderate Wear
GST	NV-Pahrump	MESQUITE TANK (Main System)	MESQUITE TANK GST	2010	50	2060	\$ 3,200,000	1 - Very Good, Like New
Hydropneumatic Tank	NV-Pahrump	MVE HYDROTANK (Mountain View Estates)	MVE HYDROTANK Hydropneumatic Tank	2011	30	2041	\$ 50,000	2 - Good, Minor Wear
Motor	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump Motor 1	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump Motor 2	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump Motor 3	2014	15	2029	\$ 9,000	1 - Very Good, Like New
Motor	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump Motor 4	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Tank	2005	25	2030	\$ 350,000	2 - Good, Minor Wear
Pump	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump 1	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump 2	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump 3	2014	15	2029	\$ 9,000	1 - Very Good, Like New
Pump	NV-Pahrump	POST EQ (WWTP 3)	POST EQ Pump 4	2005	15	2020	\$ 9,000	3 - Fair, Moderate Wear
Blower	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ Equalization Blower	2005	25	2030	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ Equalization Blower Motor	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump Motor 1	2005	15	2020	\$ 11,000	3 - Fair, Moderate Wear

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Motor	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump Motor 2	2005	15	2020	\$ 11,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump Motor 3	2005	15	2020	\$ 11,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ Equalization Tanks (Dual Tanks)	2005	25	2030	\$ 300,000	2 - Good, Minor Wear
Pump	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump 1	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump 2	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	PRE EQ (WWTP 3)	PRE EQ SBR Feed Pump 3	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Backwash Pump Motor	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Filtration Equipment Sand F	2005	30	2035	\$ 60,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Backwash Pump	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Waste Pump Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Carriage Gearbox Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Pahrump	SAND FILTER 1 (WWTP 3)	SAND FILTER 1 Waste Pump	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Backwash Pump Motor	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Filtration Equipment Sand Fi	2005	30	2035	\$ 60,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Backwash Pump	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Waste Pump Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Carriage Gearbox Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Waste Pump	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SAND FILTER 2 (WWTP 3)	SAND FILTER 2 Waste Pump Motor	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SAND FILTER 3 (WWTP 3)	SAND FILTER 3 Filtration Equipment Sand Fi	2005	30	2035	\$ 60,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	SAND FILTER 3 (WWTP 3)	SAND FILTER 3 Backwash Pump	2005	15	2020	\$ 2,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SAND FILTER 3 (WWTP 3)	SAND FILTER 3 Waste Pump Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	SAND FILTER 3 (WWTP 3)	SAND FILTER 3 Carriage Gearbox Motor	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Pahrump	SAND FILTER 3 (WWTP 3)	SAND FILTER 3 Waste Pump	2005	27	2032	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR (WWTP 3)	SBR Sludge Waste Pump Motor 1	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SBR (WWTP 3)	SBR Sludge Waste Pump Motor 2	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Pump	NV-Pahrump	SBR (WWTP 3)	SBR Sludge Waste Pump 1	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Pump	NV-Pahrump	SBR (WWTP 3)	SBR Sludge Waste Pump 2	2005	15	2020	\$ 7,500	3 - Fair, Moderate Wear
Aeration_equipment	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 Primary Equipment SAM	2015	25	2040	\$ 75,000	1 - Very Good, Like New
Motor	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 Blower Motor	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 Decanter Actuator Motor 1	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 Floating Decanter	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 Tank	2005	25	2030	\$ 750,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 1 (WWTP 3)	SBR 1 DECANTER Actuator Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 1/2/3 (WWTP 3)	SBR 1/2/3 Blower Motor (Spare)	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Aeration_equipment	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 Primary Equipment SAM	2015	25	2040	\$ 75,000	1 - Very Good, Like New
Motor	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 Blower Motor	2011	15	2026	\$ 25,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 Decanter Actuator Motor 1	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 Floating Decanter	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 Tank	2005	25	2030	\$ 750,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 2 (WWTP 3)	SBR 2 DECANTER Actuator Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Aeration_equipment	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 Primary Equipment SAM	2005	25	2030	\$ 75,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 Blower Motor	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 Decanter Actuator Motor 1	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 Floating Decanter	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 Tank	2005	25	2030	\$ 750,000	2 - Good, Minor Wear
Motor	NV-Pahrump	SBR 3 (WWTP 3)	SBR 3 DECANTER Actuator Motor 2	2005	27	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Pahrump	WELL 1 (Main System)	WELL 1 Motor	2023	10	2033	\$ 20,000	1 - Very Good, Like New

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Pump	NV-Pahrump	WELL 1 (Main System)	WELL 1 Pump	2023	10	2033	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WELL 10 (Main System)	WELL 10 Motor	2006	10	2023	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	WELL 10 (Main System)	WELL 10 Pump	2006	10	2016	\$ 20,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Pahrump	WELL 11 (Main System)	WELL 11 Generator	1999	30	2029	\$ 100,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WELL 11 (Main System)	WELL 11 Motor	2007	10	2025	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	WELL 11 (Main System)	WELL 11 Pump	2007	10	2017	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WELL 12 (Main System)	WELL 12 Motor	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Emergency Generator	NV-Pahrump	WELL 12 (Main System)	WELL 12 Generator	2015	30	2045	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Pahrump	WELL 12 (Main System)	WELL 12 Pump	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Pahrump	WELL 2 (Main System)	WELL 2 Generator	1999	30	2029	\$ 100,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WELL 2 (Main System)	WELL 2 Motor	2020	10	2030	\$ 20,000	1 - Very Good, Like New
Pump	NV-Pahrump	WELL 2 (Main System)	WELL 2 Pump	2022	10	2032	\$ 20,000	1 - Very Good, Like New
Motor	NV-Pahrump	WELL 21 (Main System)	WELL 21 Motor	1999	10	2028	\$ 20,000	5 - Very Poor, Repair Req
Pump	NV-Pahrump	WELL 21 (Main System)	WELL 21 Pump	1999	10	2009	\$ 20,000	5 - Very Poor, Repair Req
Motor	NV-Pahrump	WELL 48-1 (Country View Estates)	WELL 48-1 Motor	2015	10	2025	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Pahrump	WELL 48-1 (Country View Estates)	WELL 48-1 Generator	2016	30	2046	\$ 100,000	1 - Very Good, Like New
Pump	NV-Pahrump	WELL 48-1 (Country View Estates)	WELL 48-1 Pump	2015	10	2025	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WELL 48-2 (Country View Estates)	WELL 48-2 Motor	2013	10	2024	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	WELL 48-2 (Country View Estates)	WELL 48-2 Pump	2013	10	2023	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WELL 9 (Main System)	WELL 9 Motor	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Emergency Generator	NV-Pahrump	WELL 9 (Main System)	WELL 9 Generator	2015	30	2045	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Pahrump	WELL 9 (Main System)	WELL 9 Pump	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WELL CM1 (Calvada Meadows)	WELL CM1 Motor	2013	10	2024	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	WELL CM1 (Calvada Meadows)	WELL CM1 Pump	2013	10	2023	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WELL CVN1 (Calvada North)	WELL CVN1 Motor	2015	10	2025	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Pahrump	WELL CVN1 (Calvada North)	WELL CVN1 Pump	2015	10	2025	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WELL MVE (Mountain View Estates)	WELL MVE Motor	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Pahrump	WELL MVE (Mountain View Estates)	WELL MVE Pump	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WWTP 3 LIFT STATION	WWTP 3 LS Motor 1 (At Plant)	2010	15	2025	\$ 8,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WWTP 3 LIFT STATION	WWTP 3 LS Motor 2 (At Plant)	2010	15	2025	\$ 8,000	3 - Fair, Moderate Wear
Effluent Pump	NV-Pahrump	WWTP 3 LIFT STATION	WWTP 3 LS Pump 1 (At Plant)	2010	27	2037	\$ 10,000	3 - Fair, Moderate Wear
Effluent Pump	NV-Pahrump	WWTP 3 LIFT STATION	WWTP 3 LS Pump 2 (At Plant)	2010	27	2037	\$ 10,000	3 - Fair, Moderate Wear
Blower	NV-Pahrump	WWTP F	WWTP F Primary Equipment Blower 1	2015	25	2040	\$ 10,000	2 - Good, Minor Wear
Blower	NV-Pahrump	WWTP F	WWTP F Primary Equipment Blower 2	2005	25	2030	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WWTP F	WWTP F Primary Equipment Blower Motor	2015	15	2030	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WWTP F	WWTP F Primary Equipment Blower Motor	2005	15	2020	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Pahrump	WWTP F	WWTP F Primary Equipment Mixer Motor 1	2016	15	2031	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WWTP F	WWTP F Primary Equipment Mixer Motor 2	2016	15	2031	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Pahrump	WWTP F	WWTP F RW Irrigation Equipment Motor 1	2005	15	2020	\$ 5,000	3 - Fair, Moderate Wear
Tank	NV-Pahrump	WWTP F	WWTP F Effluent/Wasting Tank	2005	25	2030	\$ 100,000	2 - Good, Minor Wear
Tank	NV-Pahrump	WWTP F	WWTP F Treatment Tanks	2005	25	2030	\$ 250,000	2 - Good, Minor Wear
Pump	NV-Pahrump	WWTP F	WWTP F RW Irrigation Pump 2	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Pump	NV-Pahrump	WWTP F	WWTP F RW Irrigation Pump 1	2005	15	2020	\$ 25,000	3 - Fair, Moderate Wear
Clarifier	NV-Pahrump	WWTP F	WWTP F Right Clarifier Skimmer	2023	20	2043	\$ 2,000	2 - Good, Minor Wear
Clarifier	NV-Pahrump	WWTP F	WWTP F Left Clarifier Skimmer	2023	20	2043	\$ 2,000	2 - Good, Minor Wear
Blower	NV-Pahrump	WWTP F	WWTP F RAS Hi-Blow	2020	5	2025	\$ 2,500	2 - Good, Minor Wear
Pond	NV-Pahrump	WWTP F	WWTP F Pond Liner (Emergency Flow)	1998	50	2048	\$ 10,000	3 - Fair, Moderate Wear
Effluent Pump	NV-Pahrump	WWTP F LIFT STATION	WWTP F LSF Pump 1 (At Plant)	1996	15	2011	\$ 3,500	5 - Very Poor, Repair Req

Asset Registry: Great Basin Water Company - Pahrump Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Effluent Pump	NV-Pahrump	WWTP F LIFT STATION	WWTP F LSF Pump 2 (At Plant)	1996	15	2011	\$ 3,500	5 - Very Poor, Repair Req
Motor	NV-SMMR	LS (SMMR)	SMMR LS Motor 1	2018	15	2033	\$ 5,000	2 - Good, Minor Wear
Motor	NV-SMMR	LS (SMMR)	SMMR LS Motor 2	2018	15	2033	\$ 5,000	2 - Good, Minor Wear
Motor	NV-SMMR	LS (SMMR)	SMMR LS Structure	2018	50	2068	\$ 250,000	2 - Good, Minor Wear
Emergency Generator	NV-SMMR	LS (SMMR)	SMMR LS Generator	2018	30	2048	\$ 60,000	2 - Good, Minor Wear
Blower	NV-SMMR	SMMR	SMMR SB1 Blower	2018	25	2043	\$ 7,500	2 - Good, Minor Wear
Blower	NV-SMMR	SMMR	SMMR SB2 Blower	2018	25	2043	\$ 7,500	2 - Good, Minor Wear
Blower	NV-SMMR	SMMR	SMMR SB3 Blower	2018	25	2043	\$ 7,500	2 - Good, Minor Wear
Blower	NV-SMMR	SMMR	SMMR LB2 Blower	2018	25	2043	\$ 7,500	2 - Good, Minor Wear
Blower	NV-SMMR	SMMR	SMMR LB3 Blower	2018	25	2043	\$ 7,500	2 - Good, Minor Wear
Emergency Generator	NV-SMMR	SMMR	SMMR Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR	SMMR EQ Motor 1	2018	27	2045	\$ 7,500	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR	SMMR EQ Motor 2	2018	27	2045	\$ 7,500	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR	SMMR Screen Motor	2018	27	2045	\$ 7,500	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR	SMMR EFF Pump Motor	2018	27	2045	\$ 7,500	2 - Good, Minor Wear
Pump	NV-SMMR	SMMR	SMMR EQ Tank Pump 1	2018	27	2045	\$ 10,000	2 - Good, Minor Wear
Pump	NV-SMMR	SMMR	SMMR EQ Tank Pump 2	2018	27	2045	\$ 10,000	2 - Good, Minor Wear
Pump	NV-SMMR	SMMR	SMMR EFF Screen Pump	2018	27	2045	\$ 10,000	2 - Good, Minor Wear
Influent Screen	NV-SMMR	SMMR	SMMR Screen	2018	25	2043	\$ 20,000	2 - Good, Minor Wear
Tank	NV-SMMR	SMMR	SMMR EQ Tank	2018	50	2068	\$ 50,000	2 - Good, Minor Wear
Emergency Generator	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 1	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 2	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 3	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 4	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 5	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Motor	NV-SMMR	SMMR BOOSTER STATION	SMMR BOOSTER Motor 6	2018	10	2028	\$ 10,000	2 - Good, Minor Wear
Effluent Pump	NV-SMMR	SMMR LIFT STATION	SMMR LS Pump 1 (At Plant)	2018	27	2045	\$ 10,000	2 - Good, Minor Wear
GST	NV-SMMR	TANK 1 (SMMR)	TANK 1 GST	2018	45	2063	\$ 1,000,000	2 - Good, Minor Wear
GST	NV-SMMR	TANK 2 (SMMR)	TANK 2 GST	2018	45	2063	\$ 1,000,000	2 - Good, Minor Wear
Motor	NV-SMMR	WELL 1 (SMMR)	WELL 1 Motor	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Motor	NV-SMMR	WELL 2 (SMMR)	WELL 2 Motor	2018	10	2028	\$ 20,000	2 - Good, Minor Wear

Great Basin Water Company – Spring Creek Division (Volume III)

Fixed Asset Registry

Asset Registry: Great Basin Water Company - Spring Creek Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 103	BOOSTER 103 Generator	2015	30	2045	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 103	BOOSTER 103 Motor 1	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 103	BOOSTER 103 Motor 2	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 106	BOOSTER 106 Generator	2001	30	2031	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 106	BOOSTER 106 Motor 1	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 106	BOOSTER 106 Motor 2	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 8	BOOSTER 8 Motor 1	2006	10	2028	\$ 5,500	3 - Fair, Moderate Wear
Motor	NV-Great Basin Water Co. - Spring Creek	BOOSTER STATION 8	BOOSTER 8 Motor 2	2006	10	2028	\$ 5,500	3 - Fair, Moderate Wear
GST	NV-Great Basin Water Co. - Spring Creek	HIGH TANK	HIGH TANK GST	1970	45	2026	\$ 1,500,000	4 - Poor, Serious Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 103A	TANK 103A GST	1975	45	2026	\$ 750,000	3 - Fair, Moderate Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 103B	TANK 103B GST	1997	45	2042	\$ 1,000,000	2 - Good, Minor Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 106	TANK 106 GST	2022	45	2067	\$ 800,000	1 - Very Good, Like New
GST	NV-Great Basin Water Co. - Spring Creek	TANK 200	TANK 200 GST	2008	45	2053	\$ 2,000,000	2 - Good, Minor Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 8A	TANK 8A GST	1971	45	2026	\$ 500,000	4 - Poor, Serious Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 8B	TANK 8B GST	2008	45	2053	\$ 2,000,000	2 - Good, Minor Wear
GST	NV-Great Basin Water Co. - Spring Creek	TANK 9	TANK 9 GST	2003	45	2048	\$ 1,000,000	2 - Good, Minor Wear
GST	NV-Great Basin Water Co. - Spring Creek	TWIN TANK A	TWIN TANK A GST	1973	45	2026	\$ 500,000	5 - Very Poor, Repair Req
GST	NV-Great Basin Water Co. - Spring Creek	TWIN TANK B	TWIN TANK B GST	1983	45	2028	\$ 1,000,000	2 - Good, Minor Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Generator	2004	30	2034	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Motor 1	2008	10	2028	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Motor 2	2008	10	2028	\$ 5,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Motor 3	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 1	WELL 1 Motor	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 PLC	2012	10	2026	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Electrical Panel	2012	10	2026	\$ 2,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Recycle Motor	2016	8	2026	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Sludge Motor	2012	8	2026	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Media	2012	10	2024	\$ 60,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Drying Bed	2014	10	2026	\$ 40,000	4 - Poor, Serious Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Sludge Roll Off	2012	50	2062	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Treatment Structure	2012	50	2062	\$ 200,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Treatment Piping	2012	20	2032	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Treatment Vessels	2012	20	2032	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Backwash Tank	2012	50	2062	\$ 100,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 10	WELL 10 Generator	2004	30	2034	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 10	WELL 10 Motor	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 101	WELL 101 Generator	2006	30	2036	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 101	WELL 101 Motor	2006	20	2026	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 11	WELL 11 Generator	2013	30	2043	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 11	WELL 11 Motor	2023	10	2033	\$ 20,000	1 - Very Good, Like New
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 PLC	2012	10	2026	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Electrical Panel	2013	10	2026	\$ 2,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Recycle Motor	2012	8	2026	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Sludge Motor	2012	8	2026	\$ 2,500	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Media	2023	10	2033	\$ 100,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Drying Bed	2014	10	2024	\$ 40,000	4 - Poor, Serious Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Sludge Roll Off	2012	50	2062	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Structure 1	2012	50	2062	\$ 200,000	2 - Good, Minor Wear

Asset Registry: Great Basin Water Company - Spring Creek Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Vessels 1	2012	20	2032	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Piping 2	2012	20	2032	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Backwash Tank	2012	50	2062	\$ 100,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Piping 1	2012	20	2032	\$ 10,000	4 - Poor, Serious Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 12	WELL 12 Generator	2004	30	2034	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 12	WELL 12 Motor	1995	20	2028	\$ 20,000	1 - Very Good, Like New
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 14	WELL 14 Motor	2022	10	2032	\$ 10,000	1 - Very Good, Like New
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 3	WELL 3 Motor	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 PLC	2012	10	2027	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Electrical Panel	2012	10	2025	\$ 2,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Recycle Motor	2012	8	2026	\$ 2,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Sludge Motor	2012	8	2026	\$ 2,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Media	2022	10	2032	\$ 100,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Drying Bed	2014	10	2027	\$ 40,000	4 - Poor, Serious Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Sludge Roll Off	2012	50	2062	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Structure 1	2012	50	2062	\$ 200,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Piping 1	2012	20	2032	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Vessels 1	2012	20	2032	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Piping 2	2012	20	2032	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Great Basin Water Co. - Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Backwash Tank	2012	50	2062	\$ 100,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 4	WELL 4 Generator	2004	30	2034	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 4	WELL 4 Motor	2023	10	2033	\$ 20,000	1 - Very Good, Like New
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 5	WELL 5 Generator	2004	30	2034	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 5	WELL 5 Motor	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 7	WELL 7 Motor	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 8	WELL 8 Generator	2008	30	2038	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 8	WELL 8 Motor	2012	10	2028	\$ 20,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Great Basin Water Co. - Spring Creek	WELL 9	WELL 9 Generator	2011	30	2041	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WELL 9	WELL 9 Motor	2017	10	2027	\$ 20,000	2 - Good, Minor Wear
Emergency Generator	NV-Great Basin Water Co. - Spring Creek	WWTP 1	WWTP 1 Generator	2003	20	2028	\$ 75,000	2 - Good, Minor Wear
Liftstation Structure	NV-Great Basin Water Co. - Spring Creek	WWTP 1	WWTP 1 LIFT STATION Structure	2003	35	2038	\$ 250,000	3 - Fair, Moderate Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WWTP 1	WWTP 1 LIFT STATION Motor 1	2003	15	2026	\$ 4,500	3 - Fair, Moderate Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WWTP 1	WWTP 1 LIFT STATION Motor 2	2003	15	2026	\$ 4,500	3 - Fair, Moderate Wear
Emergency Generator	NV-Great Basin Water Co. - Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Generator	2017	20	2037	\$ 100,000	2 - Good, Minor Wear
Liftstation Structure	NV-Great Basin Water Co. - Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Structure	2017	35	2052	\$ 250,000	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Motor 1	2017	15	2032	\$ 7,500	2 - Good, Minor Wear
Motor	NV-Great Basin Water Co. - Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Motor 2	2017	15	2032	\$ 7,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	BOOSTER STATION 103	BOOSTER STATION 103 Pump 1	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	BOOSTER STATION 103	BOOSTER STATION 103 Pump 2	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	BOOSTER STATION 106	BOOSTER STATION 106 Pump 1	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	BOOSTER STATION 106	BOOSTER STATION 106 Pump 2	2014	10	2024	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	BOOSTER STATION 8	BOOSTER STATION 8 Pump 1	2006	10	2016	\$ 5,500	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	BOOSTER STATION 8	BOOSTER STATION 8 Pump 2	2006	10	2016	\$ 5,500	3 - Fair, Moderate Wear
Emergency_Generator	NV-Spring Creek	OFFICE	OFFICE Generator 1	2019	30	2049	\$ 25,000	2 - Good, Minor Wear
Emergency_Generator	NV-Spring Creek	OFFICE	OFFICE Generator 2	2019	30	2049	\$ 25,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Pump 1	2008	10	2018	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Pump 2	2008	10	2018	\$ 5,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	TWIN TANKS BOOSTER STATION	TWIN TANKS BOOSTER Pump 3	2014	10	2024	\$ 5,500	2 - Good, Minor Wear

Asset Registry: Great Basin Water Company - Spring Creek Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Emergency_Generator	NV-Spring Creek	WELL 1	WELL 1 Generator	2019	30	2049	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 1	WELL 1 Pump	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Building HVAC/Plumbing	2012	25	2037	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Underground Decant Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Underground Sludge Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Recycle Pump	2016	8	2024	\$ 2,500	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 1 (TP04 Arsenic Treatment)	WELL 1 Sludge Pump	2012	8	2020	\$ 2,500	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 10	WELL 10 Pump	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 101	WELL 101 Pump	2021	10	2031	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 11	WELL 11 Pump	2023	10	2033	\$ 20,000	1 - Very Good, Like New
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Building HVAC/Plumbing 1	2012	25	2037	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Structure 2	2012	50	2062	\$ 200,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Treatment Vessels 2	2012	20	2032	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Soft Start Controller	2012	10	2023	\$ 10,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Building HVAC/Plumbing 2	2012	25	2037	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Underground Decant Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Underground Sludge Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Recycle Pump	2011	8	2019	\$ 2,500	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 11 (TP06 Arsenic Treatment)	WELL 11 Sludge Pump	2012	8	2020	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 12	WELL 12 Pump	2022	10	2032	\$ 20,000	1 - Very Good, Like New
Emergency_Generator	NV-Spring Creek	WELL 14	WELL 14 Generator (Portable)	2019	30	2049	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 14	WELL 14 Pump	2022	10	2032	\$ 20,000	1 - Very Good, Like New
Emergency_Generator	NV-Spring Creek	WELL 3	WELL 3 Generator	2019	30	2049	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WF1 3	WELL 3 Pump	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Building HVAC/Plumbing 1	2012	25	2037	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Structure 2	2012	50	2062	\$ 200,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Treatment Vessels 2	2012	20	2032	\$ 30,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 VFD	2012	10	2023	\$ 25,000	3 - Fair, Moderate Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Building HVAC/Plumbing 2	2012	25	2037	\$ 2,500	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Underground Decant Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Treatment Equipment	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Underground Sludge Tank	2014	50	2064	\$ 5,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Recycle Pump	2012	8	2020	\$ 2,500	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 3 (TP05 Arsenic Treatment)	WELL 3 Sludge Pump	2012	8	2020	\$ 2,500	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 4	WELL 4 Pump	2023	10	2033	\$ 20,000	1 - Very Good, Like New
Pump	NV-Spring Creek	WELL 5	WELL 5 Pump	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Spring Creek	WELL 7	WELL 7 Generator	2019	30	2049	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 7	WELL 7 Pump	2020	10	2030	\$ 20,000	2 - Good, Minor Wear
Pump	NV-Spring Creek	WELL 8	WELL 8 Pump	2012	10	2022	\$ 20,000	3 - Fair, Moderate Wear
Pump	NV-Spring Creek	WELL 9	WELL 9 Pump	2017	10	2027	\$ 20,000	2 - Good, Minor Wear
Blower	NV-Spring Creek	WWTP 1	WWTP 1 Blower 1	2023	25	2048	\$ 7,500	1 - Very Good, Like New
Blower	NV-Spring Creek	WWTP 1	WWTP 1 Blower 2	2003	25	2028	\$ 7,500	3 - Fair, Moderate Wear
Motor	NV-Spring Creek	WWTP 1	WWTP 1 Blower Motor 1	2023	15	2038	\$ 2,500	1 - Very Good, Like New
Motor	NV-Spring Creek	WWTP 1	WWTP 1 Blower Motor 2	2003	15	2018	\$ 2,500	3 - Fair, Moderate Wear
Aeration Equipment	NV-Spring Creek	WWTP 1	WWTP 1 Piping (Aeration)	2003	55	2058	\$ 10,000	3 - Fair, Moderate Wear
Effluent Pump	NV-Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Pump 1	2017	15	2032	\$ 10,000	2 - Good, Minor Wear
Effluent Pump	NV-Spring Creek	WWTP 1 (Lift Station 1)	LIFT STATION 1 Pump 2	2017	15	2032	\$ 10,000	2 - Good, Minor Wear

Great Basin Water Company – Cold Springs Division (Volume IV)

Fixed Asset Registry

Asset Registry: Great Basin Water Company - Cold Springs Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Motor	NV-Cold Springs	BOOSTER STATION 4	BOOSTER 4 Motor 1	2001	10	2028	\$ 10,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Cold Springs	BOOSTER STATION 4	BOOSTER 4 Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	BOOSTER STATION 4	BOOSTER 4 Motor 2	2021	10	2031	\$ 10,000	1 - Very Good, Like New
Pump	NV-Cold Springs	BOOSTER STATION 4	BOOSTER 4 Pump 1	2001	10	2011	\$ 10,000	2 - Good, Minor Wear
GST	NV-Cold Springs	TANK 1	TANK 1 GST	1999	45	2044	\$ 1,000,000	4 - Poor, Serious Wear
GST	NV-Cold Springs	TANK 2	TANK 2 GST	1975	45	2026	\$ 1,300,000	4 - Poor, Serious Wear
GST	NV-Cold Springs	TANK 3	TANK 3 GST	1993	45	2038	\$ 1,000,000	2 - Good, Minor Wear
GST	NV-Cold Springs	TANK 4	TANK 4 GST	2001	45	2046	\$ 2,000,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	TOURACO BOOSTER STATION	TOURACO BOOSTER Motor 1	2019	10	2029	\$ 12,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	TOURACO BOOSTER STATION	TOURACO BOOSTER Motor 2	2019	10	2029	\$ 12,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	TOURACO BOOSTER STATION	TOURACO BOOSTER Pump 1	2019	10	2029	\$ 10,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	TOURACO BOOSTER STATION	TOURACO BOOSTER Pump 2	2019	10	2029	\$ 10,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	VAN DYKE WELL	VAN DYKE WELL Motor	2016	20	2036	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Cold Springs	VAN DYKE WELL	VAN DYKE WELL Generator	2016	30	2046	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	VAN DYKE WELL	VAN DYKE WELL Pump	2016	10	2026	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	WELL 1	WELL 1 Motor	2017	10	2027	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Cold Springs	WELL 1	WELL 1 Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	WELL 1	WELL 1 Pump	2017	10	2027	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	WELL 6	WELL 6 Motor	2018	10	2028	\$ 20,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Cold Springs	WELL 6	WELL 6 Generator	1996	30	2026	\$ 100,000	3 - Fair, Moderate Wear
Pump	NV-Cold Springs	WELL 6	WELL 6 Pump	2018	10	2028	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	WELL 7	WELL 7 Motor	2022	10	2032	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Cold Springs	WELL 7	WELL 7 Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	WELL 7	WELL 7 Pump	2019	10	2029	\$ 20,000	2 - Good, Minor Wear
Motor	NV-Cold Springs	WELL 8	WELL 8 Motor	2023	20	2043	\$ 20,000	1 - Very Good, Like New
Emergency_Generator	NV-Cold Springs	WELL 8	WELL 8 Generator	2018	30	2048	\$ 100,000	2 - Good, Minor Wear
Pump	NV-Cold Springs	WELL 8	WELL 8 Pump	2018	10	2028	\$ 20,000	2 - Good, Minor Wear

Great Basin Water Company – Spanish Springs Division (Volume V)

Fixed Asset Registry

Asset Registry: Great Basin Water Company - Spanish Springs Division

Current year: 2024

Asset Type	Subdivision Name	Asset Location Name	Asset Description	Year Installed	Service Life	Replacement Year (Projected)	Replacement Cost	Condition Assessment
Motor	NV-Spanish Springs	BOOSTER STATION	BOOSTER 1 Motor	2004	25	2029	\$ 12,000	3 - Fair, Moderate Wear
Motor	NV-Spanish Springs	BOOSTER STATION	BOOSTER 2 Motor	2018	10	2028	\$ 9,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Spanish Springs	BOOSTER STATION	BOOSTER Generator	2021	30	2051	\$ 100,000	1 - Very Good, Like New
Pump	NV-Spanish Springs	BOOSTER STATION	BOOSTER Pump 1	2004	10	2014	\$ 10,000	4 - Poor, Serious Wear
Pump	NV-Spanish Springs	BOOSTER STATION	BOOSTER Pump 2	2018	10	2028	\$ 10,000	3 - Fair, Moderate Wear
Motor	NV-Spanish Springs	WELL 1	WELL 1 Motor	2017	10	2027	\$ 20,000	2 - Good, Minor Wear
Emergency_Generator	NV-Spanish Springs	WELL 1	WELL 1 Generator	2021	30	2051	\$ 100,000	1 - Very Good, Like New
Pump	NV-Spanish Springs	WELL 1	WELL 1 Pump	2017	10	2027	\$ 20,000	3 - Fair, Moderate Wear
Motor	NV-Spanish Springs	WELL 2	WELL 2 Motor	2016	10	2026	\$ 20,000	3 - Fair, Moderate Wear
Emergency_Generator	NV-Spanish Springs	WELL 2	WELL 2 Generator	2021	30	2051	\$ 100,000	1 - Very Good, Like New
Pump	NV-Spanish Springs	WELL 2	WELL 2 Pump	2016	10	2026	\$ 20,000	1 - Very Good, Like New



APPENDIX B
NDWR Hydrographic Basin Data & Water Rights

Great Basin Water Company – Pahrump Division (Volume II)
NDWR Hydrographic Basin Data & Water Rights

Hydrographic Basin Summary

Order 176
Order 193
Order 205
Order 206
Order 381
Order 955
Order 1007
Order 1183
Order 1883A
Order 1222
Order 1252
Order 1273
Order 1273-1
Order 1293
Order 1293A
Order 1319
Order 1319-1

Hydrographic Area Summary

Hydrographic Area No. 162 **Hydrographic Area Name** PAHRUMP VALLEY
Subarea Name
Hydrographic Region No. 10 **Hydrographic Region Name** CENTRAL
Area (sq. mi.) 789
Counties within the hydrographic area Clark, Nye
Nearest Communities to Hydrographic Area Pahrump, Las Vegas
Designated (Y/N, Order No.) Y, O-1252 **For All or Portion of Basin:** All
Preferred Use (Order No., Description) O-1252 ENV, temp STK **For All or Portion of Basin:** All
State Engineer's Orders:  **For All or Portion of Basin:** All
State Engineer's Rulings: 
Pumpage Inventory Status Ongoing **Crop Inventory Status** None
Water Level Measurement? Y

Yield Values

Perennial Yield (AFY) 20000
System Yield (AFY)
Yield Reference(s) Numerous Studies
Yield Remarks Recharge

Source of Committed Data: NDWR Database **Supplementally Adjusted?**

Manner of Use	Underground	Geothermal	Other Ground Water
Commercial	1,404.16	0.00	0.00
Construction	32.00	0.00	0.00
Domestic	8,443.26	0.00	0.00
Environmental	0.00	0.00	0.00
Industrial	245.65	0.00	0.00
Irrigation	9,513.02	0.00	0.00
Mining, Milling & Dewatering	14.90	0.00	0.00
Municipal	31,272.34	0.00	0.00
Power	0.00	0.00	0.00
Quasi-Municipal	8,315.58	0.00	0.00
Recreation	490.53	0.00	0.00
Stockwater	4.70	0.00	0.00
Storage	0.00	0.00	0.00
Wildlife	0.00	0.00	0.00
Other	0.00	0.00	0.00
Totals	59,736.13	0.00	0.00

Related Reports

USGS Reconnaissance None **USGS Bulletin** 3, 5, 6

Other References

Comments Basin is Shared in Common with California

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

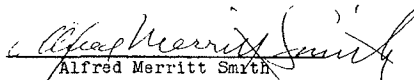
ORDER

DESIGNATING AND DESCRIBING
THE PAHRUMP ARTESIAN BASIN

Pursuant to a petition signed by more than ten per cent of the legal appropriators of underground water in the Pahrump Artesian Basin located in Pahrump Valley, Nye and Clark Counties, Nevada, an Order is hereby made by the State Engineer and entered on the records of the State Engineer, at Carson City, Nevada, designating the following described area of land as an underground artesian water basin coming under the provisions of the Underground Water Law. (Chap. 178, Nevada Stats. 1939) The area is designated as follows by U. S. Land Survey and metes and bounds:

Commencing at the S.E. Corner of Section 26, T. 21 S., R. 54 E., thence northerly about 7 miles to the N.E. Corner of Section 26, T. 20 S., R. 54 E., thence westerly about 3 miles to the N.W. Corner of Section 28, thence northerly about 4 miles to the N.E. Corner of Section 5, T. 20 S., R. 54 E., thence westerly about 5 miles to the N.W. Corner of Section 3, T. 20 S., R. 53 E., thence southerly about 9 miles to the S.W. Corner of Section 15, T. 21 S., R. 53 E., unsurveyed, thence easterly about 3 miles to the S.W. Corner of Section 18, T. 21 S., R. 54 E., thence southerly about 2 miles to the S.W. Corner of Section 30, T. 21 S., R. 54 E., thence easterly about 5 miles to the S.E. Corner of Section 26, T. 21 S., R. 54 E., being the point of beginning, situated in Nye and Clark Counties, Nevada.

Dated this 11th day of March, 1941, at Carson City, Nevada.


Alfred Merritt Smith
State Engineer

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

O R D E R

Extending the Designated Area of the
Pahrump Artesian Basin

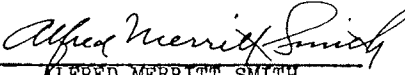
On March 11, 1941, the State Engineer, by an official Order and pursuant to a petition signed by more than ten percent of the legal appropriators of underground water in the Pahrump Artesian Basin located in Pahrump Valley, Nye County, Nevada, designated a described area of land as an underground artesian water basin coming under the provisions of the underground water law (Chapter 178, Nevada Statutes 1939).

Recent development of water northerly from the area included by the 1941 Order has indicated the necessity of extending the designated area in that direction.

An Order is hereby made by the State Engineer and entered on the records of the State Engineer at Carson City, Nevada, designating the following described area of land as an extension to the already designated water basin, and coming under the provisions of the underground water law (Chapter 178, Nevada Statutes of 1939, as amended and supplemented):

Being that area contained in
T. 19 S., R. 53 E., M.D.B.&M.

Dated this 15th day of January, 1948, at Carson City, Nevada.


ALFRED MERRITT SMITH
State Engineer

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

O R D E R

Extending the Designated Area of the Pahrump
Artesian Basin

Pursuant to Chapter 178, Nevada Statutes of 1939, as amended and supplemented, the State Engineer on March 11, 1941 and January 15, 1948 by his Orders established the existing boundary of the Pahrump Artesian Basin.

This Order is issued to further extend the boundaries of the designated area so that adequate control of the ground-water development will be possible.

The following lands listed by Section and/or Township and Range are hereby designated as the area within the extended Pahrump Artesian Basin:

East Half ($E\frac{1}{2}$) Township 19 South, Range 52 East, M.D.B.&M.

East Half ($E\frac{1}{2}$) Township 20 South, Range 52 East, M.D.B.&M.

Section 1, Township 21 South, Range 52 East, M.D.B.&M.

Portions of Sections 14, 15, 22, 23, 24, 25, 26 and 36,
Township 24 North, Range 8 East, S.B.M.

All Township 19 South, Range 53 East, M.D.B.&M.

All Township 20 South, Range 53 East, M.D.B.&M.

All Township 21 South, Range 53 East, M.D.B.&M.

Portions of Sections 1, 2 and 12, Township 22 South, Range 53 E.,
M.D.B.&M.

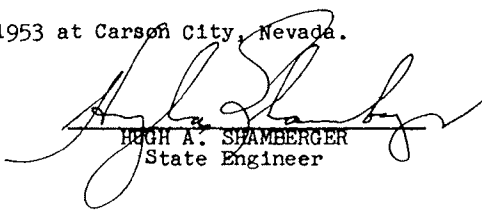
West Half ($W\frac{1}{2}$) Township 20 South, Range 54 East, M.D.B.&M.

Sections 25, 26, 27, 34, 35 and 36, Township 20 South, Range 54 East,
M.D.B.&M.

All Township 21 South, Range 54 East, M.D.B.&M.

All Township 22 South, Range 54 East, M.D.B.&M.

Dated this 23rd day of January, 1953 at Carson City, Nevada.


HUGH A. SHAMBERGER
State Engineer

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

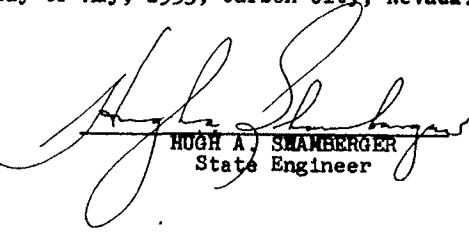
O R D E R

DIRECTING THE INSTALLATION OF MEASURING DEVICES
IN THE PAHRUMP ARTESIAN BASIN

Each and every permit to appropriate water granted by the State of Nevada requires the permittee to install a suitable measuring device at his point of diversion. Upon investigation by the State Engineer it has been found that in most instances in the Pahrump Valley Artesian Basin the provisions of the permit requiring a measuring device has been disregarded.

You are therefore ordered to install a suitable measuring device at your diversion within thirty (30) days of the date of this Order or your water will be turned off until such time as the Order is complied with.

Dated this 4th day of May, 1953, Carson City, Nevada.


HUGH A. SWAMBERGER
State Engineer

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

NOTICE OF CURTAILMENT OF WATER APPROPRIATION

Effective this date the State Engineer will not grant permits to appropriate ground water for IRRIGATION PURPOSES within the following area designated as the Pahrump Artesian Basin:

East Half ($E\frac{1}{2}$) Township 19 South, Range 52 East,
M.D.B.&M.

All of Township 19 South, Range 53 East, M.D.B.&M.

East Half ($E\frac{1}{2}$) Township 20 South, Range 52 East, M.D.B.&M.

All of Township 20 South, Range 53 East, M.D.B.&M.

West Half ($W\frac{1}{2}$) Township 20 South, Range 54 East, M.D.B.&M.

Sections 25, 26, 27, 34, 35, and 36, Township 20 South,
Range 54 East, M.D.B.&M.

Section 1, Township 21 South, Range 52 East, M.D.B.&M.

Portions of Sections 14, 15, 22, 23, 24, 25, 26, and 36,
Township 24 North, Range 8 East, S.B.M.

All of Township 21 South, Range 53 East, M.D.B.&M.

All of Township 21 South, Range 54 East, M.D.B.&M.

Portions of Sections 1, 2, and 12, Township 22 South,
Range 53 East, M.D.B.&M.

All of Township 22 South, Range 54 East, M.D.B.&M.

The U. S. Geological Survey estimates that 12,000 acre-feet of water are available as a perennial yield from the alluvial sands and gravels in the Pahrump Artesian Basin. Pumpage records for the last five years indicate the following

volumes of water were pumped from the Pahrump Artesian Basin:

	Irrigation	Other	Total
1969	40,506 acre-feet	388 acre-feet	40,894 acre-feet
1968	47,632 acre-feet	317 acre-feet	47,949 acre-feet
1967	41,324 acre-feet	177 acre-feet	41,501 acre-feet
1966	37,944 acre-feet	166 acre-feet	38,110 acre-feet
1965	36,514 acre-feet	N/A	36,514 acre-feet

A review of the water rights of record as of May 1, 1970, confirms that appropriations have been approved for 45,607 acre-feet under certificated rights and 45,416 acre-feet under permitted rights which could legally make a total demand of 91,023 acre-feet of water per year within the designated area of the Pahrump Artesian Basin. This condition results in an over-draft of water which will deplete the ground water reservoir.

The State Engineer has designated the Pahrump Artesian Basin as provided under NRS 534.010 to 534.190, inclusive, by the following Orders:

1. Order No. 176 dated March 11, 1941.
2. Order No. 193 dated January 15, 1948, extending the boundary of the Pahrump Artesian Basin.
3. Order No. 205 dated January 23, 1953, extending the boundary of the Pahrump Artesian Basin.

By the authority granted under the provisions of NRS 534.120, Section 1, when the ground water basin is being depleted, the State Engineer on January 19, 1965, instituted a regulation to the effect that permits to appropriate underground water for the development and irrigation of new land would not be allowed within the Pahrump Artesian Basin and, as regards appropriations for irrigation use, only applications to appropriate ground water to supplement existing water rights have been granted since that time.

Further, NRS 534.120, Section 2 directs the State Engineer, in the interest of public welfare, to designate preferred uses of water in acting on applications to appropriate ground water within the areas designated by him from which the ground water is being depleted within the following limits: Domestic, municipal, quasi-municipal, industrial, irrigation, mining, and stockwatering uses.

Therefore, the safeguarding of the limited ground water supply within the aforementioned designated area of the Pahrump Artesian Basin necessitates and demands that irrigation use be excluded from the preferred uses of the ground water resources within the above described area and that no additional permits be allowed within this area to appropriate ground water for the irrigation of lands.

This Order does not affect Applications to appropriate ground water filed in the Office of the State Engineer prior to the date of this Order.


Roland D. Westergard
State Engineer

Dated at Carson City, Nevada

this 1st day of June, 1970.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

955 : f

ORDER

WITHIN THE PAHRUMP VALLEY ARTESIAN BASIN

WHEREAS, the State Engineer has designated the Pahrump Valley Artesian Basin as provided under NRS 534.010 to 534.190, inclusive, by the following Orders:

1. Order No. 176, dated March 11, 1941;
2. Order No. 193, dated January 15, 1948, extending the boundary of the Pahrump Valley Artesian Basin;
3. Order No. 205, dated January 23, 1953, extending the boundary of the Pahrump Valley Artesian Basin.

WHEREAS, NRS 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the ground water basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer issued Order No. 206 on May 4, 1953, directing the installation of measuring devices on all permitted wells (excluding domestic wells) within the Pahrump Ground Water Basin.

WHEREAS, the State Engineer issued Order No. 381 on June 1, 1970, giving notice that no further appropriations would be approved for irrigation purposes in Pahrump Valley Ground Water Basin.

WHEREAS, the United States Geological Survey estimates that 19,000 acre-feet annually is the maximum amount of natural discharge available for capture. The State Engineer has determined that the perennial yield of the Pahrump Valley Artesian Basin may be on the order of 12,000 acre-feet annually based on an outflow to the Amargosa-Ash Meadows area of some 7,000 acre-feet annually. Existing ground water rights of record in the State Engineer's office total over 80,000 acre-feet annually. Of this amount, approximately 60,000 acre-feet annually is for irrigation purposes and approximately 20,000 acre-feet annually represents municipal, quasi-municipal and commercial uses.

WHEREAS, the records and information available to the State Engineer's office indicate there are currently approximately 39,830 approved subdivision lots within the Nye County portion of Pahrump Valley.


WHEREAS, the State Engineer has maintained pumpage inventories in Pahrump Valley since 1962 and has found a continual depletion of the ground water which is the sole source of water for agriculture and other development in Pahrump Valley. During the period 1962-1985, ground water withdrawals increased from 29,000 acre-feet annually in 1962 to a maximum of 48,000 acre-feet annually in 1968 and then steadily declined from about 44,500 acre-feet annually in 1976 to 23,000 acre-feet annually in 1985. The decrease in pumpage is due primarily to the transitional change of agricultural land to real estate development.

WHEREAS, the State Engineer has found ground water levels in Pahrump Valley are declining with the greatest declines along the base of the Pahrump and Manse fans located in the east side of the basin.

NOW, THEREFORE, it is ordered that:

1. All applications filed to appropriate water from the Pahrump Valley Artesian Basin in the east side of the basin on the Pahrump and Manse fans be denied.
2. All applications filed to appropriate water from the Pahrump Valley Artesian Basin for all uses except small commercial uses on the valley floor will be denied. Small commercial uses will be considered a preferred use of the limited ground water resource under the authority of NRS 534.120.
3. All applications filed to appropriate water from the Pahrump Valley Artesian Basin for commercial uses which require water in the amount of 5,000 gallons per day or less will be considered for approval on an individual basis and on their own merits.
4. Order No. 381 issued by the State Engineer on June 1, 1970, be amended in the following manner:

All applications filed to appropriate water for irrigation purposes on lands in Pahrump Valley that have had a certificated water right forfeited where the forfeiture has occurred prior to January 1, 1988, will be considered for approval on an individual basis and on their own merits. Such applications will only be considered if filed with the State Engineer's office within 60 days of the date the right has been declared forfeited.


PETER G. MORROS
State Engineer

Dated at Carson City, Nevada, this

26th day of OCTOBER, 1987

IN THE OFFICE OF THE STATE ENGINEER

1107

OF THE STATE OF NEVADA

O R D E R

WHEREAS, NRS 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the ground water basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS 534.010 to 534.190, inclusive, by the following Orders:

1. Order No. 176, dated March 11, 1941;
2. Order No. 193, dated January 15, 1948, extending the boundary of the Pahrump Valley Artesian Basin;
3. Order No. 205, dated January 23, 1953, extending the boundary of the Pahrump Valley Artesian Basin and,

WHEREAS, the State Engineer issued Order No. 206 on May 4, 1953, directing the installation of measuring devices on all permitted wells (excluding domestic wells) within the Pahrump Valley Artesian Basin.

WHEREAS, the State Engineer issued Order No. 381 on June 1, 1970, giving notice that no further appropriations would be approved for irrigation purposes in the Pahrump Valley Artesian Basin.

WHEREAS, the State Engineer issued Order No. 955 on October 26, 1987, denying new appropriations on the Pahrump and Manse alluvial fans and declared new appropriations for commercial uses, off the fan and requiring 5,000 gallons a day or less, preferred uses.

WHEREAS, the United States Geological Survey estimates that the perennial yield of the Pahrump Valley Artesian Basin is 19,000 acre-feet annually, and the State Engineer estimated the perennial yield may be on the order of 12,000 acre-feet annually. Existing ground water rights of record in the State Engineer's office exceeds 75,000 acre-feet. Irrigation water rights in the Pahrump Valley total approximately 55,000 acre-feet; and municipal, quasi-


municipal and commercial water rights total 20,000 acre-feet annually.

WHEREAS, the pumpage of ground water in the Pahrump Valley Artesian Basin is in excess of the perennial yield.

NOW THEREFORE, it is ordered that, with the following exceptions, applications filed to appropriate water from the groundwater source pursuant to NRS 534.120 within the designated Pahrump Valley Artesian Basin will be denied.

EXCEPTIONS:

1. Those applications filed for commercial (non-living units) or industrial purposes off the fan and only those applications which seek to appropriate 1,800 gallons per day or less and where the property zoned for such purposes shall be processed and subject to NRS 533 and 534.
2. Those applications for Environmental permits filed pursuant to NRS 533.437.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this
8th day of NOVEMBER, 1994.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

1183

ORDER
**FOR DOMESTIC WELL CREDIT IN THE
PAHRUMP VALLEY HYDROGRAPHIC BASIN (162)**

WHEREAS, this order is adopted under the procedure set forth in Chapter 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

WHEREAS, this order covers a portion of the Pahrump Valley Hydrographic Basin (162) more specifically described as being:

T.19S., R.52E. (MDB&M)

All of Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36 and those portions of Sections 1, 3, 10, 11, and 12 within the Pahrump Valley Drainage.

T.19S., R.53E. (MDB&M)

All.

T.20S., R.52E. (MDB&M)

East half.

T.20S., R.53E. (MDB&M)

All.

T.20S., R.54E. (MDB&M)

West half and all of Sections 25, 26, 27, 34, 35, and 36.

T.21S., R.52E. (MDB&M)

All of Section 1.

T.24N., R.08E. (SBM)

Those portions of Sections 14, 15, 22, 23, 24, 25, 26, and 36 within the state of Nevada.

T.21S., R.53E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 36 and those portions of Sections 17, 18, 20, 21, 27, 28, 34, and 35 within the state of Nevada.

T.21S., R.54E. (MDB&M)

All.

T.22S., R.53E. (MDB&M)

Those portions of Sections 1, 2, and 12 within the state of Nevada.

T.22S., R.54E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 36 and those portions of Sections 7, 17, 18, 20, 21, 27, 28, 34, and 35 within the state of Nevada.

WHEREAS, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

- a. A single family dwelling which is presently utilizing a domestic well on a lot established as a separate lot before July 1, 1993, and voluntarily ceases to draw water from that well located within the described area; or
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and
 - (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
 - (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 1,800 gallons per day, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

WHEREAS, this order does not:


- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Pahrump Valley Hydrographic Basin.
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

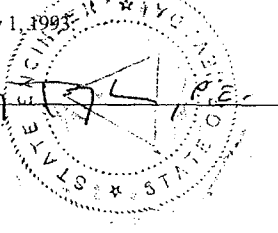
WHEREAS, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 1,800 gallons per day (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in that portion of Pahrump Valley as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.


Tracy Taylor, P.E.
State Engineer



Dated at Carson City, Nevada this

19th day of April, 2007.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1183A

AMENDED ORDER

FOR DOMESTIC WELL CREDIT WITHIN THE PAHRUMP VALLEY
HYDROGRAPHIC BASIN (162), CLARK AND NYE COUNTIES

WHEREAS, this order is adopted under the procedure set forth in NRS 534.350 for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

WHEREAS, this order covers a portion of the Pahrump Valley Hydrographic Basin (162) more specifically described as being located within the following area:

T.19S., R.52E., Mount Diablo Base and Meridian (M.D.B.&M.)

All of Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36 and those portions of Sections 1, 3, 10, 11, and 12 within the Pahrump Valley Drainage.

T.19S., R.53E., M.D.B.&M.

All.

T.20S., R.52E., M.D.B.&M.

East half.

T.20S., R.53E., M.D.B.&M.

All.

T.20S., R.54E., M.D.B.&M.

West half and all of Sections 25, 26, 27, 34, 35, and 36.

T.21S., R.52E., M.D.B.&M.

All of Section 1.

T.24N., R.08E., San Bernardino Base and Meridian

Those portions of Sections 14, 15, 22, 23, 24, 25, 26, and 36 within the state of Nevada.

T.21S., R.53E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 36 and those portions of Sections 17, 18, 20, 21, 27, 28, 34, and 35 within the state of Nevada.

T.21S., R.54E., M.D.B.&M.

All.

T.22S., R.53E., M.D.B.&M.

Those portions of Sections 1, 2, and 12 within the state of Nevada.

T.22S., R.54E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, and 36 and those portions of Sections 7, 17, 18, 20, 21, 27, 28, 34, and 35 within the state of Nevada.

WHEREAS, this order provides that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided one of the following conditions is met:

- a. The owner of a single family dwelling that is presently utilizing a domestic well voluntarily ceases to draw water from that well located within the described area; or,
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and
 - (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
 - (4) That a written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps groundwater within the same groundwater basin as covered by this order.

WHEREAS, this order does not:

- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of groundwater pumped in the Pahrump Valley Hydrographic Basin.

- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

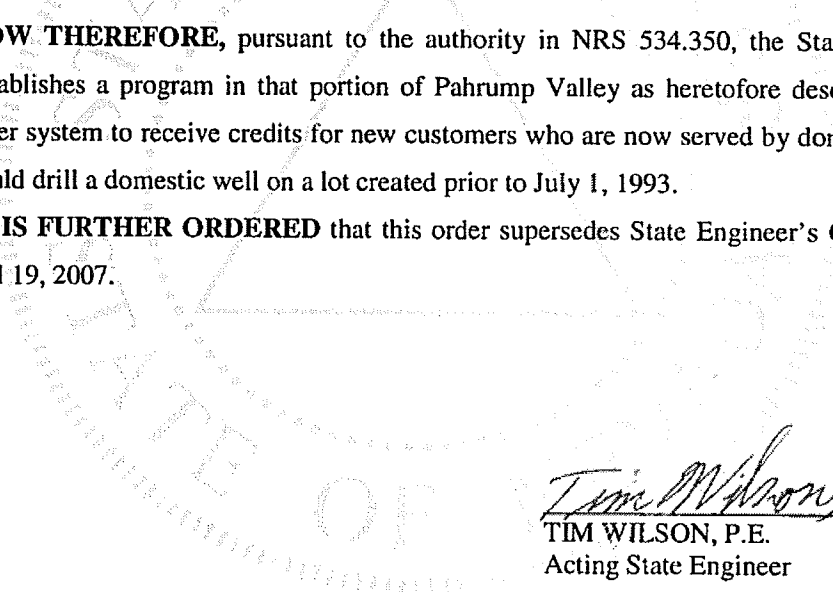

WHEREAS, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in that portion of Pahrump Valley as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.

IT IS FURTHER ORDERED that this order supersedes State Engineer's Order 1183, dated April 19, 2007.



TIM WILSON, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

21st day of October, 2019.

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

1222

VIOLATION ORDER

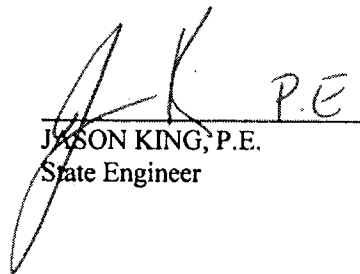
WHEREAS, on the basis of the attached Finding of Alleged Violation, which is hereby made a part of this Violation Order, the State Engineer has determined that Charles K. and D. Jean Hollis (Respondent Hollis) are in violation of the terms of Permit 31261, Certificate 11290 and Garwheel LLC (Respondent Garwheel) is in violation of the Nevada Revised Statutes (NRS) §§ 534.020 and 534.080; therefore, the Respondents are subject to the provisions of NRS §§ 533.481 and 534.193.

WHEREAS, under Nevada Revised Statutes §§ 533.481 and 534.193 and Nevada Administrative Code (NAC) Chapter 532, a person found to be in violation of any provisions of NRS Chapters 533 and 534 or any permit, certificate, order or decision of the State Engineer is to be provided notice and opportunity for a hearing.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Respondents must:

1. **Within one week of the date of this order**, inform the Division of Water Resources (Division) of the Respondents' intent to comply with this order.
2. **Within 30 days of the date of this order**, submit to the Division an approvable mitigation plan, which sets forth the circumstances under which the Respondents will comply with the requirements set forth in the Finding of Alleged Violation.
3. Cease using the water from the West Well until in compliance with the laws pertaining to the appropriation of water and **within 30 days of the date of this order**, initiate proceedings to secure a permit to divert water.
4. **Within 1 year of the date of this order**, comply with the requirements set forth in the Finding of Alleged Violation.

5. **At a time and location to be determined**, appear at a hearing with the Division for the purpose of determining the manner in which the Finding of Alleged Violation and this order have been acted upon and to show cause why injunctive relief should not be sought and why penalties should not be incurred.

 P.E.

JASON KING, P.E.
State Engineer

Dated this 1st day of
November, 2012.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF CHARLES K. AND D.)
JEAN HOLLIS AND GARWHEEL, LLC)
AND THE ALLEGED OVER-PUMPING OF)
GROUNDWATER FROM THE WELL)
AUTHORIZED UNDER PERMIT 31261,)
CERTIFICATE 11290 AND THE ALLEGED)
PUMPING FROM A WELL WITHOUT A)
LEGAL USE WITHIN THE PAHRUMP)
VALLEY HYDROGRAPHIC BASIN (162),)
NYE COUNTY, NEVADA.)

**FINDING OF ALLEGED
VIOLATION
ORDER NO. 1222**

LEGAL

I.

The State Engineer, under the authority of Nevada Revised Statutes (NRS) Chapters 532, 533 and 534, has the power and duty to enforce the provisions of NRS Chapters 533 and 534.

II.

Nevada Revised Statute (NRS) § 533.481 provides that in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of NRS Chapter 533 or any permit, certificate, order or decision of the State Engineer to (a) pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer and/or (b) in the case of an unauthorized use or willful waste of water in violation of NRS § 533.460 or an unlawful diversion of water in violation of NRS § 533.463, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

III.

Nevada Revised Statute § 534.193 provides that in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of NRS Chapter 534 or any permit, certificate, order or decision of the State Engineer to (a) pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer and/or (b) in the case of an unauthorized use or willful waste

of water in violation of NRS § 534.070, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

IV.

Nevada Revised Statute § 534.020(1) provides that all underground waters within the boundaries of the state are subject to appropriation for beneficial use only under the laws of this state relating to appropriation and use of water and not otherwise. Nevada Revised Statute § 534.080 provides that a legal right to appropriate groundwater can only be acquired by complying with the provisions of Chapter 533 of NRS pertaining to the appropriation of water.

FACTS

I.

The C-Valley Mobile Home Park is served by two wells. The well authorized for use under Permit 31261, Certificate 11290 is identified as Well 1 and as the East Well in the Pahrump Valley Groundwater Inventory (East Well). The well without a permit to appropriate water is identified as Well 2 and as the West Well in said inventory (West Well).¹

II.

Permit 31261 was issued for 0.2 cubic feet per second (cfs), but not to exceed 1.934 million gallons annually (mga), equivalent to 5.94 acre-feet annually (afa). Proof of Application of Water to Beneficial Use was filed by the Permittee and Certificate 11290 was issued for 0.0106 cfs, but not to exceed 1.934 mga, equivalent to 5.94 afa. The owner of record of Permit 31261, Certificate 11290 is Charles K. and D. Jean Hollis (Respondent Hollis).²

III.

The C-Valley Mobile Home Park is located on three parcels in Nye County. A search of the Nye County Assessor's records for Assessor Parcel Numbers (APN) 35-345-07, 35-346-01 and 35-346-02 show the owner to be Garwheel LLC (Respondent Garwheel).³ APNs 35-345-07 and 35-346-01 lie within the place of use of Permit 31261, Certificate 11290. APN 35-346-02

¹ *Groundwater Pumpage Inventory Pahrump Valley 2011, No. 162*, official records in the Office of the State Engineer.

² File No. 31261, official records in the Office of the State Engineer.

³ File No. AV 36, official records in the Office of the State Engineer.

lies outside the place of use of Permit 31261, Certificate 11290 and cannot be legally served by the East Well.⁴

IV.

The Office of the State Engineer, Division of Water Resources (Division) conducts annual groundwater pumpage inventories in the Pahrump Valley Hydrographic Basin (162). The meter readings in the records of the Office of the State Engineer demonstrate that in 2010 the East Well (the well authorized for use under Permit 31261, Certificate 11290) was pumped for 7.45 acre-feet.⁵ The duty authorized under said permit is 5.94 acre-feet annually, so the well was over-pumped by 1.51 acre-feet, or 25.4%.

The meter readings in the records of the Office of the State Engineer demonstrate that the West Well (the well without a water right) was pumped for 1.93 acre-feet in 2010⁶ and 7.11 acre-feet in 2009.⁷

V.

Per the Nevada Administrative Code (NAC) 532, on August 16, 2011, the Division sent a certified letter to Respondent Hollis setting forth the alleged violation and the possible actions to correct the violation. The alleged violations were described as exceeding the duty authorized under Permit 31261, Certificate 11290 by 1.51 acre-feet, or 25.4%, in 2010 and as pumping 7.11 acre-feet in 2009 and 1.93 acre-feet in 2010 from a well without a water right.

The options presented for correcting the alleged violation regarding the over-pumping were described as taking the actions necessary to curtail water use to the authorized duty, acquire additional water rights or a combination thereof.

The options presented for correcting the alleged violation regarding the diversion from the well without a water right were described as taking the actions necessary to change the point of diversion from another water right to that well (either from Permit 31261, Certificate 11290 or

⁴ File No. 31261, official records in the Office of the State Engineer.

⁵ *Groundwater Pumpage Inventory Pahrump Valley 2010, No. 162*, official records in the Office of the State Engineer.

⁶ *Ibid.*

⁷ *Groundwater Pumpage Inventory Pahrump Valley 2009, No. 162*, official records in the Office of the State Engineer.

another acquired water right), to appropriate diversion rate only to have a total combined duty not to exceed that of Permit 31261, Certificate 11290 or a combination thereof.

The warning letter established a 30-day timeframe in which to file with the State Engineer an approvable plan for correcting the alleged violation and a one-year timeframe in which to take the corrective actions set forth in the plan; the letter warned that failing to take such actions could result in additional enforcement actions as provided for under NAC 532. The certified mail receipt was signed by EP McAdams on August 18, 2011. The signed certified mail receipt was received in the Office of the State Engineer on August 22, 2011.⁸

VI.

A memo to file AV 36 documents a telephone conversation on August 19, 2011, between the Office of the State Engineer and Joe Reynolds, on behalf of Respondent Hollis, in which he stated that the new owner of the property was fixing a leak that would correct the excessive use. Mr. Reynolds also stated he would advise the new owner that a written response was required and would provide to the Office of the State Engineer contact information for the new owner.⁹

VII.

Since the Office of the State Engineer had not received a written response within the timeframe established in the August 16, 2011 warning letter, but had received an oral response, this office sent a letter on December 21, 2011, by certified mail as a reminder that a written response was required. The certified mail receipt signed by EP McAdams on December 23, 2011, was received in the Office of the State Engineer on December 27, 2011.¹⁰

VIII.

On January 19, 2012, a letter from Brenda Reynolds on behalf of Respondent Hollis was received in the Office of the State Engineer as a follow-up to a telephone conversation with this office on January 6, 2012. In this letter, it was expressed that the water right ownership was not the same as the land ownership and that the water right owner does not have control over the actions of the property owner with regards to pumping. It was not elaborated on in the letter, but in the memo to file AV 36 documenting the January 6, 2012, conversation, Ms. Reynolds

⁸ File No. 31261, official records in the Office of the State Engineer.

⁹ File No. AV 36, official records in the Office of the State Engineer.

¹⁰ File No. 31261, official records in the Office of the State Engineer.

expressed her concern that if additional water rights were acquired, the property owners may exceed that amount, too.^{11,12}

IX.

A memo to file AV 36 documents a telephone conversation on February 3, 2012, between the Office of the State Engineer and Francisco Wheeler, on behalf of Respondent Garwheel, in which the August 16, 2011, warning letter was discussed. The issues were reiterated and Mr. Wheeler was advised that a follow-up letter from this office would be sent to clarify responsibilities for correcting the alleged violation.¹³

X.

On February 6, 2012, the Office of the State Engineer sent a certified letter describing the responsibility of the water right owner and the land owner with respect to both the pumping of the East Well in excess of the amount authorized under Permit 31261, Certificate 11290, and the diversion of water from the West Well for which there is no permit to appropriate water. This letter advised both Respondent Hollis and Respondent Garwheel that the due date for completing the corrective actions necessary to cease over-pumping the well subject to Permit 31261, Certificate 11290 remained August 15, 2012, and established a timeframe of 30 days from the date of the letter to either file an application to place a water right in the subject well or notify this office in writing of the scheduled plan to plug and seal the well within one year. The August 16, 2011, warning letter was enclosed.

The certified mail receipt to Respondent Garwheel was signed by Brenda Garcia on February 10, 2012, and was received in the Office of the State Engineer on February 13, 2012. The certified mail receipt to Respondent Hollis was signed by EP McAdams on February 13, 2012, and was received in the Office of the State Engineer on February 15, 2012.¹⁴

XI.

On March 7, 2012, the Office of the State Engineer received a letter from Brenda J. Reynolds, on behalf of Respondent Hollis. In this letter Ms. Reynolds stated that they were

¹¹ File No. 31261, official records in the Office of the State Engineer.

¹² File No. AV 36, official records in the Office of the State Engineer.

¹³ *Ibid.*

¹⁴ File No. 31261, official records in the Office of the State Engineer.

looking into acquiring additional water rights, that they would have to hold the water rights on the unpermitted well and that they did not want the unpermitted well to be capped.¹⁵

XII.

A memo to file AV 36 documented a telephone conversation on July 19, 2012, between the Office of the State Engineer and Brenda Garcia on behalf of Respondent Garwheel. In this conversation, Ms. Garcia expressed concerns that no action was being taken by Respondent Hollis. She was advised that Garwheel, LLC could take action on its own to secure a water right for the unpermitted well.¹⁶ On August 2, 2012, this office received a letter from Brenda Garcia as a follow-up to the July 19, 2012, telephone conversation, which stated that in her conversations with Brenda Reynolds, it is Ms. Reynolds who is working on getting water rights to achieve compliance. The issue of taking independent action was not addressed in the letter.¹⁷

XIII.

On August 13, 2012, the Office of the State Engineer received a courtesy copy of a letter from Brenda Garcia to Brenda Reynolds regarding the acquisition of water rights to satisfy the mobile home park and meet the requirements of this office. It set a timeframe of September 15, 2012, before legal action will be sought.¹⁸

XIV.

On August 22, 2012, the Office of the State Engineer received a letter from Dorothy Hollis and Brenda Reynolds, on behalf of Respondent Hollis, describing agreements between the parties regarding the maintenance of water rights, when conveyance of water rights will occur and other issues. This letter expressed their disagreement with this office's determination that the unpermitted well has no lawful use. It also appears that there is no intention to acquire additional water rights or at least not without a contribution from the owners of C Valley Mobile Home Park.¹⁹

¹⁵ *Ibid.*

¹⁶ File No. AV 36, official records in the Office of the State Engineer.

¹⁷ File No. 31261, official records in the Office of the State Engineer.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

XV.

The August 22, 2012, letter from Respondent Hollis stated that they disagreed with the Division of Water Resources determination that the West Well has no lawful use. According to the well driller's report, the West Well was drilled in 1979 for domestic purposes in association with Permit 31261;²⁰ however, this well is more than 300 feet from the point of diversion of Permit 31261, and therefore could not be a replacement well. Further, it is the East Well that is described in the Proof of Completion and the Proof of Beneficial Use filed for Permit 31261.²¹ Since the well is serving multiple RV spaces, it is not being used for domestic purposes as defined by NRS § 534.013, which would allow for the domestic well exemption provided by NRS § 534.180.

A review of the records of the Office of the State Engineer revealed that previous applications to appropriate groundwater for diversion from the West Well were denied. Application 51813 was denied on the grounds that granting the application would conflict with existing rights and be detrimental to the public interest.²² Application 52401 sought to change Permit 24179, Certificate 8641, but the base right was declared forfeited and thus Application 52401 was denied because there was no valid existing right to change.²³ Nevada Administrative Code § 534.427(1) provides that if any type of permit, waiver or application to appropriate water from a water well is cancelled, abrogated, forfeited, withdrawn or denied, the well must be plugged in the manner prescribed in NAC § 534.420.

XVI.

Upon review of the 2011 Pahrump Valley Groundwater Pumpage Inventory, the meter readings demonstrate that the East Well, which is authorized for use under Permit 31261, Certificate 11290, was pumped for 1.20 acre-feet. This is less than the 5.94 acre-feet annually authorized under said permit; however, the West Well, which is the unpermitted well also serving the site was pumped for 9.22 acre-feet.²⁴ In total, the pumping for the C-Valley Mobile

²⁰ Well Log No. 63297, official records in the Office of the State Engineer.

²¹ File No. 31261, official records in the Office of the State Engineer.

²² File No. 51813, official records in the Office of the State Engineer.

²³ File No. 52401, official records in the Office of the State Engineer.

²⁴ *Groundwater Pumpage Inventory Pahrump Valley 2011, No. 162*, official records in the Office of the State Engineer.

Home Park increased by about one acre-foot annually since 2010.²⁵ The combined pumping of the two wells in 2009 was 10.08 acre-feet.²⁶

XVII.

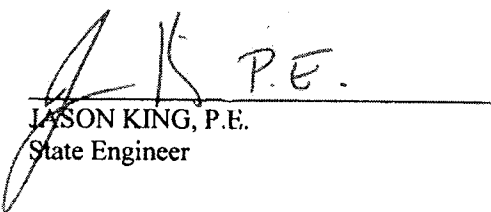
An approvable plan for correcting the alleged violation was not received in the Office of the State Engineer within the timeframe established in the August 16, 2011, warning letter.^{27,28}

XVIII.

A search of the records of the State Engineer confirms that there is no other active water right or application for a water right at the point of diversion of Permit 31261, Certificate 11290 or at the location of the West Well.^{29,30}

FINDING

The State Engineer finds that the Respondents have failed to take any corrective action required by the August 16, 2011, warning letter. The West Well continues to be pumped without the benefit of a water right and the East Well was reduced in pumping only by increasing the pumping from the West Well. To correct the alleged violations the Respondents must have at least one permit authorizing diversion from each well that is to serve the trailer park, the place of use of the permit(s) must encompass all the parcels being served and the total combined duty must be sufficient for the amount of water to be pumped.



JASON KING, P.E.
State Engineer

Dated this 1st day of
November _____, 2012.

²⁵ *Groundwater Pumpage Inventory Pahrump Valley 2010, No. 162*, official records in the Office of the State Engineer.

²⁶ *Groundwater Pumpage Inventory Pahrump Valley 2009, No. 162*, official records in the Office of the State Engineer.

²⁷ File No. 31261, official records in the Office of the State Engineer.

²⁸ File No. AV 36, official records in the Office of the State Engineer.

²⁹ *Township Card 20S 53E*, official records in the Office of the State Engineer.

³⁰ Nevada Division of Water Resources' Water Rights Database, September 7, 2012, official records in the Office of the State Engineer.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER
#1252

ORDER

EXTENDING THE DESIGNATED AREA, LIFTING THE PROHIBITION OF MOVEMENT OF WATER RIGHTS TO THE PAHRUMP AND MANSE FANS, AND FURTHER CURTAILMENT OF GROUNDWATER APPROPRIATION WITHIN THE PAHRUMP VALLEY HYDROGRAPHIC BASIN (10-162) IN CLARK AND NYE COUNTIES, NEVADA

EXTENDING DESIGNATED AREA

WHEREAS, the State Engineer partially designated the Pahrump Valley Hydrographic Basin, located within portions of Clark and Nye Counties, Nevada, as provided under the provisions of Nevada Revised Statute (NRS) § 534.030, by the following Orders:

1. Order No. 176, dated March 11, 1941.
2. Order No. 193, dated January 15, 1948, extending the boundary of the designated area of the Pahrump Valley Hydrographic Basin.
3. Order No. 205, dated January 23, 1953, extending the boundary of the designated area of the Pahrump Valley Hydrographic Basin.

WHEREAS, the State Engineer finds that conditions warrant the extension of the designated boundaries to include the entire extent of the Pahrump Valley Hydrographic Basin.

NOW THEREFORE, the State Engineer, pursuant to NRS § 534.030, designates the following described areas of land in need of administration:

T.17S., R.52E., Mount Diablo Base & Meridian (M.D.B.&M.)

That portion of Section 36 within the Pahrump Valley drainage basin.

T.17S., R.53E., M.D.B.&M.

All of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and those portions of Sections 13, 14, 21, 22, 23, 24, 28, 29, 30 and 31 within the Pahrump Valley drainage basin.

T.17S., R.54E., M.D.B.&M.

All of Section 31 and those portions of Sections 19, 29, 30, 32 and 33 within the Pahrump Valley drainage basin.

T.18S., R.52E., M.D.B.&M.

All of Sections 12 and 25 and those portions of Sections 1, 2, 11, 13, 14, 23, 24, 26, 35 and 36 within the Pahrump Valley drainage basin.

T.18S., R.53E., M.D.B.&M.

All sections.

T.18S., R.54E., M.D.B.&M.

All of Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 3, 4, 10, 11, 13, 14, 15 and 23 within the Pahrump Valley drainage basin.

T.18S., R.55E., M.D.B.&M.

All of Sections 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 8, 9, 14, 15, 16, 17, 18, 23, 24 and 25 within the Pahrump Valley drainage basin.

T.18S., R.56E., M.D.B.&M.

Those portions of Sections 30, 31 and 32 within the Pahrump Valley drainage basin.

T.19S., R.51E., M.D.B.&M.

All of Sections 22, 23, 24, 25, 26, 27, 35 and 36 and those portions of Sections 13, 14, 15, 16 and 21 within the Pahrump Valley drainage basin and the State of Nevada.

T.19S., R.52E., M.D.B.&M.

All of Sections 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 3, 4, 7, 8, 9, 10, 11, 12, 17 and 18 within the Pahrump Valley drainage basin.

T.19S., R.53E., M.D.B.&M.

All sections.

T.19S., R.54E., M.D.B.&M.

All sections.

T.19S., R.55E., M.D.B.&M.

All sections.

T.19S., R.56E., M.D.B.&M.

All of Sections 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 and 33 and those portions of Sections 4, 5, 9, 16, 21, 22, 27, 28, 34 and 35 within the Pahrump Valley drainage basin.

T.20S., R.51E., M.D.B.&M.
All sections.

T.20S., R.52E., M.D.B.&M.
All sections.

T.20S., R.53E., M.D.B.&M.
All sections.

T.20S., R.54E., M.D.B.&M.
All sections.

T.20S., R.55E., M.D.B.&M.
All sections.

T.20S., R.56E., M.D.B.&M.
All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1 and 2 within the Pahrump Valley drainage basin.

T.20S., R.57E., M.D.B.&M.
All of Sections 7, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and those portions of Sections 5, 6, 8, 9, 15, 16, 22, 23, 24, 25 and 36 within the Pahrump Valley drainage basin.

T.21S., R.52E., M.D.B.&M.
All sections.

T.21S., R.53E., M.D.B.&M.
All sections.

T.21S., R.54E., M.D.B.&M.
All sections.

T.21S., R.55E., M.D.B.&M.
All sections.

T.21S., R.56E., M.D.B.&M.
All sections.

T.21S., R.57E., M.D.B.&M.
All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32 and 33 and those portions of Sections 1, 12, 25, 34, 35 and 36 within the Pahrump Valley drainage basin.

T.21S., R.58E., M.D.B.&M.

Those portions of Sections 7, 18, 19 and 30 within the Pahrump Valley drainage basin.

T.22S., R.53E., M.D.B.&M.

All sections.

T.22S., R.54E., M.D.B.&M.

All sections.

T.22S., R.55E., M.D.B.&M.

All sections.

T.22S., R.56E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32 and 33 and those portions of Sections 25, 26, 34 and 35 within the Pahrump Valley drainage basin.

T.22S., R.57E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19 and 20 and those portions of Sections 3, 10, 15, 21, 22, 28, 29 and 30 within the Pahrump Valley drainage basin.

T.23S., R.54E., M.D.B.&M.

All sections.

T.23S., R.55E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22 and 28 and those portions of Sections 13, 23, 24, 26 and 27 and the Pahrump Valley drainage basin.

T.23S., R.56E., M.D.B.&M.

All of Sections 5 and 6 and those portions of Sections 3, 4, 7, 8, 9 and 18 within the Pahrump Valley drainage basin.

T.25N., R.7E., San Bernardino Base & Meridian (S.B.B.&M.)

All of sections 10, 14, 15, 23, 24 and 25 and those portions of Sections 8, 9, 16, 17, 21, 22, 26, 27, 35 and 36 within the Pahrump Valley drainage basin and the State of Nevada.

T.25N., R.8E., S.B.B.&M.

All sections.

T.24N., R.7E., S.B.B.&M.

That portion of Section 1 within the Pahrump Valley drainage basin and the State of Nevada.

T.24N., R.8E., S.B.B.&M.

All of Sections 4, 5, 9, 10, 14, 15, 23, 24 and 25 and those portions of Sections 6, 7, 8, 16, 17, 21, 22, 26, 27, 35 and 36 within the Pahrump Valley drainage basin and the State of Nevada.

T.23N., R.8E., S.B.B.&M.

That portion of Section 1 within the Pahrump Valley drainage basin and the State of Nevada.

The designated Pahrump Valley Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

**LIFTING THE PROHIBITION ON MOVEMENT OF WATER RIGHTS TO THE
PAHRUMP AND MANSE FANS**

WHEREAS, by Order No. 955, dated October 26, 1987, the State Engineer ordered that applications filed to appropriate water from the Pahrump and Manse alluvial fans be denied within the Pahrump Valley Hydrographic Basin.

WHEREAS, Order No. 955 noted a continual decline in water levels in the basin, with the greatest declines noted along the base of the Pahrump and Manse fans located in the east side of the basin.

WHEREAS, Order 955 ordered that all applications filed to appropriate water from the Pahrump Valley Hydrographic Basin in the east side of the basin on the Pahrump and Manse fans be denied.

WHEREAS, the State Engineer has historically interpreted Order No. 955 to also exclude the transfer of existing water rights from the Pahrump Valley floor to the Pahrump and Manse fans.

WHEREAS, the denial of applications, and their subsequent groundwater pumping, in the east side of the basin on the Pahrump and Manse fans was intended to slow and/or reverse declining water levels, particularly on the valley floor where the greatest declines in water levels were observed.

WHEREAS, hydrographic data collected since the issuance of Order No. 955 demonstrates that water levels in the eastern part of the basin along the Pahrump and Manse fans have significantly recovered but that, contrary to what was anticipated, the water levels on the valley floor continue to decline, indicating that the hydrologic connectivity between the fans and the valley floor is poor.

WHEREAS, the Pahrump Valley Hydrographic Basin is over-appropriated, and a groundwater management plan is being contemplated by water users in the basin.

WHEREAS, the State Engineer has determined that by allowing the movement of water rights, subject to NRS Chapters 533 and 534, from “off-the-fan” to the Pahrump and Manse fans would provide appropriators increased flexibility in the management of water resources in the basin.

NOW THEREFORE, it is ordered that there no longer exists a prohibition from moving existing water rights from “off-the-fan” to the Pahrump and Manse fans subject to the requirements of NRS Chapters 533 and 534 and other Orders of the State Engineer.

FURTHER CURTAILMENT

WHEREAS, by Order No. 206, dated May 4, 1953, the State Engineer ordered the installation of suitable measuring devices on all permitted wells (excluding domestic wells) within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 381, dated June 1, 1970, the State Engineer designated preferred uses of groundwater and gave notice that no further appropriations would be approved for irrigation purposes within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 955, dated October 26, 1987, the State Engineer ordered that applications filed to appropriate water from the Pahrump and Manse fans be denied and declared that new appropriations off the fans be limited to a maximum of 5,000 gallons per day for commercial purposes as a preferred use within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 1107, dated November 8, 1994, the State Engineer ordered that applications filed to appropriate water from the Pahrump Valley Hydrographic Basin be denied except for commercial (non-living units) or industrial purposes off the fan seeking to appropriate a maximum of 1,800 gallons per day and where property is zoned for such purposes and for environmental permits filed pursuant to NRS § 534.437.

WHEREAS, NRS § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer recently revised the perennial yield of the Pahrump Valley Hydrographic Basin from 12,000 to 20,000 acre-feet on the basis of numerous hydrologic studies supporting groundwater recharge of at least 20,000 acre-feet per year from precipitation in the basin.

WHEREAS, the committed groundwater rights of record in the Office of the State Engineer total approximately 60,500 acre-feet annually, which greatly exceeds the perennial yield.

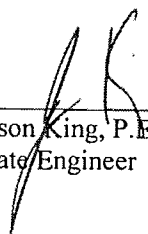
WHEREAS, the State Engineer finds that conditions warrant the further curtailment of new appropriations of groundwater within the Pahrump Valley Hydrographic Basin.

WHEREAS, the State Engineer finds that a public hearing as required under NRS § 534.030, in the matter of the designation of Pahrump Valley Hydrographic Basin was held in Pahrump, Nevada, on April 14, 2015. Based on information received at the hearing and other data and information available to the State Engineer, it is determined that this groundwater basin is in need of additional administration under the provisions of NRS Chapter 534.

NOW THEREFORE, it is ordered that, with the following exceptions, any application to appropriate groundwater pursuant to NRS Chapters 533 and 534 within the designated Pahrump Valley Hydrographic Basin will be denied.

EXCEPTIONS:

1. Those applications for environmental permits filed pursuant to NRS §§ 533.437 to 533.4377, inclusive.
2. Those applications for temporary appropriations of groundwater for stockwater purposes during drought declarations filed pursuant to NRS § 533.504.
3. Those applications for temporary appropriations of groundwater for establishing fire-resistant vegetative cover filed pursuant to NRS § 533.436.
4. Those applications filed to increase diversion rate only, with no corresponding increase in duty of water.

 P.E.

Jason King, P.E.
State Engineer

Dated at Carson City, Nevada this

29th day of April, 2015.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1273-1

FINDING OF ALLEGED VIOLATION AND VIOLATION ORDER

IN THE MATTER OF ALLEGED VIOLATION NO. 125, THE UNAUTHORIZED USE
OF GROUNDWATER FROM A WELL LOCATED WITHIN THE PAHRUMP VALLEY
HYDROGRAPHIC BASIN (162), NYE COUNTY, NEVADA.

WHEREAS, the State Engineer has made a determination in the matter of Finding of Alleged Violation and Violation Order 1273 as follows:

GENERAL

On November 24, 2003, Permit 70153 was issued to Jack W. Sanders (Respondent) for 0.02 cubic feet per second (cfs), not to exceed 1.0 acre-feet annually (afa), of underground water for commercial purposes.¹ On February 21, 2006, the Proof of Completion of Work was filed for a well located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T.21S., R.54E., M.D.B.&M.²

In 2008, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted.²

In 2009, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use. Although the extension of time was granted, the Respondent was warned that the Permit did not allow for irrigation of the vineyard, as the Respondent had stated in the extension request, and the Respondent was similarly warned that the pumping under the permit exceeded the allowable duty.³ Consequently, the Respondent was directed to cease the illegal use and overpumping.³ In response, the Respondent advised the Division of Water Resources (Division) that he would cease irrigation outside the permitted use, and would acquire additional water rights to address the overpumping.⁴ The Respondent did acquire additional water rights in the form of Permit 78839 (discussed below).⁵

¹ Exhibit 51, Administrative Hearing before the State Engineer October 19, 2016, official records in the Office of the State Engineer. Hereinafter, the exhibits and transcript will be referred to only by the exhibit number or transcript page.

² File No. 70153, official records in the Office of the State Engineer.

³ Exhibit 52.

⁴ Exhibit 53

⁵ Exhibits 54-56.

In 2010, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use for Permit 70153, which was granted to December 24, 2010.²

The Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to December 24, 2011.² In 2011, the Respondent failed to timely file Proof of Beneficial Use or Application for Extension of Time and Permit 70153 was cancelled on February 29, 2012. The Respondent petitioned for review of the cancellation; and, after a hearing, the cancellation was rescinded upon the filing of an Application for Extension of Time, which was granted to December 24, 2012.²

In 2012, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to December 24, 2013.²

In 2013, the Respondent attempted to file an untimely Application for Extension of Time for Proof of Beneficial Use, which was rejected. Consequently, on February 26, 2014, the permit was cancelled.⁶ No petition for review of the cancellation was filed.²

II.

On January 25, 2010, Permit 78839 was issued to Jack W. Sanders and Betsie V. Sanders (Respondent) for 0.0113 cfs, not to exceed 2.0 afa of underground water for irrigation purposes. The permit terms provided that the total combined duty of water under Permit 70153 (Commercial) and Permit 78839 (Irrigation), having the same point of diversion, was limited to 3.0 acre-feet annually.⁷ On March 4, 2011, the Proof of Completion of Work was filed under Permit 78839.⁸

In 2012, the Respondent failed to timely file Proof of Beneficial Use and Permit 78839 was cancelled on March 16, 2012. The Respondent filed a petition to review the cancellation; and, after a hearing, the cancellation was rescinded upon the filing of an Application for Extension of Time. The Extension of Time was granted to January 25, 2013.⁸

In 2013, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to January 25, 2014.⁸

In 2014, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use.⁸ The Application for Extension of Time was denied and the Respondent was

⁶ Exhibit 59.

⁷ Exhibit 56.

⁸ File No. 78839, official records in the Office of the State Engineer.

granted until January 25, 2015, to file Proof of Beneficial Use.⁹ The Respondent failed to file Proof of Beneficial Use by that date; therefore, on January 30, 2015, the Respondent was advised it had 30 days within which to file the Proof, or the permit would be cancelled.¹⁰ The Respondent failed to file the Proof and Permit 78839 was cancelled on May 13, 2015.¹¹ No petition for review of the cancellation was filed.⁸

III.

On October 14, 2014, a notice regarding excessive withdrawal of groundwater under Permit 70153 (Cancelled 2/26/2014) and Permit 78839 was served on the Respondent by certified mail.¹² Additional similar notices were served on the Respondent on December 18, 2014 and February 11, 2015.¹³ All notices informed the Respondent that meter readings in the records of the Division for the preceding 5 years demonstrated that the well had been pumped in excess of the permitted duty. According to the Division's records the following table identified the annual water use from the well since 2009 as being:

Year	Water Use (acre-feet annually)	Total Permitted Duty (acre-feet annually)	% Pumped Above Total Permitted Duty
2009	5.67	1.0	467%
2010	4.59	3.0	53%
2011	4.45	3.0	48%
2012	5.30	3.0	77%
2013	5.86	3.0	95%
2014	6.64	2.0	232%
2015	8.04	2.0 ac.-ft. was Available Until Permit 78839 was Cancelled on May 13, 2015	302% ¹⁴

⁹ Exhibit 58.

¹⁰ Exhibit 62.

¹¹ Exhibit 59.

¹² Exhibit 60.

¹³ Exhibits 61, 63.

¹⁴ Pumping that occurred after permit cancellation was completely unpermitted, so the 302% is based on an assumption that all pumping occurred prior to cancellation of Permit 78839.

IV.

On April 15, 2015, a Notice of Alleged Violation regarding excessive withdrawal of groundwater under Cancelled Permit 70153 and Permit 78839 was served on the Respondent by certified mail.¹⁵ The Notice of Alleged Violation reiterated that notification letters regarding the excessive withdrawal had been served on the Respondent on October 14, 2014, December 18, 2014, and February 11, 2015, and that all notices provided information on the alleged violation and corrective action necessary to achieve compliance. No written response was received by the Division to correct the alleged violation.^{2,8}

V.

As of February 1, 2016, the records of the Division showed that there were no active water rights in the well associated with Cancelled Permits 70153 and 78839.^{2,8,16} Consequently, on February 1, 2016, the State Engineer issued Finding of Alleged Violation and Violation Order 1273, which found the Respondent in violation of the terms of Permits 70153 and 78839 where the Respondent failed to reduce excessive pumping to within the permitted duties, and/or to obtain sufficient water rights to cover the excessive water pumped from a well located within the permitted place of use.¹⁷

VI.

The State Engineer found that the Respondent failed to keep Permits 70153 and 78839 in good standing, and subsequently unlawfully diverted groundwater without an active water right from the well located at SE¼ SE¼ of Section 18, T.21S., R.54E., M.D.B.&M. at 3780 E. Kellogg Road, Pahrump, Nye County Assessor Parcel Number (APN) 045-191-03.¹⁶ Order 1273 found that the actions of the Respondent constituted violations of NRS §§ 534.020(1), 534.080(1), 534.080(2) and 534.050(5) and the State Engineer's Violation Order required the Respondent to submit a mitigation plan within 90 days of the issuance of Violation Order 1273.¹⁶

VII.

On April 6, 2016, the Respondent filed a written mitigation plan.¹⁸ The Respondent's plan proposed a multi-step approach to resolving Respondent's overpumping, including: (1)

¹⁵ Exhibit 64.

¹⁶ Nevada Division of Water Resources' Water Rights Database, Special Hydrographic Abstract, November 23, 2015, official records in the Office of the State Engineer.

¹⁷ Exhibit 67.

¹⁸ Exhibit 71.

meeting with Division staff to review Division records and move toward compliance, (2) examining the irrigation system for breaks or leaks to ensure system efficiency, (3) acquiring at least 3 afa of water rights, equal to what Respondent had prior to losing Permits 70153 and 78839 to cancellation, and possibly acquiring additional water rights to cover increased pumping, and (4) implementing landscape modification measures to increase water conservation.

In the Plan, the Respondent advised that he had already contacted a realtor concerning purchasing water rights. Additionally, Petitioner stated that he had already begun landscape modification measures by removing irrigated grass areas and replacing the grass with bark mulch. Additionally, the Respondent indicated that some grass areas would alternatively be replaced with small ornamental shrubs and trees irrigated by a drip feeder.

VIII.

On April 18, 2016, Division staff contacted the Respondent to inquire whether the Respondent's purchase of water rights and filing of change applications would be accomplished within the required 90 day period, further offering to modify the timing requirements of the Violation Order.¹⁹

One month later on May 18, 2016, the Respondent replied, stating he had requested the permit numbers from the purported seller in order to determine of the status of the rights, which Respondent stated were in the amount of 5.5 afa.²⁰ The same day, Division staff replied by e-mail and requested that Respondent forward the permit numbers of the proposed water rights so that staff could check the original water right files maintained in Carson City, Nevada, to ensure the rights were valid and in good standing.¹⁹ No response to the e-mail was received from the Respondent.

IX.

On July 12, 2016, Division staff e-mailed the Respondent again and inquired about the status of Respondent's acquisition of water rights. Division staff informed the Respondent that the deadline set for the mitigation plan had passed, and again, Division staff offered to modify the deadlines of the plan in order to allow Respondent additional time to acquire the necessary water rights. The Respondent was advised to contact Division staff by July 18, 2016, or an Order to Show Cause would be issued.²¹

¹⁹ Exhibit 72.

²⁰ Exhibit 73.

²¹ Exhibit 74.

X.

No response to Division staff's e-mail was received; therefore, an Order to Show Cause was issued on August 15, 2016, setting a hearing date for September 28, 2016. The hearing date was later vacated and reset for October 19, 2016.²²

FINDINGS OF FACT

I.

A hearing to show cause was held on October 19, 2016.²³ Based upon the evidence, testimony, and arguments of the parties, the State Engineer finds sufficient evidence was presented at the show cause hearing to make the following findings of fact, conclusions of law and order concerning Violation Order 1273.

II.

The hearing commenced with the introduction of the Division's exhibits identified as Exhibits 51-81. The Respondent offered no exhibits and relied upon the exhibits offered by the Division.²⁴

III.

The hearing proceeded with testimony by staff of the Division's compliance and enforcement section, Thomas Pyeatte, Jr. In his testimony, Mr. Pyeatte recounted the facts recited above, which provided the foundation for Order 1273, including the overpumping of Respondent's water rights prior to being cancelled, the cancellation of the rights, and the agreement by Respondent to submit a mitigation plan.²⁵ Mr. Pyeatte testified that the Respondent did submit a mitigation plan, but as the dates contained in the plan passed, he was unable to get Mr. Sanders to communicate with him regarding efforts to obtain water rights.²⁶ Mr. Pyeatte testified that as of the date of the hearing, the Respondent was still using water without having acquired any water rights.²⁷ Mr. Pyeatte testified that staff from the Division's

²² Exhibits 77-78.

²³ The hearing was noticed for the Carson City office; however, Mr. Sanders appeared at the Division of Water Resources' Las Vegas Office after the start of the hearing. The State Engineer permitted Mr. Sanders participate in the hearing by video conference from the Las Vegas office. See, Transcript, pp.5-6.

²⁴ Transcript, pp. 5-6.

²⁵ Transcript, pp. 8-12.

²⁶ Transcript, p. 13.

²⁷ Transcript, pp. 13-14.

Las Vegas office had taken multiple readings of the Respondent's meter over the prior year, and that Respondent had used 4.91 acre-feet during the prior year without any water rights while the compliance case was ongoing.²⁸

IV.

Mr. Pyeatte further testified that Respondent's personal residence is located on the same parcel as the winery; and therefore, Mr. Pyeatte testified that Respondent was still permitted to pump up to 2 acre-feet as an exempt domestic allowance for his residence, but that he was not allowed to pump groundwater for commercial or irrigation uses related to the winery without acquiring water rights.²⁹ Mr. Pyeatte testified that immediately prior to the hearing, he viewed the Sanders Family Winery website, which was advertising musical and entertainment activities taking place at the winery, that Mr. Pyeatte opined constituted commercial activities.³⁰

V.

Testimony was then taken from Respondent, Jack W. Sanders who began by recounting the status of the prior water rights, including the 1 acre-foot under Permit 70153 and the 2 acre-feet that he had acquired under Permit 78839 at a cost of \$18,000.00.³¹ He also generally discussed the large investment expended for the winery and the winery property.³² Respondent stated multiple times that he took full accountability for this matter, including the cancellation of the permits, and continuing to operate the winery after the permits were cancelled.³³ He stated that he had erroneously assumed that he was permitted to continue commercial operations under his domestic allowance, during the time he was working to acquire new permitted rights. He stated that he now understood that his assumption was wrong and that the domestic allowance was limited to his personal residence on the parcel.³⁴

VI.

Respondent testified that he was continuing to implement the mitigation plan, including his efforts to acquire permitted rights. He had also investigated his irrigation works, including examining all the connections, and that numerous leaks and some breaks had been discovered

²⁸ Transcript, pp. 13-14.

²⁹ Transcript, p. 15.

³⁰ Transcript, pp. 15-16; Exhibits 75, 76.

³¹ Transcript, p. 17.

³² Transcript, pp. 17-18.

³³ Transcript, p. 18.

³⁴ Transcript, p. 18.

and repaired.³⁵ Upon questioning, Respondent affirmed that he had receipts evidencing the repair work performed on the irrigation system.³⁶

VII.

Respondent also testified that there had been a breakdown of the well. He stated that the pump had to be pulled, whereupon it was discovered that there was a split in the pipe, which had caused pressure issues resulting in the pump running continuously, in addition to insufficient pressure in certain areas of the irrigation system.³⁷ Respondent affirmed that he had receipts for the repair work on the well.³⁸

VIII.

Next, Respondent related his efforts to acquire additional water rights to replace the cancelled rights. He was working with a real estate agent who had located water rights that Respondent believed would bring the pumping into compliance.³⁹ After discussions over the purported water right began, Mr. Sanders discovered that the owner of the water right wanted to move the water right into the Sanders well to allow him to use the rights, but that the owner was not contemplating sale of the right to Mr. Sanders. Respondent was not amenable to this arrangement and did not pursue the purchase.⁴⁰ Thereafter, the Respondent's agent located another right that was thought to be for sale and the Respondent's agent was pursuing that lead.⁴¹ In addition, Respondent related the efforts to continue replacing grass areas with bark mulch, which he expected to reduce water use in addition to helping retain moisture to the vineyard, and that this project was about 70% complete.⁴² Finally, Respondent recounted a number of financial issues concerning the winery's bank loans, which occurred as a result of the economic crisis during the same period.⁴³

IX.

Respondent was questioned about his lack of communication with the Division, including his failure to respond to any notices prior to the Violation Order, and his sparse communication

³⁵ Transcript, pp. 18-19.

³⁶ Transcript, p. 19.

³⁷ Transcript, p. 20.

³⁸ Transcript, p. 20.

³⁹ Transcript, p. 21.

⁴⁰ Transcript, p. 22.

⁴¹ Transcript, p. 22.

⁴² Transcript, pp. 23-24.

⁴³ Transcript, pp. 24-26.

with Mr. Pyeatte once the matter had been referred to the Division's compliance and enforcement section. Respondent stated that the winery was really a one-man operation being run by him. Although his wife was assisting him, she had experienced some health issues, requiring him to give greater attention to the business and that keeping the operation running had consumed all of his efforts.⁴⁴ He stated that he recently had hired additional help at the winery, and admitted that he had no excuse for not responding to the Division's attempts to contact him regarding compliance.⁴⁵

X.

Prior to the close of the hearing, the hearing officer required the Respondent to submit evidence of the efforts taken to come into compliance, including the submission of records documenting efforts to acquire existing water rights, records demonstrating well repairs and detection of leaks.⁴⁶ The Respondent was given a deadline of October 31, 2016.⁴⁷ Respondent provided the requested materials to the Division on November 16, 2016.⁴⁸

XI.

Shortly after the aforementioned documents were submitted by the Respondent, the State Engineer agreed to give the Respondent additional time, to March 1, 2017, to acquire existing water rights and to file an application to change the water right to the Respondent's well. The State Engineer advised the Respondent that irrigation of the vineyard was considered a commercial activity and that if no application to change was filed by March 1, the Respondent was directed to cease and desist irrigation of the vineyard on that date.⁴⁹ On March 6, 2017, the Division documented that no change application had yet been filed by the Respondent.⁵⁰

XII.

On July 3, 2017, Jack and Betsy [sic] Sanders filed Application 87194 to change the point of diversion and place of use of a portion of water previously appropriated under Permit

⁴⁴ Transcript, p. 31.

⁴⁵ Transcript, pp. 31-32.

⁴⁶ Transcript, pp. 37-38.

⁴⁷ Transcript, p. 39.

⁴⁸ File No. AV-125, official records in the Office of the State Engineer.

⁴⁹ Correspondence from Thomas Pyeatte to Jack and Betsy Sanders, November 22, 2016, File No. AV-125, official records in the Office of the State Engineer.

⁵⁰ E-mail from Thomas Pyeatte to Jason King, dated March 6, 2017, File No. AV-125, official records in the Office of the State Engineer.

76106.⁵¹ Application 87194 proposed to change a 3 acre-foot portion of Permit 76106, and requested to retain the same manner of use for quasi-municipal purposes.⁵⁰ After the requisite publication and application protest period, the State Engineer approved Permit 87194 on January 17, 2018.⁵⁰ Permit terms are that any domestic use is included in the duty, and that the total withdrawal from the well is limited to 3.0 afa. The Respondent is also required to keep monthly records of water pumped, which records are required to be submitted to the State Engineer on a quarterly basis.⁵⁰

XIII.

In December 2017, the Division read the Respondent's meter and estimated that the Respondent's water use for calendar year 2017 was 3.69 acre-feet.⁵²

XIV.

The State Engineer finds that the Respondent committed a continuing violation by unlawfully diverting the following amounts of water in each year indicated without sufficient water rights.

Year	Amount unlawfully diverted total (afa)
2009	4.67
2010	1.59
2011	1.45
2012	2.3
2013	2.86
2014	4.64
2015	4.69 ⁵³
2016	4.91
2017	3.69
Total	32.15

⁵¹ File No. 87194, official records in the Office of the State Engineer.

⁵² E-mail from Steve Martinez to Thomas Pyeate, December 13, 2017, File No. AV-125, official records in the Office of the State Engineer.

⁵³ The amount diverted before and after the cancellation of Permit 78839 on May 13, 2015, was not determined; therefore, the Division divided the total duty pumped (8.04 af) by 12 months to obtain a monthly duty (.67 af). The State Engineer finds that applying the monthly duty for the months of January-May equals 3.35 af; and 4.69 af for the months of June-December, during which, the Respondent had no water rights.

The State Engineer finds that between 2009 and 2017 the Respondent unlawfully diverted 32.15 acre-feet without sufficient water rights to permit said diversions.

XV.

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over these matters pursuant to Nevada Administrative Code (NAC) Chapter 532 and NRS §§ 533.481 and 534.193.

II.

From the evidence presented during the show cause hearing, the State Engineer concludes that the facts identified in the Violation Order are substantiated.

III.

The authority and manner of the assessment is contained in NAC § 532.210, which states in relevant part:

NAC 532.210 Additional penalties: Administrative fines; enforcement costs and cost of compliance inspections; calculation. (NRS 532.120, 533.481, 534.193, 535.200, 536.200)

1. The State Engineer may assess a penalty not to exceed \$10,000 per day for each violation, not including any assessed enforcement costs or requirement to replace any water.
2. The period for which the State Engineer may impose an administrative fine pursuant to NRS 533.481, 534.193, 535.200 or 536.200 begins on the first day the violation occurs and continues to accrue until the day the respondent corrects the violation. In calculating a period of time pursuant to this subsection, the State Engineer will not include delays which are not caused by the respondent.

...

IV.

In calculating the amount of a penalty pursuant to NAC § 532.210, the following factors guide the penalty amount:

- (a) The gravity of the violation, including, without limitation, any economic injury or impact to other persons;
- (b) Whether the respondent made significant progress toward correcting the violation and attempted to comply with any applicable orders of the State Engineer;
- (c) Any prior violations committed by the respondent;
- (d) The economic benefit, if any, derived by the respondent from the violation;
- (e) In the case of unlawfully using, wasting or diverting water:
 - (1) The relative amount of water involved; and
 - (2) The method used to measure the water in question; and
- (f) Any other relevant facts established at a hearing to show cause before the State Engineer.

The State Engineer believes that a diversion of any amount of Nevada's scarce waters without required water rights is a serious violation. In this case, the State Engineer concludes that there was no evidence adduced at the hearing regarding an injury suffered by another person as a result of Respondent's actions.

The State Engineer concludes that the Respondent made significant progress toward correcting the violation and attempted to comply with the State Engineer's Order. In 2010, the Respondent obtained additional water rights under Permit 78839 when it was demonstrated that the Respondent was over-pumping the permit it held at the time. It is true that the Respondent subsequently lost both permits to cancellation and continued to overpump, and then continued its diversions without any water rights despite many notices from the Division. The State Engineer considers these aggravating factors. However, these facts are counter-balanced by the Respondent's submission of a written mitigation plan that the Respondent has implemented as of this decision. The State Engineer concludes that Mr. Sanders' communication with the Division in this matter has been poor; however, some explanation was provided by him that he has been overwhelmed with running the winery, nearly by himself, and he has admitted that matters concerning his water rights deserve greater attention from him.

Although some evidence was adduced at the hearing regarding the economic benefit Respondent gained by its unlawful diversions (which the Respondent stated was actually a loss), the State Engineer concludes the evidence is insufficient in this case to estimate the economic benefit Respondent received during the period of the violation.

With respect to the amount of water unlawfully diverted, the State Engineer takes notice of the fact that the perennial yield of the Pahump Artesian Basin is estimated to be 20,000 acre-

feet. Accordingly, the amount of water unlawfully diverted by the Respondent is relatively small in terms of the basin perennial yield (.0015%); conversely, the amount that the Respondent over-pumped in relation to its former permitted rights ranged from 55% to 467%. The State Engineer concludes that over-pumping in excess of 400% to be plainly egregious, and demonstrates a complete disregard by the Respondent of the limit of its water rights.

The Respondent is currently authorized to pump 3.0 acre-feet under Permit 87194 for the winery and for the Respondent's domestic use. In light of the fact that Respondent's pumping in 2017 was estimated to be 3.69 acre-feet, the State Engineer has continuing concerns that the Respondent has not acquired sufficient water rights to cover its operations, which was discussed at the hearing and in post-hearing correspondence to the Respondent. Given the Respondent's chronic history of unlawful diversions in excess of the authorized duty, the State Engineer concludes that it is appropriate in this case to hold in abeyance the imposition of an administrative fine pending further information of the Respondent's diversions under its existing permit. If the Respondent maintains diversions within its annual duty going forward, the State Engineer agrees to waive the imposition of an administrative fine. However, if Respondent continues to over-pump its existing permit, the Respondent is advised that any new violation will be considered a significantly aggravating factor given the history of in this matter. In that case, the State Engineer will impose an administrative fine, which will embrace the Respondent's past unlawful diversions and any new violations.

V.

Nevada Administrative Code § 532.210(3) allows for the recovery of costs related to enforcement actions stating:

In addition to an administrative fine, the State Engineer may assess enforcement costs and the cost of compliance inspections as follows:

- (a) For enforcement costs, time spent to enforce actions surrounding the violation by water enforcement staff, supervisors and the Office of the Attorney General, at the full cost of the hourly rate of each employee, including, without limitation, salary, benefits, overhead and other directly related costs.
- (b) For compliance inspections, the amount due based on staff time at the full cost of the hourly rate of the employee, including, without limitation, salary, benefits, overhead and other directly related costs.

In this enforcement action, the Division conducted compliance investigations, which included staff salaries and travel costs to conduct investigations. In addition, Division staff incurred enforcement costs through additional staff time in the office and by holding a show cause hearing in this matter. Under the facts of this case, the State Engineer agrees to waive imposition of the recovery of costs related to the enforcement action.

VI.

The State Engineer concludes that the Respondent committed violations of NRS §§ 534.020(1), 534.080(1), 534.080(2) and 534.050(5).

VII.

Considering the facts of this case and the factors enumerated in NAC § 532.210, the State Engineer concludes that he will hold in abeyance the imposition of an administrative fine, cost, and fee recovery pending additional meter data concerning the amount of water diverted under Permit 87194.

VIII.

If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it may be so construed.

ORDER

NOW, THEREFORE, based upon the foregoing findings of fact and conclusions of law, the State Engineer hereby Orders, good cause appearing,

IT IS HEREBY ORDERED that the imposition of an administrative penalty assessed against Respondent in held in abeyance, which penalty may be imposed at a later date if meter readings obtained by the Division demonstrate that Respondent's withdrawals under Permit 87194 exceed the annual duty of the permit;

IT IS FURTHER ORDERED that if Respondent has over-pumped its existing permit, any new violation will be considered a significantly aggravating factor given the history of in this matter. In that case, the State Engineer will impose an administrative fine, which will include consideration of the Respondent's past unlawful diversions and any new violations.

IT IS FURTHER ORDERED that Respondent shall reimburse the Division for the costs of the transcript for hearing of this matter in the amount of **\$364.00**;

IT IS FURTHER ORDERED that remittance of the costs be received in the Office of the State Engineer **within 60 days** of the date of this Order.

IT IS FURTHER ORDERED that the State Engineer shall retain jurisdiction over these proceedings, including, but not limited to the right to impose an administrative fine or penalty or to seek injunctive relief.

IT IS SO ORDERED.

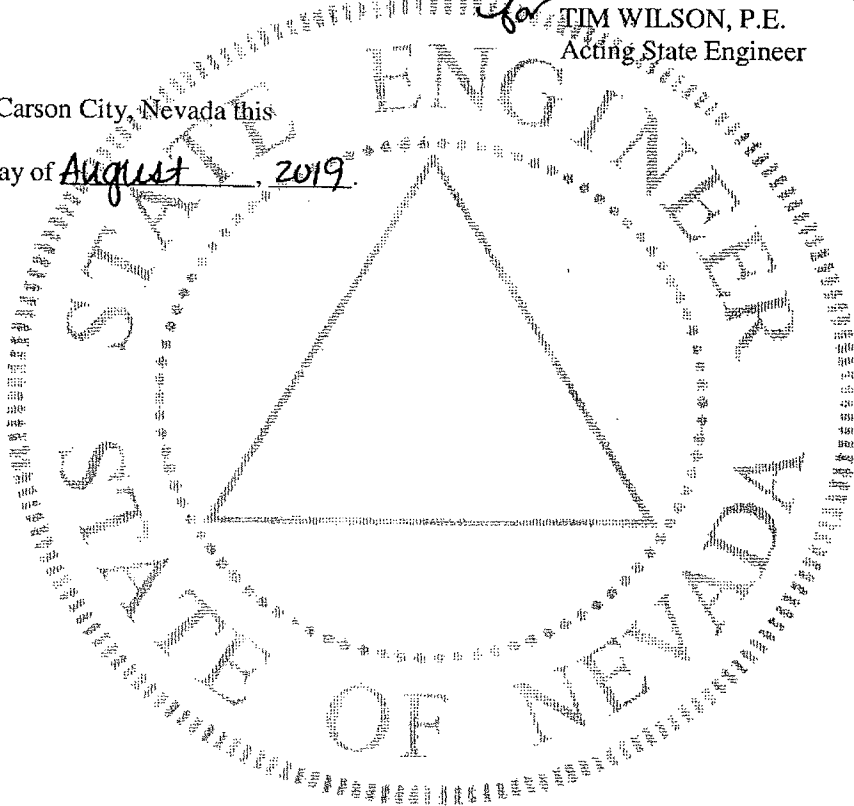
Respectfully submitted

Michelle N. Fairbank

for **TIM WILSON, P.E.**
Acting State Engineer

Dated at Carson City, Nevada this

9th day of August, 2019.



IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1273

FINDING OF ALLEGED VIOLATION AND VIOLATION ORDER

IN THE MATTER OF ALLEGED VIOLATION NO. 125, THE UNAUTHORIZED USE OF
GROUNDWATER FROM A WELL LOCATED WITHIN THE PAHRUMP VALLEY
HYDROGRAPHIC BASIN (162), NYE COUNTY, NEVADA.

JURISDICTION AND AUTHORITY

I.

The State Engineer, under the authority of Nevada Revised Statutes Chapters 532, 533 and 534, has the power and duty to enforce the provisions of NRS Chapters 533 and 534.

II.

Nevada Revised Statute § 534.020(1) states that all underground waters within the boundaries of the State belong to the public, and, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water and not otherwise. Nevada Revised Statutes §§ 533.324 through 533.560 define procedures for Appropriation of Public Waters, which the State Engineer must follow in the administration of water rights in Nevada, including procedures and requirements for applications, permits and certificates for the appropriation of water.

III.

Nevada Revised Statute § 534.080(1) states that a legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of NRS Chapter 533 pertaining to the appropriation of water.

IV.

Nevada Revised Statute § 534.080(2) states that the State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate the water to cease using the water until the owner has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such a permit within 30 days after the date of the notice, the owner is guilty of a misdemeanor.

V.

Nevada Revised Statute § 534.050(5) states that any person using water after a permit has been withdrawn, denied, cancelled, revoked or forfeited is guilty of a misdemeanor. Each day of violation of this subsection constitutes a separate offence and is separately punishable.

VI.

Nevada Revised Statutes §§ 533.481 and 534.193 provide that in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of NRS Chapters 533 or 534, or any permit, certificate, order or decision of the State Engineer to: (a) pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer and/or (b) in the case of a willful waste of water in violation of NRS § 534.070, an unlawful diversion of water in violation of NRS § 534.080, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

STATEMENT OF FACTS

I.

On November 24, 2003, Permit 70153 was issued to Jack W. Sanders (Respondent) for 0.02 cubic feet per second (cfs), not to exceed 1.0 acre-feet annually (afa), of underground water for commercial purposes.¹ On February 21, 2006, the Proof of Completion of Work was filed by the Respondent for a well located in the SE¼ SE¼ of Section 18, T.21S., R.54E., M.D.B.&M.

In 2008, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted.^{1,2}

In 2009, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use. While the extension of time was granted, the Respondent was warned that the Permit did not allow for irrigation of the vineyard, as the Respondent had stated in the extension request, and the Respondent was similarly warned that the pumpage under the permit exceeded the allowable duty. Consequently, the Respondent was directed to cease the illegal use and overpumpage. In response, the Respondent advised the Division of Water Resources (Division) that he would cease irrigation outside the permitted use, and would acquire additional water

¹ File No. 70153, official records in the Office of the State Engineer.

² See NRS § 533.410.

rights to address the overpumpage.¹ The Respondent did acquire additional water rights in the form of Permit 78839 (discussed below).

In 2010, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to December 24, 2010. The Respondent then filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to December 24, 2011.¹

In 2011, the Respondent failed to timely file Proof of Beneficial Use or Application for Extension of Time and Permit 70153 was cancelled on February 29, 2012. The Respondent petitioned for review of the cancellation; and, after a hearing, the cancellation was rescinded upon the filing of an Application for Extension of Time, which was granted to December 24, 2012.^{1,3}

In 2012, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to December 24, 2013.¹

In 2013, the Respondent attempted to file an untimely Application for Extension of Time for Proof of Beneficial Use, which untimely extension was rejected. Consequently, on February 26, 2014, the permit was cancelled. No petition for review of the cancellation was filed.^{1,4}

II.

On January 25, 2010, Permit 78839 was issued to Jack W. Sanders and Betsie V. Sanders (Respondent) for 0.0113 cfs, not to exceed 2.0 afa of underground water for irrigation purposes.⁵ The permit terms provided that the total combined duty of water under Permit 70153 (Commercial) and Permit 78839 (Irrigation), having the same point of diversion, was limited to 3.0 acre-feet annually. On March 4, 2011, the Proof of Completion of Work was filed under Permit 78839.

In 2012, the Respondent failed to timely file Proof of Beneficial Use and Permit 78839 was cancelled on March 16, 2012. The Respondent filed a petition to review the cancellation; and, after a hearing, the cancellation was rescinded upon the filing of an Application for Extension of Time. The Extension of Time was granted to January 25, 2013.⁵

³ See NRS § 533.395.

⁴ The water under cancelled permits reverts to the public domain and is available for further appropriation. *Desert Irr., Ltd. v. State Engineer*, 113 Nev. 1049, 944 P.2d 835 (1997).

⁵ File No. 78839, official records in the Office of the State Engineer.

In 2013, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use, which was granted to January 25, 2014.⁵

In 2014, the Respondent filed an Application for Extension of Time to file Proof of Beneficial Use. The Application for Extension of Time was denied and the Respondent was granted until January 25, 2015, to file Proof of Beneficial Use. The Respondent failed to file Proof of Beneficial Use by that date; therefore, on January 30, 2015, the Respondent was advised they had 30 days within which to file the Proof, or the permit would be cancelled. The Respondent failed to file the Proof and Permit 78839 was cancelled on May 13, 2015. No petition for review of the cancellation was filed.⁵

III.

On October 14, 2014, a notice regarding excessive withdrawal of groundwater under Permit 70153 (Cancelled 2/26/2014) and Permit 78839 was served on the Respondent by certified mail.^{1,5} Additional similar notices were served on the Respondent on December 18, 2014 and February 11, 2015. All notices informed the Respondent that meter readings in the records of the Division for the last 5 years demonstrated that the well had been pumped in excess of the permitted duty.

The following table lists the annual water use from the well since 2009, based on Division records:

Year	Water Use (acre-feet annually)	Total Permitted Duty (acre-feet annually)	% Pumped Above Total Permitted Duty
2009	5.67	1.0	467%
2010	4.59	3.0	53%
2011	4.45	3.0	48%
2012	5.30	3.0	77%
2013	5.86	3.0	95%
2014	6.64	2.0	232%
2015	8.04	2.0 ac.-ft. was Available Until Permit 78839 was Cancelled on May 13, 2015	Permit Cancelled

IV.

On April 15, 2015, a Notice of Alleged Violation regarding excessive withdrawal of groundwater under Cancelled Permit 70153 and Permit 78839 was served on the Respondent by certified mail.^{1,5,6} The Notice of Alleged Violation reiterated that notification letters regarding the excessive withdrawal had been served on the Respondent on October 14, 2014, December 18, 2014, and February 11, 2015, and that all notices provided information on the alleged violation and corrective action necessary to achieve compliance. No written response was received by the Division to correct the alleged violation.

V.

The records of the Division show that there are currently no active water rights in the well associated with Cancelled Permits 70153 and 78839.^{1,5,7}

FINDING OF ALLEGED VIOLATION

I.

The State Engineer finds that during the years 2009 through 2014, the Respondent has failed to reduce excessive pumpage to within the permitted duties, and/or to obtain sufficient water rights to cover the excessive water pumped from a well located in the SE¼ SE¼ of Section 18, T.21S., R.54E., M.D.B.&M. at 3780 E. Kellogg Road, Pahrump, Nye County Assessor Parcel Number (APN) 045-191-03 in violation of terms by which Permits 70153 and 78839 were issued.

II.

The State Engineer finds that the Respondent has failed to keep Permits 70153 and 78839 in good standing, and consequently is unlawfully diverting groundwater without an active water right from the well located at SE¼ SE¼ of Section 18, T.21S., R.54E., M.D.B.&M. at 3780 E. Kellogg Road, Pahrump, Nye County Assessor Parcel Number (APN) 045-191-03.

III.

The State Engineer finds that these actions by the Respondent constitute violations of NRS §§ 534.020(1), 534.080(1), 534.080(2) and 534.050(5).

⁶ See NAC § 532.200(1).

⁷ Nevada Division of Water Resources' Water Rights Database, Special Hydrographic Abstract, November 23, 2015, official records in the Office of the State Engineer.

IV.

To correct the violations, the Respondent must:

1. **Immediately cease and desist** all groundwater pumping from the well located in the SE¼ SE¼ of Section 18, T.21S., R.54E., M.D.B.&M. at 3780 E. Kellogg Road, Pahrump, Nye County APN 045-191-03.
2. And either:
 - a. Take the statutory, regulatory and procedural actions necessary to effect the approval of an application to change sufficient water rights to the unpermitted well to account for the actual amount of water to be used at the property; or
 - b. Retain a Nevada licensed well driller to plug and abandon the unpermitted well in accordance with Nevada Administrative Code Chapter 534.

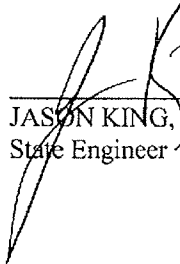
VIOLATION ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Respondent must:

1. **Within seven (7) days of the date of this order**, inform the Division of Water Resources (Division) of the Respondent's intent to comply with this order and schedule a date and time to meet with Division staff.
2. **Within 15 days of the date of this order, at a time and location to be determined**, meet with Division staff to present and discuss an approvable mitigation plan, which sets forth the circumstances under which the Respondent will comply with the requirements of the Finding of Alleged Violation.
3. **Within 30 days of the date of this order**, submit to the Division an approvable written mitigation plan, which sets forth the circumstances under which the Respondent will comply with the requirements set forth in the Finding of Alleged Violation.

4. **Within 90 days of the date of this order**, comply with the requirements set forth in the Finding of Alleged Violation.

5. **At a time and location to be determined**, appear at a hearing with the Division for the purpose of determining the manner in which the Finding of Alleged Violation and this order have been acted upon and to show cause why penalties should not be incurred or injunctive relief not sought under NRS §§ 533.482 and 534.195.

 P.E.

JASON KING, P.E.
State Engineer

Dated this 1st day of
February, 2016.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1293

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.120 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.120 upon the petition of ten percent of the legal appropriators of underground water;
2. Order No. 193 dated January 15, 1948, extending the designated area;
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet annually.¹
2. The committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A “domestic well” is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year. (NRS §§ 534.013 and 534.180).
4. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
5. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴
6. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells, represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵

¹ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer’s Order 1252.

² *Id.*

³ Nevada Division of Water Resources’ Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/welllogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

⁵ *Id.*

7. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
8. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
9. In testimony on Senate Bill 159, former State Engineer Michael Turnipseed agreed with Senator Maggie Carlton that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
10. During the 1999-2000 legislative interim, the Subcommittee to Study Domestic and Municipal Water Wells and its Technical Advisory Committee convened numerous meetings to study issues related to domestic and municipal wells.⁸
11. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.
12. In 1998, Nye County initiated a temporary moratorium on land parceling until the Pahrump Regional Planning Commission could develop an ordinance to be enacted by the County Board of Commissioners. The ordinance ultimately enacted by the Board of Commissioners requires that a person who parcels land in Pahrump Valley is required to deed water rights to the County for each additional lot that is created through parceling.⁹
13. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

⁷ Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

⁹ Nye County Water Resources Plan (2004); *and see* current Nye County Code § 16.28.170 available at

http://sterlingcodifiers.com/codebook/index.php?book_id=648&chapter_id=71572#s705292.

14. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999-2000 Interim Subcommittee all confirm that inclusion of the “protectable interest” language in NRS Chapters 533 and 534 was not intended to limit the State Engineer’s ability to regulate and manage the Nevada’s water resources.¹⁰
15. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
16. NRS § 534.110(8) provides that in any basin or portion thereof in the state designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
17. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹
18. Overwhelmingly, existing domestic wells are located on the valley floor where water levels are declining. Similarly, any new domestic wells would largely be located on the valley floor.
19. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035, and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²

¹⁰ See fn. 6, 7 and 8, and minutes of testimony related thereto.

¹¹ Nevada Division of Water Resources’ Water Level Database, December 19, 2017, official records in the Office of the State Engineer, available on-line at <http://water.nv.gov/WaterLevelData.aspx>; water level records maintained by the United States Geological Survey; Harrill, J., *Ground-Water Storage Depletion in Pahrump Valley, Nevada-California 1962-75*, (Department of Conservation and Natural Resources and United States Geological Survey), 1986; and see also, fn. 4.

¹² Nye County Water Resources Plan Update (2017); Klenke, J., *Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity* (January 2017).


20. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
21. The State Engineer has determined from existing water level and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
22. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
23. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. See NRS §§ 533.070; 534.120(e); 278.335 and 278.461.
24. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.
25. The Nye County Water Resources Plan adopted in 2004 and the update to the Plan in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells. In December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer's issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

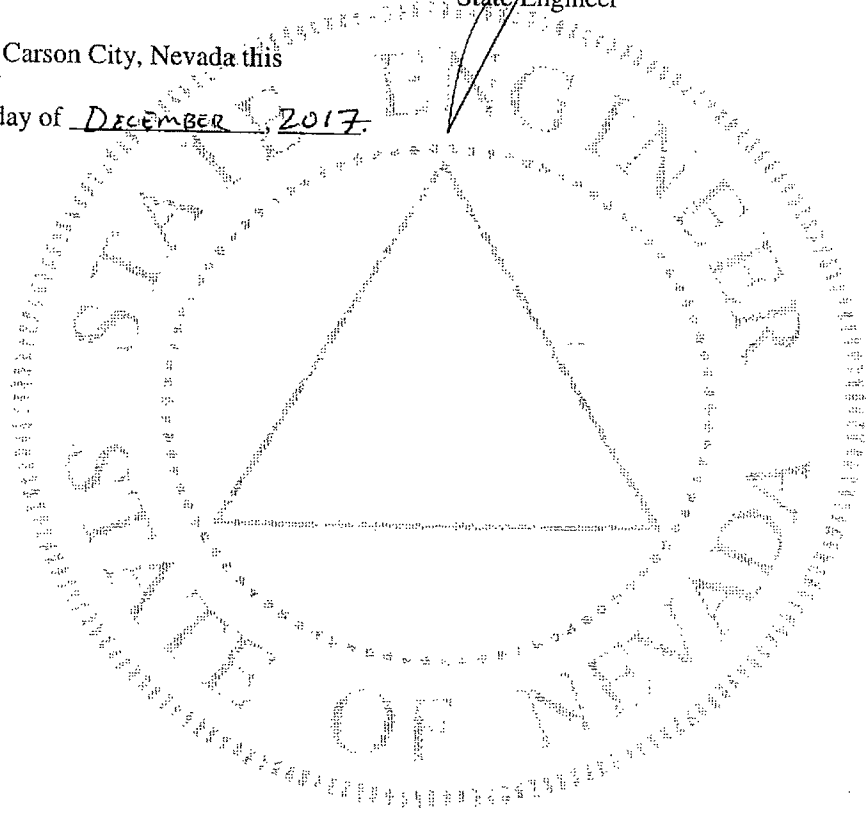
¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this
19TH day of DECEMBER, 2017.



IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

AMENDED ORDER

#1293A

**PROHIBITING THE DRILLING OF NEW DOMESTIC WELLS
IN THE PAHRUMP ARTESIAN BASIN (10-162), NYE COUNTY, NEVADA.**

WHEREAS, the State Engineer has designated the Pahrump Artesian Basin as provided under NRS § 534.030 by the following orders:

1. Order No. 176 dated March 11, 1941, designating and describing the basin pursuant to NRS § 534.030 upon the petition of ten percent of the legal appropriators of underground water.
2. Order No. 193 dated January 15, 1948, extending the designated area.
3. Order No. 205 dated January 23, 1953, further extending the designated area.

WHEREAS, the State Engineer has issued the following orders concerning the regulation and management of groundwater in the basin:

1. Order No. 206 dated May 4, 1953, requiring the installation of measuring devices.
2. Order No. 381 dated June 1, 1970, declaring irrigation a non-preferred use, ordering that new applications for irrigation be denied.
3. Order No. 955 dated October 26, 1987, amending Order No. 381, denying applications on the Pahrump and Manse fans, restricting applications to small commercial uses and forfeiture re-filing provisions.
4. Order No. 1107 dated November 8, 1994, denying all new applications to appropriate except small commercial, small industrial and environmental uses.
5. Order No. 1183 dated April 19, 2007, establishing a program for domestic well credits in the basin.
6. Order No. 1252 dated April 29, 2015, further extending the designated area, lifting the prohibition of moving existing water rights to the Pahrump and Manse fans and curtailing all new appropriations except for very limited exceptions.
7. Order No. 1293 dated December 19, 2017, prohibited the drilling of new domestic wells without the acquisition and relinquishment of 2.0 acre-feet of water rights to serve the domestic well.

WHEREAS, the State Engineer makes the following additional findings and conclusions in support of this Order:

1. The State Engineer estimates that the perennial yield of the Pahrump Artesian Basin is 20,000 acre-feet.¹
2. The total annual duty of committed rights in the form of permits and certificates to the use of groundwater in the basin are approximately 59,175 acre-feet. This amount does not include the amount allowed to be withdrawn by existing domestic wells.²
3. A “domestic well” is a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year. (NRS §§ 534.013 and 534.180).
4. In 2007, the Legislature passed Senate Bill 275, which added a provision giving domestic wells a priority date, which is established as the date of the completion of the well. (NRS § 534.080(4)).
5. There are approximately 11,280 existing domestic wells drilled in the Pahrump Artesian Basin. Pursuant to NRS § 534.180, domestic wells are exempt from the permitting requirements of NRS Chapters 533 and 534, having the legal right to withdraw up to 2 acre-feet annually. Thus, in the Pahrump Artesian Basin, the ability of existing domestic wells to withdraw up to 2 acre-feet annually exceeds the perennial yield by domestic wells alone.³
6. The existing domestic wells in the Pahrump Artesian Basin constitutes the greatest proliferation and density of domestic wells in the state. The density of existing domestic wells ranges from 1 up to 469 wells per square mile. The State Engineer has determined that pumping by domestic wells has the potential to be the largest use of groundwater in the basin.⁴

¹ Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Pahrump Artesian Basin (162), accessed December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>; State Engineer’s Order 1252.

² *Id.*

³ Nevada Division of Water Resources’ Well Log Database, December 19, 2017, official records in the Office of the State Engineer, available at <http://water.nv.gov/welllogquery.aspx>.

⁴ *Id.*; Nye County Water Resources Plan (2004) and Plan Update (2017); Division of Water Resources Groundwater Pumpage Inventories Pahrump Valley Hydrographic Basin 10-162.

7. In addition to existing domestic wells, there is potential for up to 8,000 new domestic wells to be drilled on existing parcels for which no domestic well currently exists. Consequently, the drilling of up to 8,000 new domestic wells represents the legal right to withdraw up to an additional 16,000 acre-feet of groundwater by those new domestic wells.⁵
8. In 1993, Senate Bill 19 was passed, which acknowledged a policy of recognizing existing domestic wells as appurtenances to private homes and created a protectable interest in the source of supply to the domestic well. As originally enacted, it applied to counties having a population less than 400,000.⁶ Senate Bill 19 was codified in NRS § 533.024(1)(b).
9. In 2001, the legislature passed Senate Bill 159, which removed the limitation in NRS § 533.024(1) to counties having a population less than 400,000, making that provision and related provisions applicable statewide.⁷
10. In testimony on Senate Bill 159, the Office of the State Engineer agreed with legislators that a “protectable interest” only occurs after there has been an improvement on the property and a well has been drilled, and that citizens cannot claim a “protectable interest” without anything on the property.
11. During the 1999–2000 legislative interim, the Subcommittee to Study Domestic and Municipal Water Wells (Interim Subcommittee) and its Technical Advisory Committee convened numerous meetings to study issues related to domestic and municipal wells.⁸
12. An issue identified by the Interim Subcommittee was that land division laws under NRS Chapter 278 were problematic because parcel maps and other types of land division do not require water rights to be attached to newly created parcels, unlike subdivision approvals. Testimony before the Subcommittee indicated that many counties enacted ordinances requiring water rights be attached to new parcel creations, but that existing parcels were exempt from that requirement.

⁵ *Id.*

⁶ Senate Bill 19, Chapter 631, Statutes of Nevada 1993.

⁷ Senate Bill 159, Chapter 85, Statutes of Nevada 2001.

⁸ Legislative Counsel Bureau Bulletin No. 01-18, *Domestic and Municipal Water Wells* (November 2000).

13. In 1998, Nye County initiated a temporary moratorium on land parceling until the Pahrump Regional Planning Commission could develop an ordinance to be enacted by the County Board of Commissioners. The ordinance ultimately enacted by the Board of Commissioners requires that a person who parcels land in Pahrump Valley is required to deed water rights to the County for each additional lot that is created through parceling.⁹
14. The concern of the Interim Subcommittee regarding parceling land without requiring water rights is typified by the existing condition in the Pahrump Artesian Basin. Although the County Board of Commissioners enacted an ordinance requiring water rights for any new parcels created, the ordinance did not apply to parcels already in existence.
15. Testimony related to Senate Bill 19 (1993), Senate Bill 159 (2001) and during the 1999–2000 Interim Subcommittee all confirm that inclusion of the “protectable interest” language in NRS Chapters 533 and 534 was not intended to limit the State Engineer’s ability to regulate and manage Nevada’s water resources.¹⁰
16. NRS § 534.120 authorizes the State Engineer to make such rules, regulations and orders deemed essential for the welfare of the area involved in designated groundwater basins when the groundwater basin is being depleted in the judgment of the State Engineer.
17. NRS § 534.110(8) provides that in any basin or portion thereof within the state that is designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells.
18. Historical water level data maintained by the State Engineer and other agencies demonstrate that water levels on the valley floor have steadily declined since the 1950s. Despite numerous orders by the State Engineer regulating groundwater in the basin, water levels on the valley floor have not stabilized. In addition to declining water levels, issues related to declining water levels in the basin are well-documented, including impacts to springs and land subsidence.¹¹

⁹ Nye County Water Resources Plan (2004); *and see* current Nye County Code § 16.28.170 available at

http://sterlingcodifiers.com/codebook/index.php?book_id=648&chapter_id=71572#s705292.

¹⁰ *See* footnotes 6, 7 and 8, and minutes of testimony related thereto.

¹¹ Nevada Division of Water Resources’ Water Level Database, December 19, 2017, official records in the Office of the State Engineer, available on-line at <http://water.nv.gov/WaterLevelData.aspx>; *water level records maintained by the United States Geological Survey*; Harrill, J., *Ground-Water Storage Depletion in Pahrump Valley, Nevada-California 1962-75*, (Department of Conservation and Natural Resources and United States Geological Survey), 1986; *and see also, fn. 4.*

19. The Nye County Water Resources Plan adopted by Nye County in 2004 and the update to the Plan by the County in 2017, describe the existing problems posed by the proliferation of domestic wells in Pahrump and the potential consequences of drilling up to 8,000 new domestic wells.
20. In a 2017 update to the Nye County Water Resources Plan, data and maps from the Water Level Management Plan were used to examine the longevity of existing shallow wells, primarily domestic wells, in areas of measure and sustained water table declines. The data and simulations predicted that 438 wells would fail by 2035 and the number of failed wells would reach 3,085 by 2065. The study did not take into account anticipated increases in future demand; therefore, additional demand created by new domestic wells would be expected to accelerate water level declines and predicted well failures.¹²
21. The drilling of up to 8,000 new domestic wells endangers the continued supply of groundwater within the basin, including the supply to existing rights and existing domestic wells.
22. The State Engineer has determined from existing water levels and other data that the groundwater basin is being depleted, and that this order is essential for the welfare of the area involved.
23. Requiring the acquisition and relinquishment of water rights to serve new domestic wells on existing parcels is consistent with Nye County Code § 16.28.170, which, since 1998, has required water rights for the approval of new parcel maps;
24. Similarly, requiring the acquisition of water rights to serve new domestic wells is consistent with the legislature's intent expressed in other areas of the law that there must be sufficient water available to grant new appropriative rights or to approve parcel and subdivision maps intended to be served by domestic wells. See NRS §§ 533.070; 534.120(3)(e); 278.335; and 278.461.
25. Allowing the unrestrained drilling of additional domestic wells in a basin that is already more than two-times overappropriated is inconsistent with the State Engineer's prior orders regulating and restricting appropriative rights in an attempt to stabilize water levels in the basin.

¹² Nye County Water Resources Plan Update (2017); Klenke, J., Estimated Effects of Water Level Declines in the Pahrump Valley on Water Well Longevity (January 2017).

26. NRS § 534.030(5) provides that: “[w]ithin any groundwater basin which has been designated or which may hereafter be so designated by the State Engineer . . . wherein a water district has been created and established by law to furnish water to an area or areas within the basin or for groundwater conservation purposes, the State Engineer, in the administration of the groundwater law, shall avail himself or herself of the services of the governing body of the water district . . . in an advisory capacity. *The governing body or water board shall furnish such advice and assistance to the State Engineer as is necessary for the purpose of the conservation of groundwater within the areas affected.*” (Emphasis added).
27. The Nye County Water District was created by the Nye County Water District Act, Ch. 542, Nevada Statutes 2007 p. 3397 (Senate Bill 222 (2007)). The preamble to the Act acknowledged that adequate and efficient water service was vital to the economic development and well-being of the residents of Nye County.
28. In keeping with its duty to advise the State Engineer in matters concerning the conservation of groundwater, and to ensure an adequate supply of groundwater is available, in December 2017, the Board of the Nye County Water District voted to approve sending a letter to the State Engineer providing support for the State Engineer’s issuance of an order requiring relinquishment or dedication of water rights for new domestic wells.¹³
29. In addition to support for this Order expressed by the Nye County Water District, *supra*, on April 17, 2018, the Nye County Board of Commissioners adopted a Groundwater Management Plan for the Pahrump Basin. The Groundwater Management Plan for the Pahrump Basin not only recognized Pahrump as having the highest density of domestic wells in the state, but the Plan identified Order 1293 as a priority item and incorporated and relied on Order 1293 as a component of the Plan.

NOW THEREFORE, it is hereby ordered that the drilling of any new domestic well within the Pahrump Artesian Basin is **prohibited**, except that:

1. Any person proposing to drill a new domestic well must obtain an existing water right in good standing, subject to review of the State Engineer, of not less than 2.0 acre-feet annually and relinquish the water right to serve the domestic well.
2. Any entity that has already relinquished sufficient water rights to serve a new domestic well is excepted from this order.
3. A domestic well requiring rehabilitation as defined by NAC § 534.189 is hereby excepted.

¹³ Correspondence from Oscar (Oz) Wichman on behalf of the Nye County Water District to Jason King, December 11, 2016 [sic].

4. The reconditioning of a domestic well as defined by NAC § 534.188, or replacement of an existing domestic well is excepted from this Order, unless the well is located in an area where water can furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.
5. Persons that filed a Notice of Intent to Drill with the Division of Water Resources between December 15 and 19, 2017, as identified in Exhibit "A," which Notice(s) were denied upon the issuance of Order 1293, may re-file a Notice of Intent to be reconsidered under this exception to the Order.
6. Any person that can demonstrate that they filed an application for a zoning and/or building permit with the Nye County Departments of Planning or Building and Safety on or before December 19, 2017, for a parcel eligible for a domestic well, is excepted from this Order.



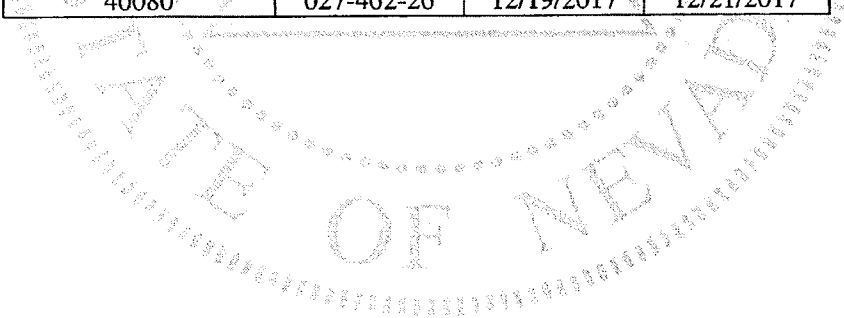
JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

12TH day of July, 2018

EXHIBIT "A"

Notice of Intent No.	APN	File Date	Denial Date
39879	035-553-01	12/15/2017	12/19/2017
39880	029-283-01	12/15/2017	12/19/2017
39878	029-481-20	12/15/2017	12/19/2017
39875	027-581-18	12/15/2017	12/19/2017
39877	035-183-35	12/15/2017	12/19/2017
39876	035-174-12	12/15/2017	12/19/2017
40076	027-311-01	12/18/2017	12/19/2017
40075	036-508-06	12/18/2017	12/19/2017
40085	045-084-04	12/19/2017	12/21/2017
40083	045-084-02	12/19/2017	12/21/2017
40082	029-624-03	12/19/2017	12/21/2017
40081	045-293-27	12/19/2017	12/21/2017
40079	027-461-53	12/19/2017	12/21/2017
40078	040-672-07	12/19/2017	12/21/2017
40077	045-083-18	12/19/2017	12/21/2017
40199	028-663-02	12/19/2017	12/21/2017
39884	028-673-06	12/19/2017	12/21/2017
39882	028-496-11	12/19/2017	12/21/2017
39881	040-391-14	12/19/2017	12/21/2017
40084	045-084-03	12/19/2017	12/20/2017
39883	029-401-08	12/19/2017	12/20/2017
40080	027-462-26	12/19/2017	12/21/2017



**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

#1319

FINDING OF ALLEGED VIOLATION AND VIOLATION ORDER

**IN THE MATTER OF ALLEGED VIOLATION CASE 171
REGARDING EXCESSIVE PUMPING AND USE OF GROUNDWATER
FROM A WELL LOCATED WITHIN THE PAHRUMP VALLEY
HYDROGRAPHIC BASIN (162), NYE COUNTY, NEVADA**

JURISDICTION AND AUTHORITY

I.

The State Engineer, under the authority of Nevada Revised Statutes (NRS) Chapters 532, 533, and 534 has the power and duty to enforce the provisions of NRS Chapters 533 and 534.

II.

NRS 534.020(1) provides that all underground waters within the boundaries of the State belong to the public, and, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water and not otherwise. NRS 533.324 through 533.560 define procedures for appropriation of public waters, which the State Engineer must follow in the administration of water rights in Nevada, including procedures and requirements for applications, permits and certificates for the appropriation of water.

III.

NRS 534.080(1) provides that a legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of NRS Chapter 533 pertaining to the appropriation of water.

IV.

NRS 534.080(2) provides that the State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate the water to cease using the water until the owner has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceeding to secure such a permit within 30 days after the date of the notice, the owner is guilty of a misdemeanor.

V.

NRS 533.480 and 534.190 provide that any person violating any of the provisions of NRS 533.005 to 533.475 and 534.010 to 534.180, inclusive, shall be guilty of a misdemeanor.

VI.

NRS 533.481(1) and 534.193(1) provide that in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to: (a) pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer and/or (b) in the case of an unlawful use or diversion of water, as determined by the State Engineer, replace not more than 200 percent of the water used or diverted.

VII.

Pahrump Valley Hydrographic Basin was designated, pursuant to NRS Chapter 534, by State Engineer's Order 176 on March 3, 1941.¹ The area of designation was expanded by State Engineer's Order 193 on January 15, 1984.²

STATEMENT OF FACTS

I.

On March 29, 1972, a well for domestic purposes was constructed in the SW¼ SE¼ of Section 6, T.20S., R.53E., M.D.B.&M., at 1170 Darcy Lane, Pahrump, Nevada, further described as Nye County Assessor's Parcel Number 036-011-18.³

On June 10, 2005, Permit 70854 was granted to D W H, Inc. for 0.0028 cubic feet per second, but not to exceed 2.02 afa of underground water for commercial purposes.⁴ The point of diversion for Permit 70854 is the well previously constructed, for domestic purposes, in the SW¼ SE¼ of Section 6, T.20S., R.53E., M.D.B.&M. The Proof of Completion and the Proof of Beneficial Use were timely filed.⁵ Certificate 18047 was issued on July 7, 2011, for commercial purposes from an underground source.⁶

¹ State Engineer's Order 176, official records in the Office of the State Engineer.

² State Engineer's Order 193, official records in the Office of the State Engineer.

³ Well Driller's Report Log No. 63113, official records in the Office of the State Engineer.

⁴ Permit No. 70854, official records in the Office of the State Engineer.

⁵ File No. 70854, Proof of Completion, official records in the Office of the State Engineer; *Id.*, Proof of Beneficial Use.

⁶ Certificate No. 18047, official records in the Office of the State Engineer.

The total allowable duty for diversion from the well located in the SW¼ SE¼ of Section 6, T.20S., R.53E., M.D.B.&M. is 2.02 afa, which is the certificated duty for Permit 70854, Certificate 18047.⁷

II.

The Division of Water Resources (Division) conducts an annual pumpage inventory in the Pahrump Valley Hydrographic Basin.⁸ See Table 1 for the record of the pumpage inventory for Permit 70854, Certificate 18047.

Table 1. Record of Annual Pumpage for Permit 70854, Certificate 18047.

Year	Permitted Limit (afa)	Recorded Pumpage (afa)	Excess Pumpage (afa)	Percent Over Pumpage
2009	2.02	3.50	1.48	73%
2010	2.02	3.53	1.51	75%
2011	2.02	2.96	0.94	47%
2012	2.02	2.71	0.69	34%
2013	2.02	5.58	3.56	176%
2014	2.02	7.03	5.01	248%
2015	2.02	7.05	5.03	249%
2016	2.02	8.48	6.46	320%
2017	2.02	7.94	5.92	293%
2018	2.02	5.32	3.30	163%
2019	2.02	5.96	3.94	195%
Total Excess of Appropriation (afa)			37.84	

III.

On October 10, 2014, the Division sent a notice to D W H, Inc. via certified mail. The notice stated that while conducting the annual pumpage inventory in the Pahrump Valley Hydrographic Basin, it was determined that the well appurtenant to Permit 70854, Certificate 18047, was over pumped from 2009 through 2013. The notice provided corrective actions to comply with the terms of the permit and Nevada water law.⁹

⁷ *Id.*

⁸ Nevada Division of Water Resources, Pahrump Valley Hydrographic Basin (162) Groundwater Pumpage Inventory, for Water Years 2009-2019, available at water.nv.gov/PumpageInventoryFiles.aspx.

⁹ File No. 70854, letter dated October 10, 2014.

Samuel M. Robinson and Laura D. Robinson (Respondents) became the owner of record for Permit 70854, Certificate 18047 on December 4, 2014.¹⁰

The Division sent two notices in 2015 to the Respondents via certified mail. The notices stated that while conducting the annual pumpage inventory in the Pahrump Valley Hydrographic Basin it was determined that the well appurtenant to Permit 70854, Certificate 18047, was over pumped from 2009 through 2013. Both notices provided corrective actions to comply with the terms of the permit, Nevada water law and potential penalties.¹¹

On July 15, 2016, the Division sent a Final Warning Notice to the Respondents via certified mail. The notice reiterated that while conducting the annual pumpage inventory in the Pahrump Valley Hydrographic Basin it was determined that the well appurtenant to Permit 70854, Certificate 18047, was over pumped from 2009 through 2015. The Final Warning Notice provided corrective actions and timeframes to comply with the terms of the permit and Nevada water law and potential penalties.¹²

The Respondents failure to respond to the previous notices was cause to initiate Alleged Violation Case 171. The Division sent two Notices of Alleged Violation to the Respondents via certified mail: the first on September 15, 2017, and the second on February 21, 2020. Both Notices of Alleged Violation sent by certified mail were returned to the Division as unclaimed. Each time, the Notice of Alleged Violation was resent via regular mail and was not returned to the Division. It is the responsibility of the owners of a water right to file changes of address with the Division. Each Notice of Alleged Violation stated that while conducting the annual pumpage inventory in the Pahrump Valley Hydrographic Basin it was determined that the well appurtenant to Permit 70854, Certificate 18047, was over pumped since 2009. Each Notice of Alleged Violation provided deadlines and corrective actions to comply with the terms of the permit and Nevada water law.¹³

As of the date of this order the Division has received no communication from the Respondents regarding Alleged Violation Case 171.

¹⁰ *Id.*, letter dated December 4, 2014.

¹¹ *Id.*, letter dated January 14, 2015; *Id.*, letter dated March 26, 2015.

¹² *Id.*, Final Warning Notice, dated July 15, 2016.

¹³ *Id.*, Notice of Alleged Violation, dated September 15, 2017; *Id.*, Notice of Alleged Violation, dated February 21, 2020.

FINDING OF ALLEGED VIOLATION

I.

The State Engineer finds that the recorded pumpage for the well appurtenant to Permit 70854, Certificate 18047, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.20S., R.53E., M.D.B.&M., exceeded the allowable duty from 2009 to 2019.

II.

The State Engineer finds that the Respondents have failed to respond to the Notice of Alleged Violation, to reduce excess pumpage to within the allowable duty, or to obtain sufficient water rights to cover the excess water pumped from the well appurtenant to Permit 70854, Certificate 18047, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.20S., R.53E., M.D.B.&M., and are in violation of Nevada water law and the terms by which Permit 70854, Certificate 18047 was issued.

III.

The State Engineer finds that the Respondents are unlawfully diverting groundwater in excess of the allowable duty from the well appurtenant to Permit 70854, Certificate 18047, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.20S., R.53E., M.D.B.&M., and as consequence, has failed to keep Permit 70854, Certificate 18047 in good standing.

IV.

The State Engineer finds that these actions by the Respondents constitute violations of NRS 533.325, 534.020(1), 534.080(1), and 534.080(2) and are subject to penalties set forth in NRS 533.480 and 534.190.

V.

To correct the violation, the Respondents must:

Immediately cease and desist all excess groundwater pumping from the well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.20S., R.53E., M.D.B.&M.

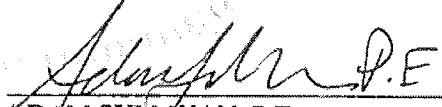
I. And either:

- a. Take the statutory, regulatory, and procedural actions necessary to effect the approval and application to change sufficient water rights to the well to account for the actual amount of water to be used at the property;
- b. Take necessary action to reduce your groundwater withdrawal and usage to be in compliance with the duty allowed under Permit 70854, Certificate 18047; or
- c. A combination of options a) and b).

VIOLATION ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the Respondents must:

1. **Within seven (7) days of the date of this order**, inform the Division of the Respondent's intent to comply with this order and schedule a date and time to meet with Division staff.
2. **Within 15 days of the date of this order, at a time and location to be determined**, meet with Division staff to present and discuss an approvable compliance plan, which sets forth the circumstances under which the Respondents will comply with the requirements of the Finding of Alleged Violation within this order.
3. **Within 30 days of the date of this order**, submit a written compliance plan, to the Division for approval, which sets forth the circumstances under which the Respondents will comply with the requirements set forth in the Finding of Alleged Violation within this order.
4. **Within 90 days of the date of this order**, comply with the requirements set forth in the Finding of Alleged Violation within this order.
5. **At a time and location to be determined**, appear at a hearing with the Division for the purpose of determining the manner in which the Finding of Violation and this order have been acted upon and to show cause why penalties should not be incurred or injunctive relief not sought under NRS 533.482 and 534.195.



ADAM SULLIVAN, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

11th day of December, 2020.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1319-1

ORDER

WHEREAS, the State Engineer has made a determination in the matter of Finding of Alleged Violation and Violation Order 1319 as follows:

GENERAL

I.

Permit 70854, Certificate 18047 was granted to D W H, Inc. for 0.0028 cubic feet per second, not to exceed 2.02 acre-feet annually of underground water for commercial purposes, on June 10, 2005.¹ The point of diversion for Permit 70854 is a well originally constructed for domestic purposes in 1972, in the SW¼ SE¼ of Section 6, T.20S., R.53E., M.D.B.&M. The Proof of Completion and the Proof of Beneficial Use were timely filed, and the State Engineer issued Certificate 18047 on July 7, 2011. On December 4, 2014, the Division of Water Resources confirmed Respondents Samuel M. Robinson and Laura D. Robinson as the owners of record for Permit 70854, Certificate 18047.²

II.

The point of diversion and place of use are located within the Pahrump Valley Hydrographic Basin.³ The State Engineer first designated the Pahrump Valley Hydrographic Basin in 1941.⁴ Limitations of groundwater appropriation were originally put in place in 1970 when the State Engineer excluded irrigation from the preferred uses of the groundwater resources within the basin.⁵ Current groundwater appropriations are more than four times the perennial yield of the basin.⁶

III.

The terms of Permit 70854 required installation of a meter.⁷ The meter is read annually by staff of the Division of Water Resources (Division) for preparation of an annual groundwater pumpage inventory. State Engineer Exhibit No. 7 is an excerpt of five years of groundwater pumpage inventory reports (2012–2016) with the recorded pumping under Permit 70854, Certificate 18047. In each year, the meter readings indicate that pumping exceeded the maximum amount allowed under the permit.

¹ File No. 70854, official records in the Division of Water Resources.

² *Id.*

³ *Id.*

⁴ Order 176, official records in the Division of Water Resources.

⁵ Order 381, official records in the Division of Water Resources.

⁶ Groundwater Commitments and Availability, available at <http://water.nv.gov/DisplayHydroGraphicMannerOfUseCommitment.aspx?basin=162>, (accessed July 14, 2021).

⁷ File No. 70854.

IV.

On February 21, 2020, Respondents Samuel M. and Laura D. Robinson were sent a Notice of Alleged Violation providing notice of excessive pumping from the well associated with Permit 70854, Certificate 18047. The Notice of Alleged Violation outlined the history of excessive pumping and use and directed Respondents to take corrective action to reduce their water use or to obtain additional water rights to cover the duty of water being pumped and used. The Notice of Alleged Violation specifically directed Respondents to submit to the Division by April 2, 2020, an approvable written mitigation plan which set forth the circumstances under which Respondents would comply with Nevada water law and to comply with the approved mitigation plan no later than June 19, 2020. The Notice further placed Respondents on notice that their failure to comply would be subject to further proceedings including the payment of an administrative fine not to exceed \$10,000 per day for each violation; replacement of not more than 200% of the water used, wasted, or diverted; a declaratory and injunctive action; payment of costs of the proceeding, including investigative costs and attorney's fees; or initiation of a criminal complaint for misdemeanor offenses(s).⁸

Respondents failed to respond to the February 21, 2020, Notice of Alleged Violation as directed.

V.

On December 11, 2020, the State Engineer issued Finding of Alleged Violation and Violation Order No. 1319, wherein he found that Respondents Samuel M. and Laura D. Robinson violated the terms of their permit and Nevada law by pumping water in excess of their certificated amount without a permit and were subject to penalties set forth in Nevada Revised Statutes (NRS) §§ 533.480 and 534.190.

VI.

The *Notice of Hearing on Order to Show Cause* issued on March 12, 2021, set the show cause hearing for teleconference on May 3, 2021.

The hearing convened on May 3, 2021.⁹ The State Engineer was represented by Ian Carr of the Attorney General's office. The Robinsons also appeared without representation. Each had the opportunity to present evidence regarding the violations of Nevada law previously found by the State Engineer and evidence of efforts toward compliance and resolution of the violations. Relevant findings are set forth in the following paragraphs.

FINDINGS OF FACT

I.

Respondents stated that in 2014 they bought the property adjacent to the place of use of Permit 70854, Certificate 18047.¹⁰ Mr. Robinson stated that after the purchase he found "an illegal

⁸ *Id.*

⁹ *See Transcript*, May 3, 2021, official records in the Division of Water Resources.

¹⁰ Respondents did not submit any exhibits in support of their testimony, but the documents referenced are either public record or records of the State Engineer. The State Engineer believes that the purchase of the adjacent property is recorded in Document 811677 in the records of the Nye County Recorder.

cross connection between a domestic well at 1140 Darcy and the well here at 1170 and that connection was removed in 2014” resulting in an increase of pumping under Permit 70854, Certificate 18047.¹¹ Respondents stated that in an attempt to reduce over pumping, in 2018 they removed a pond from the place of use and have not increased the landscaping being irrigated.¹²

The State Engineer finds that the statements of the Respondent are consistent with the data recorded in the groundwater pumpage inventory reports. In the groundwater pumpage inventory report for 2014 (reading taken February 2, 2015), the pumping had increased to nearly 250% more than the permitted amount, a 70% increase over the prior year.¹³ It is reasonable that this could reflect the severance of the connection with the domestic well. This high level of pumping was consistent until the 2018 groundwater pumpage inventory (reading taken April 16, 2019), when pumping dramatically reduced possibly because the pond was removed from the property.¹⁴ With no additional changes to Respondents’ pattern of water use, this level of pumping has been maintained as reflected in available pumpage data.

II.

Respondents further stated that in 2020 they bought “4-acre feet of certificated water, Permits 13959 and Permit 68981” to make up the difference in the allowed amount under Permit 70854, Certificate 18047 and the amount being pumped from their well. Respondents referenced Document 948700 in the records of Nye County.¹⁵

Document 948700 was recorded on February 17, 2021, for the purchase of a total combined duty of 4.0 acre-feet annually, together with pro-rated rates of diversion, a portion of Nevada water rights Permit 13959, Certificate 5437, Permit 14458, Certificate 5438, and Permit 68981.¹⁶ These permits, along with Permit 85460, are currently supplemental in a single place of use. Respondents have submitted neither an application to change these water rights, nor reports of conveyance to update ownership with the Division.¹⁷

III.

Costs incurred in the enforcement of *Finding of Alleged Violation and Violation Order No. 1319* include the court reporter for the hearing and the transcript, \$501.00.¹⁸

¹¹ Transcript, p. 32.

¹² Transcript, pp. 32, 35.

¹³ State Engineer Ex. No. 7.

¹⁴ Groundwater Pumpage Inventory for Calendar Year 2018, Pahrump Valley Hydrographic Basin, official records of the Division of Water Resources, available at: <http://water.nv.gov/Pumpage%20Inventories/162%20-%20Pahrump%20Valley/162%20-%202018%20-%20Pahrump%20Valley.pdf>

¹⁵ Transcript pp. 33, 34.

¹⁶ Document 948700, records of the Nye County Recorder. Respondents did not provide this document, but it is accessible as a public record.

¹⁷ Transcript pp. 33, 34.

¹⁸ See NAC 532.210 for eligible costs that may be assessed. Supporting documentation for costs is available in the official records of the Division of Water Resources.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.¹⁹

II.

All underground waters of the State are subject to appropriation for beneficial use, subject to procedures found in NRS 533.324 through 533.560.²⁰ All uses of underground water after March 25, 1939, must have a permit to appropriate the water.²¹

III.

The State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate the water to cease using the water until the owner has complied with the laws pertaining to the appropriation of water.²²

IV.

In addition to any other penalty provided by law, the State Engineer may, after notice and an opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to: (a) pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer and/or (b) in the case of an unlawful use or diversion of water, as determined by the State Engineer, replace not more than 200 percent of the water used or diverted.²³ The State Engineer may also assess the cost of enforcement and compliance inspections.²⁴

V.

The amount of any penalty assessed is based on:

- (a) The gravity of the violation, including, without limitation, any economic injury or impact to other persons;
- (b) Whether the respondent made significant progress toward correcting the violation and attempted to comply with any applicable orders of the State Engineer;
- (c) Any prior violations committed by the respondent;
- (d) The economic benefit, if any, derived by the respondent from the violation;
- (e) In the case of unlawfully using, wasting or diverting water:
 - (1) The relative amount of water involved; and
 - (2) The method used to measure the water in question; and
- (f) Any other relevant facts established at a hearing to show cause before the State Engineer.²⁵

¹⁹ NRS 533.481, NRS 534.193.

²⁰ NRS 534.020(1).

²¹ NRS 534.080(1).

²² NRS 534.080(2).

²³ NRS 533.481(1), NRS 534.193(1).

²⁴ NAC 532.210.

²⁵ NAC 532.210(4).

VI.

The State Engineer concludes that there are sufficient facts in the record to support the violation set forth in Order 1319. Permit 70854, Certificate 18047 has been over pumped by 37.84 acre-feet over a 10-year period, and 24.65 acre-feet since Respondents gained ownership in 2014.²⁶ Due to the cross-connection identified by Respondents in 2014 or 2015, the amount of over pumping is likely even higher due to the volume of water pumped from the neighboring domestic well not being recorded on a meter.

VII.

The State Engineer concludes that there is sufficient evidence to assess a penalty against the Respondents. The Pahrump Valley Hydrographic Basin is severely over-appropriated. For Respondents to pump more than 12 times their permitted duty is especially egregious in light of the high demand for water within the Basin. The State Engineer concludes that this is a serious infraction.

Although Respondents have started to implement measures to mitigate the over pumping, their efforts are incomplete and fail to fully address the over pumping of their existing water right for the well. After removing the cross-connection, Respondents did stop filling a pond in the place of use but have not otherwise reduced their irrigation. Respondents also acquired water rights but have not filed the applications to change the rights acquired or reports of conveyance. The State Engineer concludes that this is not significant progress toward correcting the violations but does demonstrate an attempt to comply with Nevada law.

The final administrative penalty assessed below is arrived at by calculating the maximum penalty which considers the aggravating factors identified above, but also includes a reduction of the potential penalty for mitigating factors as described above.

Considering the facts of this case and the factors enumerated in NAC 532.210, the State Engineer concludes that, except as provided for in this order, an administrative penalty in the amount of **\$12,000** should be assessed.

ORDER

NOW THEREFORE, based on the findings of fact and conclusions of law set forth above, the State Engineer hereby orders, good cause appearing,

IT IS HEREBY ORDERED that Respondents shall reimburse the Division for the hearing of this matter in the amount of **\$501.00. Costs must be paid within 30 days of the date of this Order.**

IT IS FURTHER ORDERED that **within 30 days of the date of this Order,** Respondents shall file their report of conveyance to transfer ownership of the water rights into their name and file their applications to change the point of diversion, place of use, and/or manner

²⁶ Based upon a review of the Pahrump Valley Hydrographic Basin 10-162 Groundwater Pumpage Inventory for Calendar Year 2020 conducted by the State Engineer, this calculation neither includes additional over-pumping by Respondents in calendar year 2020 of 2.75 afa nor any over-pumping in year 2021.

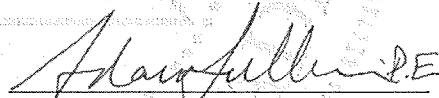
of use for the water rights acquired (Permit 13959, Certificate 5437, and Permit 68981) to increase the duty of water they may pump from their well .

IT IS FURTHER ORDERED that within 60 days of the date of this Order, Respondents shall submit an approvable plan to, within ten years, replace 100% of the excess water used since 2014.²⁷ If the applications to change the water rights are denied or the report of conveyance is rejected and cannot be remedied, the administrative penalty will be immediately due. Upon accepting the report of conveyance and permitting of the applications to change the water rights, approval of the plan to replace the water used in excess of the permitted duty, and replacement of 100% of the excess water used, the administrative penalty will be waived by the State Engineer.

IT IS FURTHER ORDERED that if an approvable plan to replace the water used in excess of the permitted right with ten years, as set forth above, is not submitted and approved by the State Engineer an administrative penalty is assessed against the Respondents in the amount of **TWELVE THOUSAND (\$12,000) DOLLARS, which must be paid within 90 days of the date of this Order.**^{28,29}

IT IS FURTHER ORDERED that the State Engineer shall retain jurisdiction over these proceedings, including but not limited to, the right to seek injunctive relief to enforce the terms of this Order and/or pursue a criminal complaint as provided pursuant to NRS 533.481.

IT IS SO ORDERED.



ADAM SULLIVAN, P.E.

State Engineer

Dated at Carson City, Nevada this

25th day of February, 2022.

²⁷ The duty of excessive pumping as of 2019 totaled 24.65 af; however, Respondent's pumping for 2020 was 4.77 afa, which was still 2.75 af in excess of the permitted right, bringing the total over-pumping to 27.40 af. The total duty of water that must be replaced shall be adjusted to include any additional pumping in excess of the permitted duty for year 2021 and 2022, if appropriate.

²⁸ Any additional pumping by the Respondent after the date of this Order that exceeds the amount permitted at the Point of Diversion and Place of Use may be subject to further penalties.

²⁹ Payment of the administrative penalty shall be paid to the order of the Nevada Division of Water Resources in care of the State Permanent School Fund pursuant to Nevada Constitution, Article 11, Section 3.

REVIEW OF PENALTY DECISION

A respondent may request, in writing, a hearing before an independent advisory committee within 30 days after the date the State Engineer imposes a penalty against the respondent.³⁰ The decision of the State Engineer following the review of the independent advisory committee is subject to review by a District Court.³¹



³⁰ NAC 532.250.

³¹ NAC 532.270, NRS 533.450.

Great Basin Water Company – Spring Creek Division (Volume III)

NDWR Hydrographic Basin Data & Water Rights

Hydrographic Basin Summary

Order 848

Order 1120

Order 1251

Order 1286

Order 1329

Pershing Co. Petition for Writ of Mandamus/Writ of
Prohibition



Assembly Bill No. 51

Minutes of the Meeting of the Assembly Committee on Natural
Resources, Agriculture, and Mining – February 27, 2019

Preliminary Draft Regulations for the Mitigation of Surface
Water Conflicts in the Humboldt River Basin

Notice of Hearing on Proposed Interim Order within the
Humboldt River Region and Draft Interim Order

Hydrographic Area Summary

Hydrographic Area No. 048 **Hydrographic Area Name** DIXIE CREEK-TENMILE CREEK AREA
Subarea Name
Hydrographic Region No. 04 **Hydrographic Region Name** HUMBOLDT RIVER BASIN
Area (sq. mi.) 392
Counties within the hydrographic area Elko
Nearest Communities to Hydrographic Area Elko, Spring Valley
Designated (Y/N, Order No.) Y, O-848 **For All or Portion of Basin:** All
Preferred Use (Order No., Description) O-1120 IRR Denied, 4,000 gpd or less, ENV, GEO **For All or Portion of Basin:** Portion
State Engineer's Orders:  **For All or Portion of Basin:** Portion
State Engineer's Rulings: 
Pumpage Inventory Status Ongoing **Crop Inventory Status** None
Water Level Measurement? Y

Yield Values

Perennial Yield (AFY) 13000
System Yield (AFY) 140000
Yield Reference(s) USGS Recon. 35, Water for Nevada Report No. 3
Yield Remarks Combined System Yield for Basins 046, 047, and 048

Source of Committed Data: NDWR Database **Supplementally Adjusted?** Y

Manner of Use	Underground	Geothermal	Other Ground Water
Commercial	84.93	0.00	0.00
Construction	3.10	0.00	0.00
Domestic	66.00	0.00	0.00
Environmental	0.00	0.00	0.00
Industrial	7.10	0.00	0.00
Irrigation	1,202.35	0.00	0.00
Mining, Milling & Dewatering	1,832.90	0.00	0.00
Municipal	7,210.66	0.00	0.00
Power	0.00	0.00	0.00
Quasi-Municipal	8.36	0.00	0.00
Recreation	5,636.41	0.00	0.00
Stockwater	266.94	0.00	0.00
Storage	0.00	0.00	0.00
Wildlife	0.13	0.00	0.00
Other	11.94	0.00	0.00
Totals	16,330.82	0.00	0.00

Related Reports

USGS Reconnaissance 35 **USGS Bulletin** 32
Other References State Engineer Ruling 6110

Comments

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

1120

NOTICE OF CURTAILMENT OF WATER APPROPRIATION
WITHIN A PORTION OF THE DIXIE CREEK-TENMILE CREEK AREA (48)
GROUNDWATER BASIN, ELKO COUNTY, NEVADA

WHEREAS, NRS 534.120 provides that within an area that has been designated by the State Engineer where, in his judgement, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations, and orders as are deemed essential for the welfare of the area involved, and

WHEREAS, the State Engineer has designated the Dixie Creek-Tenmile Creek Groundwater Basin as provided under NRS 534.010 through 534.190 by State Engineer's Order No. 848, dated September 6, 1984, and

WHEREAS, the Spring Creek Area, a portion of the area described below, continues to experience a high rate of growth and development causing stress to the groundwater resource, and

WHEREAS, the Spring Creek Utilities Company, the water utility responsible for providing water service to the Spring Creek Area, relies on underground water for its source of supply, and

WHEREAS, the Spring Creek Utilities Company has difficulties in meeting the summer demand for water due to the limited yield of its wells, and

WHEREAS, the South Fork Area, a portion of the area described below, has the potential for the development of approximately 9000 homes, planned to be served by domestic wells, and

WHEREAS, the rate of growth and development within the Spring Creek Area, and the South Fork Area, is such that the State Engineer feels that curtailment of water appropriations is necessary to protect the groundwater resource, to prevent any future conflicts with existing rights, and to guard the public interest.

NOW THEREFORE, it is ordered that, with the following exceptions, applications filed to appropriate water from the groundwater source within that portion of the Dixie Creek-Tenmile Creek Area Groundwater Basin described below, will be denied. The affected area is described as:

T.32N., R.54E., M.D.B.&M.

All of Sections 1 and 12.

T.32N., R.55E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, 32, 33, and 34, and these portions of Sections 25 and 35 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.56E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, and 29, and those portions of Sections 28, 30, 31, and 32 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.54E., M.D.B.&M.

All of Section 36, and those portions of Sections 24 and 25 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.55E., M.D.B.&M.

All of Sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, and those portions of Sections 16, 19, and 20, lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.56E., M.D.B.&M.

All Sections except 19, 31, 33, 35, and the NW $\frac{1}{4}$ Section 29.

T.33N., R.57E., M.D.B.&M.

All of Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, and those portions of Sections 4, 9, 10, 15, 22, 27, 34, and 35 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.34N., R.56E., M.D.B.&M.

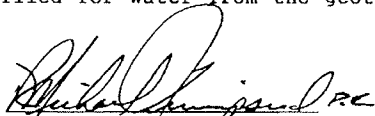
All of Sections 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, and those portions of Sections 19, 20, 21, 23, 24, and 30 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.34N., R.57E., M.D.B.&M.

Those portions of Sections 19, 29, 30, 31, 32, and 33 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

EXCEPTIONS:

1. Those applications for any purpose except irrigation which seek to appropriate 4000 gallons per day or less.
2. Those applications for environmental permits filed pursuant to NRS 533.437.
3. Those applications filed for water from the geothermal aquifer.


R. MICHAEL TURNIPSEED, P.E.
State Engineer

Dated at Carson City, Nevada, this

2nd day of April, 1996.

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

#1251

ORDER

WHEREAS, Nevada Revised Statutes (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer designated all or a portion of most groundwater basins within the Humboldt River Basin Hydrographic Region (4) as provided under the provisions of NRS § 534.030, by the following State Engineer's Orders:

<u>Basin</u>	<u>No.</u>	<u>S.E. Order</u>	<u>Date</u>
Marys River Area	042	837	02/14/1984
Starr Valley Area	043	867	07/10/1985
North Fork Area	044	744	05/28/1980
Lamoille Valley	045	869	07/18/1985
South Fork Area	046	870	07/18/1985
Huntington Valley	047	865	07/10/1985
Dixie Creek - Tenmile Creek Area	048	848	09/06/1984
Elko Segment	049	778	12/08/1981
Elko Segment	049	864	07/10/1985
Susie Creek Area	050	866	07/10/1985
Maggie Creek Area	051	863	07/10/1985
Marys Creek Area	052	868	07/18/1985
Pine Valley	053	862	07/10/1985
Crescent Valley	054	755	03/20/1981
Antelope Valley	057	276	08/05/1964
Middle Reese River Valley	058	276	08/05/1964
Lower Reese River Valley	059	739	03/27/1980
Whirlwind Valley	060	799	10/05/1982
Boulder Flat	061	799	10/05/1982
Clovers Area	064	700	12/30/1977
Pumpnickel Valley	065	1241	10/03/2014
Kelly Creek Area	066	536	05/09/1975
Little Humboldt Valley	067	1242	10/03/2014
Paradise Valley	069	408	10/22/1971
Winnemucca Segment	070	464	07/24/1972
Winnemucca Segment	070	534	05/06/1975
Winnemucca Segment	070	1246	11/24/2014
Grass Valley	071	464	07/24/1972
Grass Valley	071	1247	11/24/2014
Imlay Area	072	702	01/31/1978
Lovelock Valley - Oreana Subarea	073A	369	02/25/1969
White Plains	074	716	07/06/1978

WHEREAS, the State Engineer finds that it is in the public interest to ensure that the diversions of underground water in those designated groundwater basins comprising the Humboldt River Basin Hydrographic Region (4) are within the limits set forth in each water right permit, certificate or other authorization to divert groundwater.

WHEREAS, NRS § 534.110 provides that the State Engineer may require periodic statements of water elevations, water used, and acreage upon which water was used from all holders of permits and claimants of vested rights.

NOW THEREFORE, IT IS HEREBY ORDERED that all owners of underground water rights in the above described hydrographic basins, with the following exceptions, shall install and maintain, in accordance with manufacturer's specifications, a totalizing meter in the discharge pipeline near the point of diversion by **February 1, 2016**. Additionally, all wells drilled after **February 1, 2016**, shall be subject to this requirement.

EXCEPTIONS:

1. Those wells drilled for domestic purposes as defined by NRS § 534.013.
2. Those wells drilled for stockwater purposes, unless otherwise required by the terms of the permit or certificate.
3. Those wells with a total authorized withdrawal that does not exceed five acre-feet annually, unless otherwise required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that **within thirty days** of installation, each owner who installs a totalizing meter in accordance with this order shall file with the State Engineer a report of installation on the form provided by the Nevada Division of Water Resources.

IT IS FURTHER ORDERED that once the totalizing meter is installed, monthly records shall be kept of the amount of water pumped from each well subject to this order, and the records shall be submitted to the State Engineer **within 15 days after the end of each calendar quarter**, or more frequently if required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that:

1. Each water right owner shall expeditiously correct totalizing meter failure or deficiencies in metering equipment or installations that cause the meter to fail to meet the requirements of this order.
2. The State Engineer may authorize the temporary estimation of the amount of water pumped during the time period required to repair a non-functional totalizing meter. Estimation of the amount of water pumped must be based upon the number of hours the pump was operated, multiplied by the well discharge diversion rate. This estimation must be submitted to the State Engineer in the

form of a sworn affidavit from the water right owner, but is in no way a direct substitute for a totalizing meter installed in the discharge pipeline.

3. Each water right owner shall provide access to the totalizing meter by State Engineer staff without prior notice for reading and inspection.
4. Any tampering with a working totalizing meter, *i.e.*, reprogramming, such that the totalizing meter provides a false measurement is prohibited. If upon inspection, the State Engineer finds discrepancies between the totalizing meter reading and actual discharge from the well, an independent certification of the flow measurement may be required at the expense of the water right holder.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

5th day of February, 2015.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1286

REQUIRING WATER USERS OF THE
HUMBOLDT RIVER
AND ITS TRIBUTARIES TO INSTALL AND MAINTAIN
HEADGATES AND MEASURING DEVICES

WHEREAS, Findings of Fact and Decree were issued by the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, in the *Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Tributaries under the Bartlett and Edward Decrees* in Pershing, Humboldt, Lander, Eureka, and Elko Counties, in addition to those smaller portions of White Pine, Nye and Churchill counties that lie within the drainage system.

WHEREAS, the Humboldt River and Tributaries Decree provides “[t]hat all measurements of the amount diverted are to be made at or near the point where the main ditch enters or becomes adjacent to the lands being irrigated or as near thereto as practicable, the location if not selected by the State Engineer to be approved by him. Each water user shall install and maintain substantial headgates and weirs in his ditch or ditches.”¹

WHEREAS, Nevada Revised Statute (NRS) § 536.010 provides that:

1. The owner or owners of any ditch or canal shall maintain to the satisfaction of the State Engineer a substantial headgate at or near the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water commissioner.
2. Such owners shall construct and maintain, when required by the State Engineer, suitable measuring devices at such points along such ditch as may be necessary for the purpose of assisting the water commissioner in determining the amount of water that is to be diverted into the ditch from the stream, or taken from it by the various users.
3. Every owner or manager of a reservoir located across or upon the bed of a natural stream or of a reservoir which requires the use of a natural stream channel shall be required to construct and maintain, when required by the State Engineer, a measuring

¹ Page 243 of the *Bartlett Decree*, as incorporated into the *Matter of the Determination of the Relative Rights of the Waters of the Humboldt River Stream System and Tributaries*, Case No. 2804, Sixth Judicial District Court of the State of Nevada, In and For the County of Humboldt (October 20, 1931).

device of a plan to be approved by the State Engineer, below such reservoir, and a measuring device above such reservoir, on every stream or source of supply discharging into such reservoir, for the purpose of assisting the State Engineer or water commissioners in determining the amount of water to which appropriators are entitled and thereafter diverting it for such appropriators' use.

4. When it may be necessary for the protection of other water users, the State Engineer may require flumes to be installed along the line of any ditch.

WHEREAS, if the channel conditions along the Humboldt River may preclude the installation of headgates and measuring devices, such as weirs and flumes, then alternative measures may be necessary to properly regulate and distribute the waters of the Humboldt River system.

NOW THEREFORE, IT IS HEREBY ORDERED that all water users of the Humboldt River and its tributaries as identified in Attachment A of this order shall install and maintain headgates and measuring devices prior to March 15, 2018, for all claims below the U.S. Geological Palisade Gaging Station (Station Number 10322500) and April 15, 2018, for all claims above the Palisade Gaging Station.


IT IS FURTHER ORDERED, that in instances where headgates and traditional measuring devices are impracticable, the water users must consult with the Water Commissioners in either the Elko or Winnemucca Office of the State Engineer to determine the best alternative to provide the Commissioners a means to measure and regulate diversions.

IT IS FURTHER ORDERED, that the delivery of the Pershing County Water Conservation District's decreed water right shall be measured at the U.S. Geological Survey's gaging station at Imlay, Nevada (Station Number 10333000). Pershing County Water Conservation District shall also maintain a continuous recording gaging station at the inlet of the Pitt-Taylor Reservoirs when storing water.

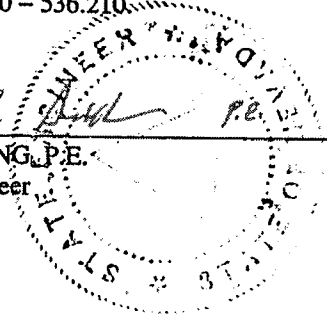
IT IS FURTHER ORDERED that pursuant to NRS § 536.030 if any person neglects or refuses to install the headgate, measuring device or flume, as required by NRS § 536.010, the State Engineer may in the discretion of the State Engineer, install the headgate, measuring device or flume, as the case may be, and in the first instance charge the actual cost thereof to the water distribution account and thereafter present an itemized statement of the charge to the board of county commissioners of the county wherein the charge and expenses were incurred. The board of county commissioners shall thereupon present a bill for the expenses to the person liable therefore under this section and NRS §§ 536.010 and 536.020, and if that person neglects for 30 days thereafter to pay it, the bill and costs become a lien upon the lands and property of the person so liable for the payment of the bill, and must be collected as delinquent taxes against the lands and property are collected.

Order No. 1286
Page 3

Failure to comply with this order will result in the filing of an order to show cause in the Sixth Judicial District Court of the State of Nevada for the County of Humboldt as set forth under NRS §§ 533.460, 533.475, 533.480 – 533.482 and 536.120 – 536.210.

for 

JASON KING, P.E.
State Engineer



Dated at Carson City, Nevada this

23rd day of June, 2017.

ATTACHMENT A

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Agnew, Ron & Linda HC 64 Box 120 Deeth, NV 89823-9705	007-550-049	00477	54.20			54.20	162.60
Airpeak, LLC P.O. Box 7335 Reno, NV 89510-7335	005-580-004	00553	1111.70		163.20	1274.90	3457.50 2683.50
Allen, Thomas J. Revocable Trust HC 64 Box 90 Deeth, NV 89823-9702	007-550-047	00488	29.24			29.24	87.72
Amerigian, Seth & Roxanne Trust 197 Western Hills #10 Spring Creek, NV 89815	077-010-016	00689			13.79	13.79	10.34
Anderson, Janelle 405 Idaho St. Ste 217 Elko, NV 89801-3753	077-010-012	00689	17.08		11.30	28.38	59.72
Anderson, Michael W. P.O. Box 281165 Lamoille, NV 89828-2306	089-001-003	3530	11.91			11.91	28.90

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Armuth, David & Debra P.O. Box 281259 Lamoille, NV 89828-1259	11.86	3530		11.86	28.78	73.30	54.97
Arock Enterprises, LLC 1950 Pinion Road Elko, NV 89801-8309	001-630-068	00236			73.30	73.30	
Bachman, Bill Ray & Sharon 196 Emigrant Trl., Unit 2 Spring Creek, NV 89815-9746	077-007-004	00378	10.89			10.89	32.67
Bake, Wayne L. & Mary D. 11558 S. Brambleberry Lane Draper, UT 84020-9475	002-575-006	00218	15.60			15.60	46.80
		00218	24.40			24.40	73.20
Bar L. Ranch (Young) P.O. Box 1478 Elko, NV 89803-1478	006-090-006	00212	446.98	5.60	293.75	746.28	1569.50
		00232	291.70	15.00	21.10	327.80	913.43
		00324	58.60			58.60	175.80
Barnes, Harvey E. & Susan M. Trust HC 30 Box 347 Spring Creek, NV 89815-9755	006-500-009	00663	152.12		57.98	210.10	499.85

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Barnes Ranches, Inc. HC 30 Box 347 Spring Creek, NV 89815-9755	006-260-007	00383 3135	515.06 8.00			515.06 8.00	1555.18 19.52
Barrick Goldstrike Mines, Inc Attn: Regional Land Dept. 460 W 50 N Ste 500 Salt Lake City, UT 84101-1240	004-390-004	1486 00156	236.45 1883.44	380.13	1719.41	236.45 3982.98	703.35 7510.07
Barstow, Lynn M. et al. P.O. Box 281620 Lamoille, NV 89828-1620	023-029-005	00459	5.00			5.00	15.00
Bawcom, Tamara K. D.B.A. Bawcom Construction 32 Spring Creek Parkway Spring Creek, NV 89815-5139	005-520-046	00439	11.55			11.55	34.65
Bergeron, Louis & Paula 212 Cottonwood Dr. Elko, NV 89801-8489	007-08D-008	00412	34.67			34.67	104.02

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Beristain, Jose M. & Michele T. Trust c/o Wetmore, Mark and Kimberly 935 Hardrock PL Spring Creek, NV 89815-7411	089-001-010	3530	2.96			2.96	7.20
Bitton, Richard L. & Sherry Lynn P.O. Box 281198 Lamoille, NV 89828-1198	007-08B-013	00408	10.54			10.54	31.62
Black, John C. P.O. Box 281401 Lamoille, NV 89828-1401	007-080-112	00449	10.00			10.00	30.00
Blackman, David Alan & Jeanette 997 Court St. Elko, NV 89801-3942	006-52A-006	1408	11.28			11.28	33.84
Blackman, David A. Trust et al. 997 Court Street Elko, NV 89801-3942	006-520-035	00405	11.45			11.45	34.35
		00428	11.91			11.91	35.73
		1408	11.71			11.71	42.45
Blackman, Ronald G. Trust et al. 1073 Hubert Rd. Oakland, CA 94610-2520	006-52A-007	00404	19.20			19.20	57.60

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Blackstock, Bruce; Miller, C. Edward P.O. Box 281860 Lamoille, NV 89828-1860	007-080-084	00405 00405	54.14 6.90			54.14 6.90	162.42 20.70
Bland, John HC 30 Box 262 Spring Creek, NV 89815-9704	006-280-009	00399	22.09			22.09	66.27
Boner, Virgil & JOHNSON, Audrey M. 960 Ashburn Ln Elko, NV 89803-0837	006-09H-073	00233		29.18	11.14	40.32	52.13
Bottari Ranch, LLC c/o Mrs. Ella May Bottari, Mgr. P.O. Box 281234 Lamoille, NV 89828-1234	006-520-008	00427 1408	13.80 229.09			13.80 229.09	41.40 829.72
Bouma, Kathlena M 3495 Lakeside Dr. # 322 Reno, NV 89509-4841	007-080-043	00423 00687	27.78 32.60			27.78 32.60	83.34 97.80

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Boyd Ranch LLC	007-100-008	00205	601.30		48.69	649.99	1840.42
2411 Rodeo Ct.		00222	78.69	3.36	15.23	97.28	252.53
Elko, NV 89801-4521		00247	42.83		35.68	78.51	155.25
		00458	344.72		68.52	413.24	1085.55
	(31343)	3074	89.50			89.50	268.50
	(83027)	3284	152.50			152.50	454.71
John Sustacha Family Revocable Trust	007-080-030	00406	33.00			33.00	99.00
c/o Brady, Marvin		00408	95.77			95.77	287.31
P.O. Box 281520		00410	216.40			216.40	649.20
Lamoille, NV 89828-1520		00412	536.00			536.00	1608.00
Broken Circle Cattle Co.	007-330-037	00508	679.10			679.10	2037.30
HC 64 Box 81		00515	94.31			94.31	282.93
Deeth, NV 89823-9702							
Burney, Lisa	006-52A-012	1408	18.98			18.98	56.94
P.O. Box 281443							
Lamoille, NV 89828-1443							
Burrows Irrevocable Trusts	006-230-002	00671	125.13			125.13	375.39
435 Jiggs Hwy., Unit 4							
Spring Creek, NV 89815-9743							

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Buzzetti, Eugene T. Trust et al. P.O. BOX 281256 Lamoille, NV 89828-1256	006-520-061	00459 3014	185.70 99.82			185.70 99.82	557.10 241.00
Byers, Gerald D. Trust P.O. Box 281258 Lamoille, NV 89828-1258	007-080-136	00420	158.20			158.20	474.60
Campsey, Sarah A. Trust 201 Skyline Drive Elko, NV 89801-2553	007-080-005	00412	9.15			9.15	27.45
Casino West, Inc c/o Bryan Masini P.O. BOX 1518 Yerington, NV 89447-1518	007-080-018	00416 00421 00447	180.01 600.42 485.36		26.30	206.31 600.42 485.36	559.76 1801.26 1456.80
Chacon, Melanie HC 64 Box 6 Deeth, NV 89823-9701	007-550-001	00488	6.80			6.80	20.40
Chester, Charles 931 1st St. Elko, NV 89801-3005	083-002-032	1423 (68065) (47936)	53.91			53.91	75.88

HUMBOLDT RIVER DISTRIBUTION

Eiko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
City of Carlin P.O. Box 787 Carlin, NV 89822-0787	002-200-010	00227	11.73			11.73	35.19
Claridge, Rex C. & Susan Y. Trust Six Mile Ranch 501 St. Augustine Drive Medford, OR 97504-2154	008-570-003	1408	63.55			63.55	230.30
		1408	55.14			55.14	165.42
		3486	50.30			50.30	150.90
Claridge, Susan Y. TR Six Mile Ranch 501 St. Augustine Drive Medford, OR 97504-2154	077-004-003	00378	23.06			23.06	69.18
Conley, Ronald Dean & Cindy Sue P.O. Box 281275 Lamoille, NV 89828-1275	007-08D-010	00412	10.41			10.41	31.23
Corner, D. George & Mary Ann 461 Lamoille Canyon Rd., Unit 16 Spring Creek, NV 89815-9721	006-520-031	00405	5.00			5.00	15.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Corta, Ray HC 30 Box 151 Spring Creek, NV 89815-9704	006-070-006	00366	122.80			122.80	368.40
Cummins, Lance L. & Shauna L. P.O. Box 281708 Lamoille, NV 89828-1708	033-001-005	2573	49.23			49.23	147.69
Cumming, Joseph C. & Kristi A. Trust HC 30 Box 330 Spring Creek, NV 89815-9705	006-270-001	00371	475.20		48.50	523.70	1462.08
Dahl, Demar H. Starr Valley Home Ranch P.O. BOX 266 Fallon, NV 89407-0266	007-550-019	00487	159.50			159.50	478.50
		00507	140.42			140.42	421.26
		00513	80.00			80.00	240.00
		1714	68.00			68.00	165.92
		2986	103.15			103.15	220.00
Dahl, Demar H. Trust et al. Peterson Ranch P.O. BOX 67 Deeth, NV 89823-0067	007-550-095	00482	17.00			17.00	51.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Dahl, Drew & Pamela P.O. Box 1565 Fallon, NV 89407-1565	007-330-030	00482 (79025)	3.30			3.30	9.90
Dahl, M. Jonathan HC 64 BOX 78 Deeth, NV 89823-9702	007-330-005	00511	312.90			312.90	938.70
Dalton Real Estate HC 60 Box 130 Weils, NV 89835-9802	008-360-018	00608 00608 3068	155.20 38.40 89.90			155.20 38.40 89.90	465.60 115.20 134.85
Davis, Sandra P.O. BOX 655 Poteet, TX 78065-0655	005-530-031	2294	41.00			41.00	88.56
DeDolph, John P.O. Box 281210 Lamoille, NV 89828-1210	089-001-014	3530	10.90			10.90	26.45
DeLong, Tim Family Trust P.O. BOX 367 Imlay, NV 89418	006-320-045	00203 (70051)	335.20		68.20	403.40	1056.75

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
DePalma, Jerome & Rosanne P.O. Box 281726 Lamoille, NV 89828-1726	007-080-113	00487	6.32	36.21		6.32	18.96 108.63
Dinsmore, John S. Trust et al. 2760 Lamoille Hwy. Spring Creek, NV 89815-8727	007-08A-010	00423	22.37			22.37	67.11
Dinwiddie, Kevin M. et al. P.O. Box 2726 Elko, NV 89803-2726	007-080-011	00412	12.00			12.00	36.00
Dondero, Peter & Sue 3920 Clear Acre Lane Apt 95 Reno, NV 89512-1296	007-080-003	00416	6.68			6.68	20.04
Dorsey Land LLC (Scott L., Jennifer A. Garrett; Kirk F. Hooper; Lili A. Wolf) P.O. Box 1133 Elko, NV 89803-1133	007-090-001	00210	1196.50	21.30	740.90	1958.70	4177.13 79.35 555.30 3236.25 17008.95 4300.80 1242.30 356.40 840.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Dorsey Land LLC cont.							
		560	119.44		54.03	173.47	398.84
		00568	443.43			443.43	1330.29
		00607	440.33	36.30	259.02	735.65	1569.71
		00609	2085.97			2085.97	6257.91
		1291	267.99			267.99	811.88
		1743	36.10			36.10	88.80
		1771	289.85			289.85	830.00
		2160	87.34			87.34	349.36
		2440	154.10			154.10	466.53
		2477	29.72			29.72	89.16
		2480	24.00			24.00	58.56
		2581	135.40			135.40	330.37
		2783	18.05			18.05	65.00
		2783	148.55			148.55	538.00
		2783	51.70			51.70	187.00
		3045	70.44			70.44	211.32
		3095	65.50			65.50	196.50
Ebert, Thomas F & Nancy E. Trust 1000 San Bruno Avenue Morgan Hill, CA 95037-9223	007-086-022	00408	2.89			2.89	8.67
Echegaray, Joe TR et al. 975 5th St. Elko, NV 89801-3201	007-090-012	3027	220.10			220.10	537.04

HUMBOLDT RIVER DISTRIBUTION

Eliko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Edwards, A. Greer, Jr. & Jeanne W. 33 Digital Drive Unit 212 Nashua, NH 03062-4582	005-560-002	00565	222.86			222.86	668.58
		00571	548.60			548.60	1645.80
		00573	337.90			337.90	1013.70
		00576	714.60			714.60	2143.80
		3028	41.65			41.65	124.95
		3152	220.29			220.29	537.50
Elison Ranching Co. HC 32 Box 240 Tuscarora, NV 89834-9703	007-320-002	00485	155.70			155.70	467.10
		00489	100.00			100.00	300.00
		00510	2903.20	598.20	1761.11	5262.51	10927.73
		00551	116.40			116.40	349.20
		00553	161.30			161.30	483.90
		00553	70.40			70.40	211.20
		00554	76.80			76.80	252.15
		00554	59.14			59.14	177.42
		00556	975.86			975.86	2927.58
		00556	254.59			254.59	763.77
		00556	125.35			125.35	376.05
		00558	436.00	201.30		637.30	1809.95
		00559	515.83			515.83	1547.49
00561	180.27			180.27	540.81		
00561	1299.83			1299.83	3899.49		
00562	443.40			84.00	527.40	1393.20	
1631	150.60				150.60	451.80	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Ellison Ranching Co. cont.		1635	0.73			0.73	2.23
	61298,61300	1732	123.32			123.32	369.96
		1750	22.70			22.70	68.10
		1849	20.00			20.00	80.00
		2300	66.19			66.19	198.57
		2300	47.92			47.92	143.76
		2404	57.90			57.90	173.70
		2736	111.22			111.22	333.66
		2737	110.00			110.00	330.00
	23922	3729	94.54			94.54	283.62
Elko County	006-320-041	00242	276.60		353.92	630.52	1095.24
c/o Randy Brown Asst. County Mgr. 569 Court Street Elko, NV 89801-3573							
Ellison, James & Joyce 438 Elburz Road Unit 10 Elko, NV 89801-9409	006-540-013	00205	353.99		25.91	379.90	1081.40
Etchemendy, Kenneth 1370 Chaparral Dr Lamoille, NV 89801-4713	007-088-065	00405	20.00			20.00	60.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Farnsworth, J Dutch & Lisa K. P.O. BOX 281346 Lamoille, NV 89828-1346	007-088-019	00405	7.00			7.00	21.00
Ferrara, Joseph & Reed, Jake et al.. c/o Bowers, Annie Marie 1672 Riverside ave, Apt A103 Fort Collins, CO 80525-1318	005-500-017	00229	283.10	9.57	53.44	346.11	903.74
Fiddes, Jeffrey N. et al.. c/o Thomas Ebert 1000 San Bruno Avenue Morgan Hill, CA 95037-9223	006-510-007	00401	326.70		131.60	326.70	980.10
		00431	366.20			517.80	2415.90
Frazier, Cleveland et al.. HC 64 Box 33 Deeth, NV 89823-9700	007-55A-002	00505	38.20			38.20	114.60
Forsberg, Lynn & Penny 461 Lamoille Canyon Rd., #10 Spring Creek, NV 89815-9721	007-088-031	00405	1.15			1.15	3.46

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Gadd, Douglas Vivian P.O. BOX 53 Wells, NV 89835-4053	008-34C-003	00218	3.15			3.15	9.45
Gallagher, Michael d.b.a. Seventh Canyon Ranch P.O. Box 281366 Lamoille, NV 89828-1366	007-080-005	00407	549.96			549.96	1649.88
		00415	63.50			63.50	190.50
Gallagher, Michael & Tana P.O. BOX 281366 Lamoille, NV 89828-1366	007-080-029	00422	129.30			129.30	387.90
		00426	156.21			156.21	488.63
		00451	25.00			25.00	75.00
		3725	33.00			33.00	80.52
Gallagher, Michael H, Trust et al. P.O. BOX 281366 Lamoille, NV 89828	007-080-041	00437	16.79			16.79	50.37
		2573	25.07			25.07	75.21
		2727	57.10			57.10	171.30
		00451	140.00			140.00	420.00
Garrett, Frederick & Jennifer P.O. Box 105 Deeth, NV 89823-0105	007-340-006	00601	15.90	47.81	66.10	129.81	169.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Garside, Larry J. & Terri M. Trust P.O. Box 281321 Lamoille, NV 89828-1321	089-001-002	3530	11.90			11.90	28.90
Gerber, Lenore C. Trust 543 Chartwood Court Spring Creek, NV 89815-5324	007-55B-004	00512	9.22			9.22	27.66
Gibbons, James A. P.O. BOX 281286 Lamoille, NV 89828-1286	007-080-129	00447	26.54			26.54	79.62
Gibbs, W. H. CO HC 62 Box 900 Wells, NV 89835-9804	007-610-003	00601 00604 00607 1707	157.94 604.31 76.50 270.00		68.00	225.94 604.31 76.50 270.00	524.82 1812.93 229.50 488.70
Gibson, William 197 Western Hills, Unit 13 Spring Creek, NV 89815-9747	077-010-014	00689 (56321)	13.15			13.15	39.45
Giles, Michael P.O. Box 281243 Lamoille, NV 89828-1243	006-52A-009	1408	3.93			3.93	14.24

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Glaser Land & Livestock	007-100-002	00210	530.80		220.50	751.30	1757.78
325 Halleck		00222	885.23	34.48	155.81	1085.52	2854.27
Elko, NV 89801-9305		00409	266.30		40.00	306.30	828.90
GLASER Land & Livestock cont.		00525	184.25			184.25	552.75
		00555	123.00			123.00	369.00
		00567	186.14			186.14	558.42
		00574	324.41			324.41	973.23
		1816	194.38			194.38	583.14
Glass, Dwight R. & Kristi	089-001-004	3530	23.75			23.75	57.63
P.O. Box 281630							
Lamoille, NV 89828-1630							
Glennon, Kay	000-001-002	00428	6.82			6.82	20.46
P.O. Box 8386							
Spring Creek, NV 89815-0007							
Gobel, Fredrick	006-52A-010	1408	11.25			11.25	33.75
3552 W. Deerfield Drive							
Eagle, ID 83616-2260							

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Graham, Edward & Louise P.O. Box 281363 Lamoille, NV 89828-1363	007-080-007	00412	49.09			49.09	147.26
Grant, Rich B. Properties, LLC 910 W 24th St. Ogden, UT 84401-1233	006-540-007	00205 00241	310.00 209.00	40.00	72.81 210.42	382.81 459.42	984.60 844.81
Greenhouse, Lynn ET AL. P.O. Box 281168 Lamoille, NV 89828-1168	007-080-0BF	00437 2573	12.60 3.92			12.60 3.92	37.80 11.76
Greenhaw, Greg & Leslie 775 1st Street Elko, NV 89801-3001	089-001-015	3530	10.17			10.17	24.69
Gund Ranch, LLC The Presidio 39 Mesa Street Suite 300 San Francisco, CA 94129-1019	006-500-001	00355 00359 00385 00386 00388 00394 00652	114.60 257.50 622.70 606.68 447.76 168.45 149.50		275.60 432.18 185.56 49.00	114.60 257.50 898.30 1038.66 633.32 168.45 198.50	343.80 772.50 2074.80 2144.18 1482.45 505.35 485.25

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Gund Ranch, LLC cont.		00663	270.38		74.94	345.32	867.35
		00668	90.76	32.07	29.87	152.70	342.80
		00680	15.47		100.00	115.47	121.41
		3952	41.24			41.24	150.20
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Hanington Corp. The 2002 Idaho St. Elko, NV 89801-2627	006-540-008	00204	75.40	24.90	52.10	152.40	302.73
		00209	107.98		38.48	146.46	352.80
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Harlan, Connie P.O. Box 281348 Lamoille, NV 89828-1348	007-080-0BJ	00422	15.00			15.00	45.00
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Harmening, James P.O. BOX 2598 Elko, NV 89803	006-523-009	1408	1.24			1.24	4.49
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Harney, Rock & Paving c/o Dan Hooker P.O. Box 800 Hines, OR 97738-0800	006-320-018	00211	82.10		21.40	103.50	262.35

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Harris, Landon & Jessica 197 Western Hills #16 Spring Creek, NV 89815	077-010-010	00689	16.87		0.56	17.43	51.03
Heguy Ranches, Inc. P.O. Box 570 Elko, NV 89803-0570	005-510-002	00230	570.24		127.68	697.92	1806.48
		00231	24.82		5.45	30.27	78.55
Heidker, James C. 11550 Osage Rd. Reno, NV 89506-8521	007-08A-004	1408	21.58			21.58	74.86
Henry, Katharine 20 Mountain House Lane Cashiers, NC 28717-9607	007-080-054	00416	2.37		1.90	4.27	8.53
Herrnan, Paul & Mary P.O. Box 281510 Lamoille, NV 89828-1510	089-001-013	3530	22.75			22.75	55.20
Holmberg, Win. & Tina P.O. BOX 281238 Lamoille, NV 89828-1238	006-52D-053	1115 (69307)	10.00			10.00	24.61

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Holland Ranch, LLC	005-600-003	00575	611.04			611.04	1833.12
Goicoechea, Elias & Alice		3708	93.92			93.92	281.76
HC 31 Box 90							
Elko, NV 89801-9524							
Hooker, Dan E. Trust	006-320-017	00211	38.83		10.13	48.96	124.09
P.O. Box 800							
Hines, OR 97738-0800							
Hooper, Mark & Kim M.	007-08F-005	00421	41.23			41.23	123.69
HC 36 Box 635							
Lamoille, NV 89828							
Hoots, Martha	007-550-021	00602		307.40		307.40	461.10
P.O. Box 36		00504	50.20			50.20	150.60
Deeth, NV 89823-0036		00504	333.85		43.50	377.35	1034.18
		00486	4.55			4.55	13.65
		00491	962.89			962.89	2888.67
		00492	128.20			128.20	384.60
		00493	18.89			18.89	57.67
		00498	9.73			9.73	29.19
		00502	580.70			580.70	1742.10
		00521	920.67		100.00	1020.67	2837.01
		00605	590.60	116.00	5.00	711.60	1949.60

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Hoots, Martha cont.		1439	56.80			56.80	170.40
		1716	60.92			60.92	148.64
		1969	6.64			6.64	16.20
	(Permit 69492)	3188	14.00			14.00	34.16
		3189	35.80			35.80	107.40
Horn, Bill & Rita P.O. Box 45	007-550-034	00499	56.64			56.64	169.92
		00507	65.18			65.18	195.54
Deeth, NV 89823-0045		00513	70.60			70.60	211.80
		00505	261.00			261.00	783.00
		00506	23.00			23.00	69.00
		1718	17.70			17.70	43.18
		1721	59.00			59.00	143.96
Howell Ranch, LLC c/o Schaad, Steven D 440 S 4th St Kerman, CA 93630-1347	008-120-015	00518	11.34			11.34	34.02
		00609	615.11			615.11	1845.33
		00609	328.50		97.75	426.25	1058.81
Howell, Michael T. & Cheri A. P.O. Box 220 Wells, NV 89835-0220	008-140-021	00214	29.92		3.00	32.92	92.01
		00608	18.00			18.00	54.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Huckins, Gary & Cynthia Trust HC 36 BOX 33 Spring Creek, NV 89815-9725	023-029-004	00459	20.00			20.00	60.00
Huckins, Gary P. & Cynthia M. TR 482 Two Bottle Bar Lane Spring Creek, NV 89815	023-029-001	00459	8.00			8.00	24.00
Hyde, R. Mark Trust 9655 Pioneer Way Fallon, NV 89406	008-140-007	00608	46.70			46.70	140.10
J. & J. Lamaille Homeowners Assoc. c/o Karen Tempel P.O. Box 281727 Lamoille, NV 89828-1727	000-007-000	00444	93.82			93.82	281.46
Jerritt Canyon Gold, LLC Attn Joel Casburn, Land Mgr. HC 31 Box 78 Elko, NV 89801-9524	005-570-005	00563	308.20			308.20	924.60
		00576	520.00			520.00	1560.00
		00576	83.08			83.08	249.24

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Johnson, William E. P.O. BOX 281191 Lamoille, NV 89828-1191	007-080-012	00407	30.90			30.90	92.70
Johnstone, William S., Jr. c/o Hahn & Hahn LLP 301 E. Colorado Blvd., Fl. 9 Pasadena, CA 91101-1915	006-270-008	00361	477.35		489.44	966.89	1799.43
		00397	53.21		30.45	83.66	182.47
Jones, Albert C. & Dolores D. Trust 186 E. 5th St. Winnemucca, NV 89445-3061	006-520-023	00459	154.40			154.40	463.20
Jones, Dan C. & Carolee A. Trust HC 64 Box 70 Deeth, NV 89823-9702	007-555-001	00512	87.95			87.95	263.85
Jones, Rachel P.O. Box 697 Carlin, NV 89822-0697	002-230-002	00207	158.21			158.21	474.63

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Jones, Roger 770 S. 12th St. Elko, NV 89801-4054	089-002-000	3530	71.97			71.97	174.65
Journigan, Dennis & Mary HC 36 Box 540 Lamoille, NV 89828-9701	007-08F-006	00421	43.67			43.67	131.01
		00421	27.94			27.94	83.82
JRS Properties III, LP P.O. Box 27 Boise, ID 83707-0027	005-560-009	00553	945.20			945.20	2835.60
		00554	95.96		45.90	141.86	322.31
		00562	59.70			59.70	179.10
		00576	1328.10			1328.10	3984.30
		00576	16.57			16.57	49.71
Judd, Michael F. & Diane K. Trust 288 Emigrant Tr., Unit 4 Spring Creek, NV 89815-9745	077-007-005	00378	5.59			5.59	16.77
Kennedy, Debra P.O. Box 281368 Lamoille, NV 89828-1318	007-08B-033	00405	61.69			61.69	185.07

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Kennedy, Susan TR P.O. Box 281267 Lamoille, NV 89828-1267	007-080-133	00405	61.69			61.69	185.07
Key Ranches LLC 8555 Double R Blvd., Ste. 109 Reno, NV 89511-2271	006-320-012	00239	488.10		176.50	664.60	1596.68
		00211	491.01		127.96	618.97	1569.00
		00441	124.51			124.51	373.53
		00453	91.41			91.41	274.23
		00453	47.15			47.15	141.45
		00459	131.30			131.30	395.50
		00459	148.70			148.70	446.10
		00369	66.10			66.10	198.30
Khoury, Bassam Issa Trust 1820 Sequoia Drive Elko, NV 89801	007-080-111	00449	10.00			10.00	30.00
Klingman Ranch, LLC P.O. Box 37 Lehi, UT 84043	006-270-005	00381	215.50			215.50	646.50
		737	285.50			285.50	856.50
		1523	297.00			297.00	724.67
Kohler, Danielle P.O. BOX 89 Deeth, NV 89823	007-550-096	00482	201.10		103.63	304.73	681.02
		1734	33.74			33.74	82.29

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Kolbe, Wm & SPRENGER, Gail P.O. Box 369 Genoa, NV 89411-0369	007-080-110	00449	6.68			6.68	20.04
Kulisek, Michael Louis Jr. 197 Western Hills #15 Spring Creek, NV 89815-9747	077-007-013	00689	16.43		2.59	19.02	51.24
Larason, Jackie D. & Pamela J. Trust HC 36 Box 569 Lamoille, NV 89828-9701	007-08A-002	1408	40.15			40.15	138.91
Laitin Livestock LLC P.O. Box 2347 Elko, NV 89803-2347	006-250-006	00356	115.40			115.40	346.20
Laurence Ranch c/o Ward, Eleanor et al. P.O. Box 46 Deeth, NV 89823-0046	007-330-032	00479	87.62			87.62	262.86
		00496	123.83			123.83	376.56
		00508	120.30			120.30	360.90
Legarza, Joe & Phyllis P.O. Box 2448 Elko, NV 89803-2448	006-300-016	00653	101.37			101.37	304.11

HUMBOLDT RIVER DISTRIBUTION

Eldorado County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Lespade, Richard L. et al. 461 Lamaille Canyon Rd., Unit 13 Spring Creek, NV 89815	006-520-027	00428	4.75			4.75	14.25
Lewis, Calton M. & Carole E. Trust 197 Western Hills, Unit 1 Spring Creek, NV 89815-9747	077-010-015	00689 (56321)	35.49		6.15	41.64	111.08
Leyva, Richard H. & Dawn M. 150 Twin Bridges Spring Creek, NV 89815-8729	006-07D-003	00359	5.00			5.00	15.00
Long, JD & Judith M TR 960 Idaho Street Elko, NV 89801	077-010-011	00689	19.72		7.69	27.41	64.93
Lipparelli, Barry et al. 517 Idaho St Elko, NV 89801-3756	001-374-002	00370	215.51			215.51	646.53
Little, David & Bonnie HC 30 BOX 346 Spring Creek, NV 89815-9755	006-260-015	00664	124.33			124.33	372.99

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Lopategui, Denise TR et al. 515 14th St Elko, NV 89801-3410	006-310-014	00238	93.00		3.90	96.90	281.92
Lolspeich, Dale F. & Leslie A. P.O. Box 62 Deeth, NV 89823-0062	007-340-004	00514	126.90			126.90	380.70
Lucky Starr Ranching, LTD P.O. BOX 98 Deeth, NV 89823-0098	007-550-042	00476	92.76			92.76	278.28
		00507	92.50			92.50	277.50
		00488	57.36		28.20	85.56	198.23
Madan, S.K. & Shobhana et al. P.O. Box 24066 Los Angeles, CA 90024-0066	006-510-003	00369	617.00	499.80	21.40	1138.20	2616.75
		1831	217.14			217.14	529.82
Maggie Creek Ranch, LP P.O. Box 2010 Elko, NV 89803-2010	007-080-046	00213	1141.40		731.90	1873.30	3973.13
		00213	759.70		444.00	1203.70	2612.10
		00213	188.80		53.20	242.00	606.30
		00221	197.29		8.68	205.97	598.38
		00324	85.30			85.30	255.90
		00382	287.30		380.80	668.10	1147.50
		00423	975.80			975.80	2927.40
		00430	1193.70			1193.70	3581.10

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Maggie Creek Ranch, LP cont.		2671	67.30			67.30	242.28
		82	259.40			259.40	778.20
		00420	135.70	99.50		235.20	556.35
		00382		384.90		384.90	567.35
		00213	349.70		35.20	384.90	1075.50
Marluch, Marjorie P.O. Box 281370 Lamoille, NV 89828-1370	006-520-030	00405	10.27			10.27	30.81
Mattern, Erich TR et al. 855 Railroad St Elko, NV 89801-3831	007-080-047	00423	26.96			26.96	80.88
McCormick, Clay C. & Donna Yost P.O. Box 721 Wells, NV 89835-0721	007-560-011	00501	1.41			1.41	4.23
McCoy, Daniel & Sybol A. P.O. Box 281439 Lamoille, NV 89828-1439	006-52G-001	1408 00428	10.01 22.72			10.01 22.72	30.03 68.16

HUMBOLDT RIVER DISTRIBUTION

Eiiko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
McDermott, Stephen Edward Trust et al. P.O. Box 281322 Lamoille, NV 89828	007-310-003	00484 3096	149.10 39.33	66.70	24.20	240.00 39.33	565.50 117.99
McMullen, H. Russell et al. 153 Twin Bridges Spring Creek, NV 89815-8730	006-070-007	00375	293.08			293.08	879.24
McLachlan, Scott d.b.a. Lehi Mink Farm, LLC P.O. Box 37 Lehi, UT 84043-0037	006-050-003	00355 00355 00359 00359 00363 00377 00385 00388 00674 00675 00678 00679 2295	632.02 212.43 2920.95 1266.15 840.35 273.83 1027.58 942.23 64.57 211.72 187.35 126.97 27.00	66.50 57.20	7.50 22.50 242.70 305.95	632.02 212.43 2928.45 1288.65 840.35 273.83 1336.78 1305.38 64.57 211.72 187.35 126.97 27.00	1896.06 637.29 8768.48 3815.33 2521.05 811.49 3364.52 3141.95 193.71 635.16 562.05 380.91 81.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Megcor, LLC 6640 Rebecca Rd. Las Vegas, NV 89131-3138	006-520-041	00418 00438 00439	32.82 8.34 14.92			32.82 8.34 14.92	98.46 25.02 44.76
Meginness, Sharon P.O. Box 281299 Lamoille, NV 89828-1299	023-029-003	00459	7.00			7.00	21.00
Merkley Ranches Inc. 400 Jiggs Hwy., Unit 17 Spring Creek, NV 89815-9786	006-260-001	00358 00361 00681 00681 00686 3091	496.55 799.70 149.50 142.36 251.33 16.30	52.25	59.50 77.80	608.30 877.50 149.50 142.36 251.33 16.30	1612.65 2457.45 448.50 427.08 753.99 48.90
Modern Land & Development, LLC c/o Mike Shanks 982 Wolf Creek Drive Spring Creek, NV 89815	006-30C-047	00236 2172			130.66	130.66	97.99 10.00
Naveran, James TR et al. c/o Antelope Peak Ranch P.O. BOX 869 Wells, NV 89835-0869	008-360-003	00608	26.83			26.83	80.49

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Negrych, John A. & Ceana V. Trust P.O. Box 281737 Lamoille, NV 89828-1737	007-08A-003	1408	23.64			23.64	81.78
Nevada 36 Properties, LLC 316 California Ave., Ste. 36 Reno, NV 89509-1650	007-080-081	00405	94.02			94.02	282.06
New Nevada Lands , LLC P.O. BOX 805 Destin, FL 32540-0805	008-550-008	00688				0.00	1.00
		2286				0.00	12.76
		5974				0.00	40.43
		6969				0.00	22.60
Newmont USA Limited ATTN: Property Tax - Dawn Moran 6363 S. Fiddler's Green Cir. Greenwood Village, CO 80111-5011	005-060-017	00207	212.30	19.02	96.20	327.52	737.58
		00224	68.59	17.77	448.24	534.60	568.61
		00225	162.86		19.97	182.83	503.56
		00226	332.07	136.98	102.70	571.75	1278.71
		00227	75.24		20.98	96.22	241.45
		00325-329	920.55	185.87	1049.99	2156.41	3827.95
		00373	39.05			39.05	117.15
		3562	38.60			38.60	141.28

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Nielson, Dell & Penny P.O. Box 281145 Lamoille, NV 89828-1145	084-001-032 (56765) (56187)	00391 00437 2727 3948 5354	69.29 28.90 4.50 8.03 14.37	41.18		110.47 28.90 4.50 8.03 14.37	269.64 86.70 13.50 24.09 43.11
No Bits, LLC c/o Morrison, Mike Kendal P.O. Box 824 Wells, NV 89835-0824	008-350-018	00215 00217 00243	116.96 168.26		11.00	116.96 168.26 11.00	350.88 504.78 16.50
Olson, Robert P.O. Box 281301 Lamoille, NV 89828-1301	033-001-002	2573	10.00			10.00	30.00
Oswalt, Jill Leslie et al. 1002 Herndon Trail Reno, NV 89523-9738	007-55B-012	00512	18.11			18.11	54.33
Palisade Ranch Inc. P.O. Box 236 Carlin, NV 89822-0236	005-050-007	00223 00225	184.76 16.59		11.82 10.12	196.58 26.71	563.15 57.36

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Paris, Pete Jr & Rama L. Trust HC 30 Box 320 Spring Creek, NV 89815-9705	006-280-014	00362 00362 00355 00654 00659	124.70 44.60 19.75 249.88 30.24			124.70 44.60 19.75 249.88 30.24	374.10 133.80 59.25 749.64 90.72
Pattani Ranch, LLC HC 31 Box 30 Elko, NV 89801-9524	005-520-005	00331 00332	79.15 36.38			79.15 36.38	237.45 109.14
Peavey, Carl O. & Eva L. Trust P.O. Box 236 Wells, NV 89835-0236	008-130-001	00214 00214 00608 00608 00608 00608 00608	70.55 77.01 58.80 353.40 122.40 18.03 18.03	7.82 8.75	18.34 20.01	96.71 105.77 58.80 353.40 122.40 18.03 18.03	237.14 259.17 176.40 1060.20 367.20 54.09 54.09
Perchetti, Michael & Tina 625 Diamond.b.a. ck Dr. Spring Creek, NV 89815-5677	006-520-053	00411	20.90			20.90	62.70

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Phillips, Gail 192 Elburz, #14 Elko, NV 89801-9425	006-540-022	00205	55.00			55.00	165.00
Phillips, Debra J. Trust P.O. Box 2032 Elko, NV 89803-2032	077-007-007	00378	15.85			15.85	47.55
Poe, Gene & Hofeldt, John & Dorthea, Geppo L.P. 651 Lessley Pl. Davis, CA 95616-4009	005-280-004	2729	13.90			13.90	52.00
Poulsen, Thomas E. 435 Jiggs Hwy., #6 Spring Creek, NV 89815-9743	084-001-034	00391	7.67	19.57		27.24	52.37
Pratt Drive, LLC P.O. Box 2688 Elko, NV 89803-2688	007-080-0AA	00412	20.25			20.25	60.75

HUMBOLDT RIVER DISTRIBUTION

Elika County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Presti, Joseph M. P.O. Box 281436 Lamoille, NV 89828-1436	007-08B-007	00405	20.76			20.76	62.28
Rafter Diamond Land Co. P.O. Box 104 Deeth, NV 89823-0104	007-350-015	00601	113.14	17.32	60.58	191.04	410.84
		00601	425.17	34.99	324.78	784.94	1571.58
		00601	24.84	1.12	6.90	32.86	81.38
Raine, Lee Arlene Trust P.O. Box 281807 Lamoille, NV 89828-1807	007-080-114	00487	32.33			32.33	96.99
Reynolds, Jay & Charmaine 601 W 5th Avenue Ste 500 Spokane, WA 99204-2756	007-550-059	1721	28.40			28.40	69.30
Riordan, Michael G. Trust et al. 400 Jiggs Hwy #16 Spring Creek, NV 89815-9742	006-050-002	00359	225.50		149.50	375.00	788.63
		00365	600.80		164.60	765.40	1925.85
		00387	179.72		97.11	276.83	611.99
		2295	180.50			180.50	540.15
		3791	162.20			162.20	486.60

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Ritchie, David Shane & Jannette P.O. Box 574 Wells, NV 89835-0550	008-350-025	00216	77.04			77.04	231.12
Rockwell, Jan & Francis Trust P.O. BOX 281707 Lamoille, NV 89828	007-08B-008	00405	5.00			5.00	15.01
Rother, Harold Harold Rother Farms Inc. 7350 E. 6th Avenue Denver, CO 80230-6174	006-250-003	00351	279.20	44.70	34.41	279.20	837.60
		00352	55.00			99.70	232.05
		00362	313.35			347.76	966.86
		00651	799.18			799.18	2397.54
		00655	143.08		30.00	173.08	451.74
		3834	14.29			14.29	34.87
Ruby Crest Ranch LLC c/o Granzella 1621 Frascati Way Brentwood, CA 94513	006-260-004	00354	272.50		123.50	396.00	910.13
		00360	32.50			32.50	97.50
		2862	27.85			27.85	67.95
		3299	87.60			87.60	210.90
Ruby Lookout, LLC HC 36 BOX 514 Lamoille, NV 89828-9701	007-080-033	00416	69.04			69.04	207.12

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Ruby Partners LLC c/o Kristi Glass P.O. Box 281630 Lamoille, NV 89828-1630	089-002-002 (69306) (69307)	1115 2392 2412 3530	21.68 22.43 29.10 99.59			21.68 22.43 29.10 99.59	53.33 54.73 87.30 241.00
Ruby Vista Ranch, LLC ATTN: Kenneth Krater 226 California Ave. Reno, NV 89509-1621	006-300-005	00653	105.41			105.41	316.23
Rudnick, Marcia Trust 6275 Carrisa Hwy Santa Margarita, CA 93453-8711	006-320-003	00244	134.10		169.70	303.80	529.58
Russell, Warren et al. HC 36 Box 532 Lamoille, NV 89828-9701	007-08F-003	00421	42.10			42.10	126.30
Santistevan, Ron J & Tamre M. 196 Emigrant Tr., #14 Spring Creek, NV 89815-9746	077-007-014	00689	10.76		2.20	12.96	33.92

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Santistevan, Shane et al. HC 36 Box 570 Lamoille, NV 89828-9701	007-08A-012	1408	23.25			23.25	80.44
Sarman, Edwin C. III et al. P.O. BOX 281199 Lamoille, NV 89828-1199	006-52A-003	1408	10.13			10.13	36.71
Sarman, Michael Lee HC 36 BOX 61 Spring Creek, NV 89815	006-510-017	00353 00400 00660	642.72 66.08 46.46	14.00	74.96	731.68 66.08 46.46	1870.39 198.24 139.38
Sarman, William d.b.a. WR Real Estate 565 Ashcroft Drive Spring Creek, NV 89815-6146	006-290-004	00353 00442-3 00446	158.00 355.59 1.50		18.20	176.20 355.59 1.50	487.65 2133.54 9.00
Sarmen Trust, Stan Sarmen 6880 Pebble Beach Dr Reno, NV 89502-9735	006-510-019	00368	58.97	29.02	0.00	87.99	220.44

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Sarmen, Paul Andrew c/o Stan Sarman Trus HC 36 Box 59 Spring Creek, NV 89815-9702	006-510-014	00368	486.30	72.19	121.90	680.29	1658.54
Stephans Living Trust P.O. Box 1745 Minden, NV 89423-1745	006-300-048	00368	131.33	8.79	0.00	140.12	407.18
Satterthwaite, F. DeLoyd et al. P.O. Box 281369 Lamoille, NV 89828-1369	007-080-099	00412	3.65			3.65	10.95
Saul, Jane W. TR c/o Bottari Ranch P.O. BOX 281234 Lamoille, NV 89828	007-080-048	00423	26.45			26.45	79.35
Secret Pass Ranch LLC HC 60 Box 490 Ruby Valley, NV 89533-9801	007-530-002	00511	821.10			821.10	2463.30

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	Meadow	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Sestanovich, Kenneth P.O. Box 281179 Lamoille, NV 89828-1179	007-08D-013	00412	2.51			2.51	7.53
Sharp, Sandra L. & Randall L. HC 60 Box 495 Ruby Valley, NV 89833-9801	007-530-004	00516	459.60			459.60	1378.80
Sharp, Steven P. & C.L. d.b.a. Sharp Concrete Co. 109 W. Douglas Street Elko, NV 89801-3672	001-710-043	00234	2.97	4.21	7.78	14.96	21.06
Shippy, Trindiy J. & Kathryn J. P.O. BOX 1686 Elko, NV 89803-1686	007-550-053	00506	141.00			141.00	423.00
Shurtz, Roy & Lisa P. 1239 Fairway Drive Elko, NV 89801	006-270-019	00361 00397	84.30 9.38		42.56 2.65	126.86 12.03	284.82 30.13

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Sierra Pacific Power (CPN) Attn: Tax Dept. P.O. Box 10100 Reno, NV 89520-0024	000-800-011	2090 (5919)				0.00	7963.67
Smiley Beef, LLC (75296) c/o Seanne House P.O. BOX 281244 Lamoille, NV 89828-1244	006-520-051	3530 3530 (75296)	13.99 8.24			13.99 8.24	33.97 20.00
Smiley, James M. & Betty J. Trust c/o Fitzgerald, Tracie J S HC 64 Box 46 Deeth, NV 89823-9703	007-560-019	00500 00501 00504	379.90 538.89 67.10			379.90 538.89 67.10	1139.70 1616.67 201.30
Smith, Chad & LaDonna Lee Trust P.O. Box 281381 Lamoille, NV 89828-1381	007-080-08E	00437	23.20			23.20	69.60
Smith Creek Ranch c/o Bastasini, Jerome L & Candace L 945 Juniper Hill rd Reno, NV 89509-7910	084-001-009	00391	126.00	99.22	18.14	243.36	540.73

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Andersen, Diana 3175 Cantara Cir Sparks, NV 89436-7541	084-001-043	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Brunetto, Michael 1188 Court st, PMB 35 Elko, NV 89801-3947	084-001-013	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Canevari, Barbara Jean 400 Jiggs Hwy Unit 4 Spring Creek, NV 89815-9788	084-001-014	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Cavin, Margaret 633 Overmyer rd Sparks, NV 89431-6486	084-001-005	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Clare, Christopher Vaughan P.O. Box 1210 Kamas, UT 84036-1210	084-001-024	00391		Undetermined Portion		0.00	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Corner, Jeff and Emily 400 Jiggs Hwy unit 8 Spring Creek, NV 89815-9742	084-001-040	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Cumming, Joseph and Kristi HC 30 Box 330 Spring Creek, NV 89815-9705	084-001-001	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Evans, Larry and Margie 435 Jiggs Hwy unit 14 Spring Creek, NV 89815-9743	084-001-007	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Federal National Mortgage Association 14221 Dallas pkwy, ste 1000 Dallas, TX 75254-2946	084-001-010	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Gibson, William S 197 Western his unit 13 Spring Creek, NV 89815-9747	084-001-018	00391		Undetermined Portion		0.00	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Grippo, David 6 Jacqueline Ln Rye Brook, NY 10573-1208	084-001-025	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Hunting Partners LLC 633 Overmyer rd Sparks, NV 89431-6486	084-001-041	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o King, Donald and Virginia 400 Jiggs Hwy unit 13 Spring Creek, NV 89815-9742	084-001-008	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Little Paris Sheep CO HC 30 Box 346 Spring Creek, NV 89815-9755	084-001-020	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Nelson, Todd and Nancy Jeanne 555 Orchard Ln Colfax, CA 95713-9523	084-001-019	00391		Undetermined Portion		0.00	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Oborn, Milton and Dorothy 195 Mountain City hwy unit 11 Elko, NV 89801-9515	084-001-028	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Pisoni, Mark Edward P.O. Box 908 Gonzales, CA 93926-0908	084-001-021	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Rowe, Dan E 3950 GS Richards blvd Carson City, NV 89703-8457	084-001-011	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Sanders, Scott 2652 Grand Ave Fillmore, CA 93015-9638	084-001-017	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Scott, Derrick and Jessica 435 Jiggs hwy unit 3 Spring Creek, NV 89815-9743	084-001-003	00391		Undetermined Portion		0.00	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Smallenberger, Linda P.O. Box 4044 Lone, CA 95640-4044	084-001-029	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Smith Creek 4 LLC 3175 Cantara Cir Sparks, NV 89436-7541	084-001-004	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Turner, Fred Dean HC 30 Box 348 Spring Creek, NV 89815-9755	084-001-022	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Turner, Robert Erwin HC 30 Box 348 Spring Creek, NV 89815-9755	084-001-012	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Westfall, Patricia 1188 Court St PMB 36 Elko, NV 89801	084-001-002	00391		Undetermined Portion		0.00	

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Smith Creek Ranch c/o Williams, Thomas Jerry Sr 3030 White Pine Dr Carson City, NV 89704-9140	084-001-050	00391		Undetermined Portion		0.00	
Smith Creek Ranch c/o Zernicke, Frances J 2849 Canyon Rd Burlingame, CA 94010-6014	084-001-049	00391		Undetermined Portion		0.00	
Sonora, LLC P.O. BOX 1597 Elko, NV 89803-1597	007-08C-004	00405 00405	15.08 34.61			15.08 34.61	45.24 103.83
South Fork LLC c/o Chris & Valree Hellwinkel HC 30 Box 350 Spring Creek, NV 89815-9705	006-280-007 (Permit 77532) (CPOD)	00374 00685	355.35 202.20			355.35 202.20	1066.05 606.60
Spratling, Boyd M. P.O. Box 44 Deeth, NV 89823-0044	007-330-023	00508 00519 00601	47.30 794.70 907.46	23.68	207.30 266.69	47.30 1002.00 1197.83	141.90 2539.58 2957.92

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Spratling, Boyd M. & Audrey E. P.O. Box 27	007-550-020	00499	22.36			22.36	67.08
Deeth, NV 89823-0027		00603		462.10		462.10	693.15
		1933	249.80			249.80	749.40
		1934	19.70			19.70	59.10
Spratling, William Craig P.O. Box 44	007-330-010	00522	690.87	746.32	29.80	1466.99	3214.44
Deeth, NV 89823-0044		00522	234.30			234.30	702.90
Spring Creek Utilities Corp. ATTN: Avelina Friedman 2335 Sanders Rd. Northbrook, IL 60062-6108	006-300-015	00369			81.20	81.20	60.90
		1114	33.80			33.80	82.95
		2145	127.65			127.65	382.95
Spring Creek Association 401 Fairway Blvd Spring Creek, NV 89815-6005	051-010-001	00452	145.65			145.65	436.95
Staker & Parson Companies Accounts Payable 2350 S. 1900 West Ste 100 Ogden, UT 84401-3216	006-090-002	00246	388.80		114.60	503.40	1252.34

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Steninger, Rex & Dorothy B. Trust P.O. BOX 281570 Lamoille, NV 89828-1570	006-520-050	00462	71.10			71.10	213.30
Stewart, David H. & Peggy L. Trust HC 36 Box 578 Lamoille, NV 89828-9701	007-08A-011	1408	3.10			3.10	10.71
Stonier, James K. JR 41230 San Antonio Valley Rd. Livermore, CA 94550-8416	006-060-001	00653	408.16			408.16	1224.48
		00685	46.50			46.50	139.50
Sullivan, Patricia K. TR P.O. Box 58 Sedona, AZ 86339-0058	033-002-018	2573	28.57			28.57	85.71
Sustacha, Jess Ranch, L.P. P.O. Box 281214 Lamoille, NV 89828-1214	007-080-031	00424	197.40			197.40	592.20
		00454	328.40			328.40	985.20
		00461	302.00			302.00	906.00
Suzie Creek, LLC c/o Newmark INV & Loan Inc. 1227 Baring Blvd Sparks, NV 89434-8668	002-300-004	00322	64.00			64.00	192.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Sweetwater Ranch Cattle Company P.O. BOX 1518 Yerington, NV 89447-1518	007-080-021	00414	160.00			160.00	480.00
Swisher, John D. P.O. Box 281317 Lamoille, NV 89828-1317	007-080-027	00407	1.08			1.08	3.24
Taber Creek LLC HC 62 Box 1600 Wells, NV 89835-9805	007-580-010	00608	44.80			44.80	134.40
		1721	10.00			10.00	24.40
Taylor, James A. P.O. Box 281326 Lamoille, NV, 89828-1326	007-080-057	00407	4.86			4.86	14.58
Tempel, Trent & Karen Trust P.O. BOX 281727 Lamoille, NV 89828-1727	007-080-100	00444	6.68			6.68	20.04
T.J. Ranches, LLC HC 36 Box 530 Lamoille, NV 89828-9701	007-080-001	00445	482.60			482.60	1447.80

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Tipton, Otis W. III & Marilyn C. P.O. BOX 1555 Elko, NV 89803-1555	006-52C-022 (55827-9.49 ac)	00370	9.49			9.49	28.47
Tomac, Steven & Boyd Trust et al. 13 Nordyke Rd. Yerington, NV 89447-9503	006-520-052	00411 00418	29.40 14.18			29.40 14.18	88.20 42.54
Tomera, Julian Ranches, Inc. HC 65 Box 11 Carlin, NV 89822-9701	005-030-002 (56185) (56187)	00223 00373 00677 2727 3780 5354 00437	35.96 23.53 123.95 4.50 29.29 38.91 8.30			35.96 23.53 123.95 4.50 29.29 38.91 8.30	107.88 70.59 371.85 13.50 87.87 116.73 24.90
Tomera, Kevin B. & Kristi M. 193 Pleasant Valley Rd. #1 Spring Creek, NV 89815-9717	005-480-002	00676	31.32			31.32	93.96
Trindle, Thomas & Meredith 182 W Bullion Road Unit 4 Elko, NV 89801-7617	006-09H-078	00212	31.52			31.52	94.56

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Twenty-Six Ranch, Inc. 1546 Cole Blvd Ste 270 Golden, CO 80401-3406	004-110-002	00323	362.11	18.77	2.17	383.05	1116.11
		1905	90.00			90.00	270.00
		2473	25.66			25.66	62.61
		2772	30.10			30.10	120.40
		2761	8.21			8.21	22.16
		19	150.00			150.00	450.00
Uhlig, Carl Fredrick HC 62 Box 400 Wells, NV 89835-9816	007-550-012	00214	46.57	5.23	12.10	63.90	156.63
		00503	193.80			193.80	581.40
		00608	18.03			18.03	54.09
		00608	105.20			105.20	315.60
Union Pacific Railroad Co. c/o Tax Commissioner 1400 Douglas St., STOP 1640 Omaha, NE 68179-1001	000-036-001	2926				0.00	0.18
Van Norman Quarter Horses c/o Ty Van Norman P.O. Box 26 Tuscarora, NV 89834-0026	005-110-003	00572	320.44			320.44	961.32

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
VTR, LLC	006-520-042	00411	2.80			2.80	8.40
c/o Julie Von Tobel Gleason		00438	12.56			12.56	37.68
6640 Rebecca Rd.		00439	6.42			6.42	19.26
Las Vegas, NV 89131-3138		2392	51.07			51.07	124.61
		2393	25.13			25.13	61.32
Wahoo Ranch LLC	005-570-002	00576	1844.00			1844.00	5532.00
Devils Gate Ranch		00576	18.01	36.69		54.70	109.07
802 Elburz, #11							
Elko, NV 89801-7403							
Wachtel, James R. & Carol R. Trust	007-550-002	00481	65.40			65.40	196.20
HC 64 Box 26		00482	161.00			161.00	483.00
Deeth, NV 89823-9700		00483	80.00			80.00	240.00
		00494	67.17		50.93	118.10	239.71
		00496	118.19			118.19	354.57
		00496	34.32		35.23	69.55	129.38
		1837	45.50			45.50	110.96
Walsh, Arthur L. & Janet A. Trust	007-530-007	00497	431.10			431.10	1293.30
HC 60 Box 485							
Ruby Valley, NV 89633-9801							

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
WALTHER, Karen A. P.O. Box 281347 Lamoille, NV 89828-1437	007-08D-012	00412	1.08			1.08	3.24
Walther, Thomas A. & Geraldine E. P.O. Box 1158 Longmont, CO 80502-1158	007-08F-004	00421	38.19			38.19	114.57
Wbw Limited Partnership; WRIGHT LAND CO et al. P.O. Box 8 Deeth, NV 89823-0008	007-590-001	00611	31.43	47.00	3354.10	31.43	94.29
		00601	2858.00			6259.10	11160.08
		1548-2613	192.00			192.00	576.00
		2225	94.30			94.30	282.90
		3008	5.80			5.80	17.40
Webb, Lamarr c/o Ronald and Cindy Conley P.O. Box 281435 Lamoille, NV 89828	007-08D-009	00412	1.59			1.59	4.77
Westlund, Donald & Gailey et al. c/o Lori Drysdale 1349 Pasadena Avenue Fillmore, CA 93015-9743	006-580-005	00557	109.40			109.40	338.20

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Whitaker, Trent E. & Alinbxane c/o Satterthwaite, Scott P.O. Box 281342 Lamoille, NV 89828-1342	007-080-007	00412	15.60			15.60	46.80
Whitaker, Walter W. IV & Tennile P.O. Box 34 Deeth, NV 89823-0034	007-560-023	00601	31.47		89.69	121.16	161.68
Whitehead, Jerry Carr 10389 Double R Blvd Reno, NV 89521-5991	007-08F-001	00421	101.15			101.15	303.45
Williams, John E. 554 Front St. Elko, NV 89801-4226	077-007-009	00689	1.58		8.01	9.59	10.75
Wilson, Stuart R. & Karen C. 442 Court St. Elko, NV 89801-3528	007-080-080	00405	28.54			28.54	85.62

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Winchell Ranch P.O. Box 456 Wells, NV 89835-0456	007-550-006	00490 1717 2758	548.90 85.30 98.09			548.90 85.30 98.09	1646.70 255.90 294.27
Wines, Andrew Peter et al., P.O. BOX 281453 Lamoille, NV 89828-1453	006-520-059	00411 2393	115.20 18.37			115.20 18.37	345.60 45.08
Wines, Bill Livestock, Inc. 372 Mountain City Hwy., #5 Elko, NV 89801-9517	006-320-013	00201	209.90	25.84	32.28	268.02	695.61
Wines, James B. III & Kristine A. 25 Martell Place Sparks, NV 89441-7505	007-080-119	00444	10.00			10.00	30.00
Wolf & Sons, LLC HC 31 Box 40 Elko, NV 89801-9524	006-370-001	00552 00566 00569 00569 00576	229.60 41.85 211.79 72.23 53.00			229.60 41.85 211.79 72.23 53.00	688.80 125.55 635.37 216.69 159.00

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Woodbury Family 2013 Trust 1053 Idaho Street Elko, NV 89801-3920	006-520-071	00446 00442-3	419.30 79.81			419.30 79.81	2515.80 478.86
Wooden, Jeffrey Carl et al.. P.O. BOX 281368 Lamoille, NV 89828-1368	006-52A-013	1408 1408	3.62 1.14			3.62 1.14	13.10 3.42
Wright, Leslie ET AL.. c/o Leveille, Anthony & Ella 875 2nd St Elko, NV 89801-3011	007-080-0BN	00444	16.00			16.00	48.00
WRIGHT, Richard E. & Leona M. WR 403 W. Cedar St. Elko, NV 89801-2924	006-240-005	00656	69.86			69.86	209.58
YC Cattle Co, LLC P.O. BOX 2011 Elko, NV 89803-2011	007-090-006	00423 1299 2194	346.44 151.00			346.44 151.00 0.00	1039.32 362.40 18.10
Zraggen, Dusty I. P.O. BOX 96 Deeth, NV 89823-0096	007-340-003	00208 1409 979	126.20 65.00 106.10	24.80	129.65	280.65 65.00 106.10	513.04 106.12 258.88

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Zunino, Delbert J & Linda Trust 400 Jiggs Hwy., #15 Spring Creek, NV 89815-9742	005-260-009	00358	496.55	52.25	59.50	608.30	1612.65
		00361	364.16			364.16	1092.48
		00398	114.83		15.31	130.14	355.97
		1271	233.10			233.10	699.30
		1272	41.20			41.20	123.60
		1273	48.00			48.00	144.00
		1274	47.60			47.60	142.80
Nevada Department of Transportation							
1263 S. Stewart Street Carson City, NV 89701		00239	9.82		19.06	28.88	43.76
State Parks - Nevada							
16799 Lahontan Dam Rd. Fallon, NV 89406-9709	006-070-003 (51461)	00359 00359 7675	816.00 514.00 91.40	274.00 33.00		1090.00 547.00 91.40	2859.00 1591.50 276.16
NYTC-South Fork Dam							
P.O. Box 469 Elko, NV 89801		6921	49.70			49.70	145.20
State Dept. of Wildlife							
c/o Nevada Division of State Lands 901 S. Stewart st, Suite 5005 Carson City, NV 89701		00156 2286 5974 6969	93.01			93.01 0.00 0.00 0.00	279.03 137.24 989.57 553.40

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Elko, City of		00202	130.44			93.01	1959.24
571 Idaho St.		00234	45.83	11.50	58.17	130.44	391.32
Elko, NV 89801-3715		00240	71.90		18.01	115.50	198.37
		4060	53.91			89.91	229.21
		4070	5.37			53.91	161.73
		4180				5.37	19.33
						0.00	361.99
U.S.A. - BLM	Winn Dist	00156	93.01			93.01	279.03
571 Idaho St.		00218	1.37			1.37	4.11
Elko, NV 89801-3715	Elko Dist	00243		28.75		28.75	43.13
	Elko Dist	00570	29.14			29.14	87.42
	Elko Dist	00601	1480.94	75.01	2385.16	3941.11	6344.21
	Elko Dist	00601	145.61	104.50	746.23	986.34	1153.25
	Elko Dist	00607	286.95	273.62		560.57	1271.28
	Elko Dist	00610	41.00		65.95	106.95	172.46
	Elko Dist	1707	50.00			50.00	90.50
	Elko Dist	3543	111.13			111.13	333.39
USA Forest Service		00553	121.60			121.60	466.50
2035 Last Chance Road	007-530-902	2194			135.60	257.20	18.10
Elko, NV 89801-4808							

HUMBOLDT RIVER DISTRIBUTION

Elko County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
U.S. Bureau of Indian Affairs		00355	31.70			31.70	95.10
South Fork Band Council		00355	555.76		67.00	622.76	1717.53
P.O. Box B-13		00357	830.07		303.70	1133.77	2717.99
Lee, NV 89829		00364	856.30		36.20	892.50	2596.05
		00372	1167.50		47.00	1214.50	3537.75
		00388	304.21		120.99	425.20	1003.37
		00393	28.70			28.70	86.10
		00399	20.76			20.76	62.28

HUMBOLDT RIVER DISTRIBUTION

Eureka County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Bailey, Ray & Jacqueline Pine Valley HC 65 Box 18 Carlin, NV 89822	005-570-02	00305	208.4			208.4	625.20
Brown, Sherie W. Family Trust 114 Young Place Dawsonville, GA 30534	005-160-07	00304	413.21	0.28	10.32	423.81	1219.15

HUMBOLDT RIVER DISTRIBUTION

Eureka County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Elko Land & Livestock	004-330-03	00153	169.14		10.08	179.22	514.98
6363 S. Fiddler's Green Cir.		00154	1507.35	2835.19	5121.63	9464.17	12616.08
Greenwood Village, CO 80111		00169	261.61		43.9	305.51	817.76
		00171	51.25	723.2	402.1	1176.55	1540.13
		00171	328.95	402.95	299.5	1031.4	1815.90
		00333			1933.3	1933.3	1449.98
		00321	28.09			28.09	84.27
		00325-329	101.11	323.42	147.01	571.54	898.72
		3474	16.38			16.38	29.84
Julian Tomera Ranches, Inc.	005-380-10	00307	598.46			598.46	1803.88
Stonehouse Ranch		00305	108.91	16.28		125.19	351.15
HC 65 Box 11		00306	419.19	36.41	124.59	580.19	1405.63
Carlin, NV 89822							
Maggie Creek Ranch, LP & LLC	004-190-14	00325-329	117.93	12.76	136.51	267.2	475.31
P.O. Box 2010							
Elko, NV 89803							
Palisade Ranch, Inc.	005-140-04	00301	150.37		22	172.37	467.61
P.O. Box 236		00303	100.92			100.92	302.76
Carlin, NV 89822							

HUMBLODT RIVER DISTRIBUTION

Eureka County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Rhoads, Dean & Sharon P.O. Box 8 Tuscarora, NV 89834	004-050-01	3035	315.43			315.43	946.29
		3146	120.57			120.57	361.71
		3147	144.25			144.25	432.75
Sansinena, Michael T. HC 66 Unit 3 Box 2 Beowawe, NV 89821	004-310-13	00154	602.97	2.47	204.1	809.56	1965.69
Slagowski Ranches, Inc. HC 65 Box 30 Carlin, NV 89822	005-670-43	00302	194.44			194.44	583.32
		00308	353.32			353.32	1059.96
Barrick Cortez, INC Attn: Regional Land Dept 460 W. 50 N. Suite 500 Salt Lake City, UT 84101	005-570-05	00304	855.01	128.72	146.75	1130.48	2868.17

HUMBOLDT RIVER DISTRIBUTION

Humboldt County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Barrick Goldstrike Mining c/o Regional Land Dept. 460 W 50 N STE 500 Salt Lake City, NV 84101-1240	07-0291-94	00151 00156 00157 00174 1929	337.55 298.56 1356.44 116.8 58.4	6.12 157.53 35.58	18.14 7.76 241.35 4.5	361.81 306.32 1755.32 156.88 58.4	1035.44 901.50 4486.63 407.15 122.14
Button Point Limited Partnership 5195 Kirkway Drive Winnemucca, NV 89445	08-0031-78	00101 (16575) 00102 00120 00122	984.56 1150.3 1421.66 292.63	343.50 682.74 153.45	641.64 836.17 870.17 19.65	1969.7 2669.21 2445.28 312.28	3951.07 5102.14 5157.76 892.63
Crawford Cattle LLC 5195 Kirkway Drive Winnemucca, NV 89445	08-0031-79	00122 00101		4.25	4.5 1.95	4.5 6.2	3.38 8.42
Crawford, Family Living Trust 5195 Kirkway Drive Winnemucca, NV 89445	06-0411-28	00157		165.28	250.98	416.26	436.16
Diamond Plastics Corporation c/o Taylor and Sheehan ATTN: Peggy Skaggs P.O. Box 1608 Grand Island, NE 68802	08-0642-02	00120			40	40	30.01

HUMBOLDT RIVER DISTRIBUTION

Humboldt County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Elko Land & Livestock Company c/o Nevada First Corporation ATTN: Land Department 1655 Mountain City Highway Elko, NV 89801	08-0031-32	00120			13.9	13.9	10.43
Hay, Janet E./Tama Gortari 24891 Hoskins Wildier, ID 83676	10-0141-04	00105	255.18	173.09	48.78	477.05	1061.75
Humboldt Ranches, Inc. P.O. Box 1216 Winnemucca, NV 89445	05-0491-92	00103 00113 00114	437.71 329.39	42.88	662.04 450.28 270.73	1142.63 450.28 600.12	1873.98 337.71 1191.22
McNinch, Michael 7715 McNinch Rd. Winnemucca, NV 89445	10-0011-38	00117	39.89	36.55		76.44	174.50
Mohamad, Jamal H. 1170 E. National Ave. Winnemucca, NV 89445	15-0193-07	00134			46.42	46.42	34.82

HUMBOLDT RIVER DISTRIBUTION

Humboldt County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Oro Vaca, Inc. 2489 W. Main Street Littleton, CO 80120	07-0141-03	00101 00155 00158 00175	32.29	262.38 17.36 83.32 30.18	111 36.76	405.67 54.12 83.32 104.05	573.69 53.61 124.98 100.67
Piquet, T & G Trust & Piquet, D. Trust P.O. Box 9 Winnemucca, NV 89446	10-0131-06	00119	1084.81	266.16	797.1	2148.07	4251.50
Project Constuction LLC c/o Miller, Douglas and Lori 4602 S Grass Valley RD Winnemucca, NV 89445	05-0471-09	00113 00114	11.3		61.32 162.53	61.32 173.83	47.49 154.90
Rosasco, Richard & Nancy Trust P.O. Box 99 Golconda, NV 89414	08-0451-36	00131 00132 00133	501.83 102.03 55.66	1.52	63.84 9.19	565.67 112.74 55.66	1553.37 315.24 166.98
Seven Dot Cattle Co. LLC HC 66 Box 26 Golconda, NV 89414	07-0211-19	00158 00124 00151	338.81 7.32	76.05 451.51	388.81 138.61 329.9	388.81 553.47 786.73	291.61 1233.34 946.65

HUMBOLDT RIVER DISTRIBUTION

Humboldt County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Stor-All, LLC 1456-D Industrial Way Gardnerville, NV 89410	10-0091-13	00115		10	30.88	40.88	38.16
T Quarter Circle Ranches, Inc 4405 T Quarter Circle Road Winnemucca, NV 89445	15-0122-01	00127		16.63	8.08	24.71	31.01
Thompson, Bethany J. & E. James 5750 E. 2nd Street Winnemucca, NV 89445	10-0141-05	00103	660.33	55.49	407.06	1122.88	2369.52
T Quarter Circle Ranches, Inc. 4405 T Quarter Circle Rd. Winnemucca, NV 89445	13-0031-01	00116	525.07	131.21	197.41	853.69	1920.08
Tipton, Guy A. 4405 T Quarter Circle Rd. Winnemucca, NV 89445	10-0011-55	00103	27.01		25.69	52.7	100.30
		00118	667.43		84.19	751.62	2065.43
26 Ranch, Inc. 1546 Cole Blvd., Ste. 270 Lakewood, CO 80401	07-0471-02	00172	316.45	993.44	555.89	1865.78	2856.43
		00176	45.72	55.32	251.47	352.51	408.74

HUMBOLDT RIVER DISTRIBUTION

Humboldt County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Dept. of Transportation State of Nevada P.O. Box 3267 Winnemucca, NV 89446		00180	5.94	3.19	0.94	10.07	23.92
U.S. Bureau of Land Management P.O. Box 831 Elko, NV 89801		00156	93.01			93.01	279.03
U.S. Bureau of Land Management 50 Bastian Road Battle Mountain, NV 89820							
U.S. Bureau of Land Management 5100 E. Winnemucca Blvd. Winnemucca, NV 89445							

HUMBOLDT RIVER DISTRIBUTION

Lander County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Elko Land & Livestock c/o Newmont Mining Tax Dept 6363 S. Fiddler's Green Cir. Greenwood, CO 80111	010-190-14	00168 00171 00333	286.325 1910.81 166.75	138.53 3252.23 4628.54	7.71 4935.65 6126.88	432.56 9498.69 10922.17	1072.54 13862.51 12038.22
Lander Co. Commissioners 315 S. Humboldt St. Battle Mountain, NV 89820	unsecured	00164 00165 00167					1279.31 1018.27 702.42
Mueller Land & Cattle Co. LLC 438 Socorro Ct. Reno, NV 89511	010-290-02	00155 *00164 *00165 *00167	88.67 540.81 339.97 231.89	55.33 49.15 4.4	87.15 20.09 46.89	144 677.11 364.46 278.78	349.01 482.21 23.31 42.00
Seldin, Steven P. 2121 Arabian Road Battle Mountain, Nv 89820	010-300-12	00155 00155	14.16	7.48 32.33	5.71	7.48 92.2	11.22 95.26
26 Ranch, Inc. 1546 Cole Blvd Ste 270 Lakewood, CO 80401	010-150-10	00166 00172	511.11 2327.55	60.58 919.72	299.84 855.41	871.53 4102.68	1649.06 9003.79

HUMBOLDT RIVER DISTRIBUTION

Lander County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
Halter Ranch, LLC 28410 Encanto Drive #21 Sun City, CA 92586	007-050-10	00163 (9730) (12953)			240	240	180.00

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE- FEET
3-H Corp P.O. Box 877 Lovelock, NV 89419	007-571-01	0054	78.20			78.20	234.60
Campbell, Jay & Gites, Donna P.O. Box 515 Lovelock, NV 89419	007-221-02	0016 0081	2.65			2.65	7.95
Davidson, Paul & Dianne Family Trust c/o Davidson, Paul & D., Trustees 500 Carpenter Rd. Lovelock, NV 89419	008-110-07	00112			14.94	14.94	11.21

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Duncan, AE & MM, Trustees P.O. Box 532 Lovelock, NV 89419	003-421-16	00125	23.70		121.32	146.41	162.09
Gilkinson, Wanda P.O. Box 841 Lovelock, NV 89419	007-221-03	0016 0081	5.00			5.00	15.00
Gonzalez, Miguel & Virginia P.O. Box 1193 Lovelock, NV 89419	007-221-06	0016 0081	1.07			1.07	3.21
Remsx, LLC c/o Nevadaix Inc P.O. Box 1613 Lovelock, NV 89419	01-115-01	0030	10.20			10.20	30.60
RLS Land, LLC 1150 Looz Road Lovelock, NV 89419	007-331-02	0067	99.50			99.50	298.50
Rose of Snowville, LLC c/o Carl Barton, esq P.O. BOX 676 Snowville, UT 84336	008-150-52	00106 00110 00111	531.70 14.95		308.95 1413.87	309.95 1945.27 223.90	232.46 2655.50 44.85

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Ruiz, Bill 2030 Arobio Ln. Lovelock, NV 89419	07-221-04	0016 0081	5.18			5.18	15.54
Silverstate Farm & Ranch, LLC 1005 Carpenter Road Lovelock, NV 89419	003-351-08 007-221-54	0080 0080 0016	626.00 80.00 54.96			626.00 80.00 54.96	1876.00 240.00 164.88
DISTRICT LANDS							
3-H Corp. P.O. Box 877 Lovelock, NV 89419	007-311-03	38 40 91 93 95A				37.90 67.00 70.45 135.00 138.00	140.57 248.49 261.28 500.71 511.82
Anker Ranch, Inc. 5346 Santa Barbara ave Sparks, NV 89436	007-431-15	4				157.00	582.29
Ankers, Inc. c/o Claudia Monroe 582 Shadybrook Dr. Spring Creek, NV 89815	007-431-04	110				154.00	571.16

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Arias, Jose C. 12717 Wild Rose Lane Napa, ID 83686	007-530-12	42				33.70	125.03
Arias, Ricardo P.O. Box 2149 Lovelock, NV 89419	007-520-05	84				53.00	196.57
		84				31.00	114.97
Atkinson, Steve J. & Geraldine L. 400 Irish American Rd. Lovelock, NV 89419	007-321-21	24				20.00	74.18
Aufdermaur, John & Bobbie J., Trustees 300 Looorz Rd. Lovelock, NV 89419	007-331-07	7				75.37	279.54
Bakker, Jeanette 451 Fourth Street Crescent Valley, NV 89821	007-451-48	8				151.00	560.03
Battcher, Suzie M. 2007 Trust 1012 Arrowhead Drive Garderville, NV 89460	007-361-10	21				59.00	218.82
		74				29.20	108.30

HUMBOLDT RIVER DISTRIBUTION

Perishing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Bendure, Ted P. et al. 603 W. Reservation Road Lovelock, NV 89419	007-351-10	87				22.17	82.23
Benolkin, Philip J. 205 Cache Ln. Lovelock, NV 89419	007-351-19	87B 87A				2.97 79.30	11.02 294.11
Bessey, James C. & June, Trustees 1050 Holmstrom Rd. Lovelock, NV 89419	007-510-01	72				40.00	148.35
Bing, Peter 9700 W. Pico Blvd. Los Angeles, CA 90035	007-451-05	9				377.16	1398.83
Black Rock Properties P.O. Box 34 Lovelock, NV 89419	007-091-30	36 58A				165.35 0.80	613.26 2.98
Brinkerhoff Ranch Inc. 1050 Renee Rd. Lovelock, NV 89419	007-451-02	19 20 20A 20B 29				840.00 320.00 318.72 1.28 310.00	2373.67 1186.84 1182.09 4.75 1149.75

HUMBOLDT RIVER DISTRIBUTION

Peashing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Brinkerhoff Ranch Inc. - cont.							
		29A				320.00	1186.84
		49A				634.00	2351.42
		49B				638.00	2366.25
		49D				309.20	1147.13
		66A				178.50	662.03
		66B				43.50	161.34
		66C				1837.00	6813.17
		96A				29.52	109.48
		49D				5.00	18.55
Brooks, Thomas, R. & Jean M. P.O. Box 963 Lovelock, NV 89419	007-530-05	38B 42				48.35 18.35	179.32 68.08
Burke, Jeremy P. & Colby J. P.O. Box 1073 Lovelock, NV 89419	007-111-45	59A				76.24	282.85
Burrows Farms, Inc P.O. BOX 1607 Lovelock, NV 89419	007-451-50	8				147.00	545.19
C Punch Corp 1100 1/2 Fuss Rd. Lovelock, NV 89419	007-381-16	1 15 25				24.29 86.70 475.91	90.04 321.56 1765.08

HUMBOLDT RIVER DISTRIBUTION

Perishing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
C Punch Corp. - cont.		28				98.74	386.21
		41				81.13	300.90
Cerini, Frank S. & Diane P.O. Box 648 Lovelock, NV 89419	007-321-22	24A				15.51	57.52
Clinger, Carl 7500 S. Meridian Road Lovelock, NV 89419	007-451-09	30				207.56	769.81
		27				140.00	519.34
		78				118.63	439.98
Conrad, Ralph C. & Margaret E. 2250 Holmstrom Rd. Lovelock, NV 89419	007-321-01	45				16.40	60.83
Coyle, Robert 634 Irish American Dam Road Lovelock, NV 89419	007-321-23	24B				2.00	7.42
Cunrod, Linda & Woodrow 701 Hungry Valley Rd. Reno, NV 89506	007-201-01	91				45.00	166.95
		66F				160.00	593.44

HUMBLOTT RIVER DISTRIBUTION

Perishing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
D & S Land & Livestock P.O. Box 18346 Reno, NV 89511	007-381-03	14				3594.31	13330.79
Dingee, Randy & Michelle 50 Rogers Lane Lovelock, NV 89419	007-271-08	7B				4.00	14.84
Denmler Herman CR Shelter TR c/o Dennler, Judith K., Trustee P.O. BOX 1630 Reno, NV 89505.	007-451-18	10 37 105				291.60 158.00 1118.50	1081.50 586.00 4148.36
Depaoli, Robert R. & Debra M. 1415 Arobio Ln. Lovelock, NV 89419	007-191-14	6B 6B				141.40 154.00	524.42 571.16
Diamond G Farms 1515 Holcomb Ranch Ln. Reno, NV 89511	007-581-05	6C				302.00	1120.08
Double Z, LLC P.O. Box 1607 Lovelock, NV 89419	007-451-13	52 53 65 3				108.70 40.00 160.00 173.00	403.15 148.35 593.42 641.63

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Double Z, LLC - cont.		35				137.25	509.04
Dufrene, Nancy P. P.O. Box 660 Lovelock, NV 89419	007-151-05	26A 13				40.00 76.00	148.35 281.87
Echeverria, Paul & Sally P.O. Box 556 Lovelock, NV 89419	007-321-24	24B				11.47	42.54
Espil Family Trust 2889 Granville Drive Sparks, NV 89436	007-141-07	18A				17.50	64.91
Fisk, Carolyn, et al. c/o Guerrero, Jennifer 6387 Westwind Way Fallon, NV 89406	007-441-04	88				10.00	18.10
Gibson Ranch, Inc. 2000 Westfall Rd. Lovelock, NV 89419	007-151-15	17 51 76 77 108				146.80 77.08 128.35 77.00 68.15	544.46 285.88 476.03 285.58 252.76

HUMBOLDT RIVER DISTRIBUTION

Perishing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Gonsalves, Stanley, et al. 860 Rogers Rd. Lovelock, NV 89419	007-341-07	111				40.00	148.35
Gottschalk, M.J. Family 3405 Westfall Rd. Lovelock, NV 89419	007-441-05	55A				34.93	129.55
		58				0.27	1.00
		88				38.91	143.97
		109				155.29	575.95
		18				202.01	749.23
Hanks, S., Hanks, D. & Hintz K. P.O. Box 337 Lovelock, NV 89419	007-081-10	34				10.50	38.94
Hanneman, Billy J. & Karen 1990 Holmstrom Rd. Lovelock, NV 89419	007-510-05	45B				36.00	133.52
Hoss, Lorraine c/o Knisley, Austin Matthew 1005 Carpenter Road Lovelock, NV 89419	007-111-06	48				27.20	100.88

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Iniguez, Efrain 910 N. Meridian Road Lovelock, NV 89419	007-071-09	23				1.00	3.00
Jackson, Gregory W. & Terry et al. P.O. Box 1060 Fallon, NV 89407	007-550-33	50				93.13	345.44
Johnson, Ranch Inc. c/o O'Neill, Geneva Johnson 4605 S. Meridian Rd. Lovelock, NV 89419	007-431-06	69 11C				154.00 175.25	571.16 649.98
Kiel, Russell P.O. Box 891 Lovelock, NV 89419	003-161-12	112				140.45	520.91
Knight, Robin Dan & Julie 3545 Peterson Rd. Lovelock, NV 89419	007-451-17	49 49C 83				207.00 110.00 56.00	767.73 407.97 244.79
Knisley, C.R. & B.J. 2405 Carpenter Rd. Lovelock, NV 89419	007-141-22	26 11B 11B				40.00 128.25 15.00	148.36 474.73 55.64

HUMBOLDT RIVER DISTRIBUTION

Peashing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACHES	ACRE-FEET
Knisley, Dan & Tracy 1005 Carpenter Rd. Lovelock, NV 89419	007-141-21	11B				32.00	118.68
Knisley, Wade 1005 Carpenter Road Lovelock, NV 89419	007-441-13	66E				52.41	194.35
List Cattle Co. 2000 N. Meridian Rd. Lovelock, NV 89419	007-321-02	43				136.85	507.56
		63				240.00	890.13
		86				373.80	1386.87
MacDougal Apiary Co. P.O. Box 1289 Lovelock, NV 89419	007-510-04	45A				42.00	155.77
Marvel, Richard & Nancy Family Trust c/o Silver State Farm and Ranch 1010 Carpenter Road Lovelock, NV 89419	007-480-10	46				147.24	546.17
MacDougal Livestock Co. P.O. Box 1150 Lovelock, NV 89419	007-381-14	12				160.00	593.42
		66				6443.00	23869.18
		85				78.00	289.30
		44				943.00	3497.45

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
McDougal Livestock Co. - cont.		85				80.00	296.70
		11				140.00	519.24
		11A				160.00	593.41
		11B				160.00	593.42
		11C				149.55	554.66
McGinty, Tom & Keuffler, Margaret 5000 Carpenter Road Lovelock, NV 89419	007-530-27	42				40.09	148.69
		42				40.02	148.43
		42				2.29	8.49
		42				53.59	198.75
Mitchell, Paul & Diane, Trustees 7095 Jackson Rd Winnemucca, NV 89445	007-201-06	66E				1.06	3.93
Monroe, Robert T. III Living Trust C/O Monroe, Robert T., Trustee 1625 Reservation Rd. Lovelock, NV 89419	007-431-02	89				345.15	1280.51
		80				235.45	873.25
		89B				222.30	824.73
		89A				160.00	593.60
Montrose, Karl Hugh & Sharon L. P.O. Box 434 Lovelock, NV 89419	007-201-03	66D				110.00	407.99
		66E				57.04	211.56

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Mori Ranches LLC 280 Rogers Rd. Lovelock, NV 89419	007-331-24	5				182.00	675.01
Moura Family Trust 400 Union Road Lovelock, NV 89419	007-311-04	60				78.00	289.29
		71				79.00	293.00
		39				263.18	1050.27
		47				78.50	291.15
		61				80.13	297.19
		113				70.95	263.14
Nejabi, LLC c/o Jason Coyle 634 Irish American Road Lovelock, NV 89419	007-321-36	81				83.00	307.84
Nesbitt, Merie Young, Trustee 27121 Adonna Court Los Altos Hills, CA 94022	007-431-09	4A				144.58	536.23
Olaf Thomsen Ranch 1300 Pitt Rd. Lovelock, NV 89419	007-490-13	97				82.00	304.13

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Paredes, Salvador P.O. Box 1285 Lovelock, NV 89419	007-111-55	6				40.00	148.27
Pershing County Water Conservation Dist. P.O. Box 218 Lovelock, NV 89419	007-281-12	104				2.50	9.27
Pershing County School District P.O. Box 389 Lovelock, NV 89419	001-250-01	82A 82				13.60 27.00	50.44 100.14
Phillips Land Holding LLC P.O. Box 1222 Lovelock, NV 89419	007-591-02	32 64 102				300.00 34.93 123.28	1112.66 129.80 457.37
Renfree, William 1250 N. Meridian Rd. Lovelock, NV 89419	007-091-18	68 66G				127.50 135.00	472.88 500.71
RLS Land, LLC 1150 Looz Road Lovelock, NV 89419	007-331-36	6A 22 33 50 55				184.25 150.50 72.00 24.50 4.00	280.06 558.36 267.03 90.83 14.84

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
RLS Land, LLC - cont.		94A				30.17	111.90
		42				110.85	411.25
		98				10.00	37.09
		99				30.00	111.27
		38A				126.99	470.99
Safford & Safford, Inc. P.O. Box 993 Lovelock, NV 89419	007-071-04	106				779.22	2890.02
		2511	non-district			29.00	53.00
		4046	non-district			147.00	536.00
Scilacci, Randall JR & Christine 2705 Carpenter Road Lovelock, NV 89419	007-381-22	67				154.55	573.20
Silverstate Farm & Ranch 1005 Carpenter Road Lovelock, NV 89419	007-490-07	73				1269.67	4709.03
		100				106.37	394.51
		101				129.00	478.44
		103				109.00	404.27
		42				40.29	149.43
		42				44.25	164.12
		64				102.90	382.39
		46				147.24	546.17

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Singh, Jaswinder & Rajvinder Loveloek Inn P.O. BOX 248 Loveloek, NV 89419	001-221-14	96				12.48	46.29
Skogje, David Edwin & Bonnie L P.O. BOX 1004 Loveloek, NV 89419	007-181-02	36A				3.70	13.72
Snodgrass, L.C. & C.R. et al. 2045 Arobio Ln. Loveloek, NV 89419	007-111-69	6				186.57	692.04
Soares, George A. 1670 Holmstrom Rd. Loveloek, NV 89419	007-510-03	56 66E				90.00 70.00	333.80 259.63
Souza, Paulieta E. 1605 Westergard Rd. Loveloek, NV 89419	007-151-04	92				59.05	219.01
Souza, Velma L. 165 Rogers Rd. Loveloek, NV 89419	007-271-15	7A				81.64	302.79

HUMBOLDT RIVER DISTRIBUTION

Peising County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Star Peak Enterprises, INC P.O. BOX 1630 Reno, NV 89505	007-451-07	2				154.00	571.16
Starr, Craig L. 700 Arobio Ln. Lovelock, NV 89419	007-111-62	82				149.40	554.10
Stovall, Sean C & Nan J 230 Irish American Road Lovelock, NV 89419	007-321-20	24C				19.95	73.99
Tenente, Alfonso 45 Kruse Rd. Lovelock, NV 89419	007-311-07	54				156.00	528.58
Tueller, Quintin P & Dana R 1245 Peterson Road Lovelock, NV 89419	007-451-06	62				80.00	296.71
Warren, Susan K. 245 Irish American Rd. Lovelock, NV 89419	007-341-17	1				15.01	55.72

HUMBOLDT RIVER DISTRIBUTION

Perishing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Waters Farming, LLC P.O. BOX 18160 Reno, NV 89511	007-451-47	8				131.00	485.85
		8				161.00	597.12
Wesner, Bingo G. & Karen T. 280 Old Emigrant Rd. Lovelock, NV 89419	007-031-17	93A				154.00	571.19
		59				716.22	2657.18
Western Nevada Cattle Feeders, LLC 2105 N. Meridian Rd. Lovelock, NV 89419	007-111-46	46				12.76	47.25
		31				80.00	296.71
		102				259.45	962.56
		102				236.49	877.38
		95				20.50	76.03
Westergard Family 2003 Trust c/o Westergard, R.E., Trustee, et. al. 207 Carville Cir. Carson City, NV 89701	007-151-03	107				74.40	275.94
Williams, John B. & Roberta, Trustees 1155 Junewood Ct Lodi, CA 95242	007-451-43	79				48.00	178.03
		90				160.00	593.42

HUMBOLDT RIVER DISTRIBUTION

Pershing County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Youngberg, Reina 1350 Holmstrom Rd. Lovelock, NV 89419	007-510-02	94				33.58	124.54
Nevada Division of Wildlife Attn: Charles Donohue 1100 Valley Rd. Reno, NV 89512	003-241-61	88					163.60
USA Indian Colony P.O. Box 878 Lovelock Indian Colony Lovelock, NV 89419	007-111-32	0065				17.30	51.90

HUMBOLDT RIVER DISTRIBUTION

White Pine County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Burrows, Robert C. & Christine XJ Ranch 435 Jiggs, #4 Spring Creek, NV 89818	7-020-02	00671 00673	136.82 15.49			136.82 15.49	410.46 46.47

HUMBOLDT RIVER DISTRIBUTION

White Pine County

NDWR OWNER OF RECORD	BILLING APN	PROOF NUMBER	HARVEST	MEADOW	DIVERSIFIED	TOTAL ACRES	ACRE-FEET
Goicoechea, Pete et. al. P.O. Box 97 Eureka, NV 89316	7-020-03	00670 00671	31.29 22.24			31.29 22.24	93.87 66.72
KG Mining Bald Mountain INC 5075 S. Syracuse Street, Ste 800 Denver, CO 80237	7-250-02	00657 00662	107.27 11.16			107.27 11.16	321.81 33.48

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1329

ESTABLISHING INTERIM PROCEDURES FOR MANAGING GROUNDWATER
APPROPRIATIONS TO PREVENT THE INCREASE OF CAPTURE AND CONFLICT
WITH RIGHTS DECREED PURSUANT TO THE HUMBOLDT RIVER
ADJUDICATION

I.

OVERVIEW

WHEREAS, it is well established that the source of water to a pumping well originates from three primary sources; first from groundwater storage, then increasing over time from capture of streamflow (where present in a hydrographic system) and evapotranspiration.^{1,2} The terms “stream capture” or simply “capture,” as used in this Order, refer to a reduction in streamflow caused by groundwater pumping. Decades of groundwater pumping in the Humboldt River Region (Region) has led to increasing capture of the Humboldt River and its tributaries, resulting in growing conflict with rights of the Humboldt Decree.

WHEREAS, there are a range of actions or strategies that may be implemented by water users, whether in cooperation with the State Engineer or through other means, to mitigate or avoid conflict. Regional groundwater models currently in development by the United States Geological Survey (USGS) and Desert Research Institute (DRI) are an important tool that will be used to demonstrate the effectiveness of different management strategies and possible administrative actions. Public participation throughout the process of developing a long-term management strategy is an essential component for communication, transparency, and successful implementation. Through the State Engineer’s engagement with the community of water users within the Humboldt Region, several viable strategies have come under consideration, and include:

- Prohibition on pumping within a determined capture zone under certain thresholds of predicted seasonal water supply;
- Credit systems that account for non-use or for return flow from artificial recharge;

¹ Charles V. Theis, 1940, *The Source of Water Derived from Wells -Essential factors controlling the response of an aquifer to development*, Civil Engineering, v. 10, no. 5, p. 277-280.

² Barlow, P.M., and Leake, S.A., 2012, *Streamflow Depletion by Wells – Understanding and Managing the Effects of Groundwater Pumping on Streamflow*, U.S. Geological Survey Circular (Dec. 1, 2021, 1:06 p.m.) 1376, 84 p., <https://doi.org/10.3133/cir1376>

- Enhanced storage capacity, including aquifer storage and recovery that benefits the Humboldt River system;
- Use of conservation funds to enact measures that benefit the Humboldt River such as purchase of groundwater rights that are in immediate/frequent conflict with the Humboldt decree;
- Other private party agreements to resolve conflict; and/or
- Withdrawal or abandonment of existing committed rights.³

WHEREAS, the primary mechanism available to the State Engineer to unilaterally address conflict among water right holders is to order that withdrawals of groundwater be restricted to conform to priority rights per NRS 534.110(6). However, it is also well established that groundwater use in the Humboldt River Region, is fundamental to the Region's culture, communities and economic vitality. Strict curtailment would be a draconian measure resulting in significant and lasting economic harm. It is further recognized that permitted groundwater use is a beneficial use. Additionally, a varying amount of the source of water to pumping wells originates from sources other than stream capture and this use is not in conflict with the Humboldt Decree. For these reasons, among others, strict curtailment is not a preferred option. Rather, implementation of a management framework based on the quantifiable impact of each groundwater well's capture of streamflow will more precisely address harm from any conflict with Humboldt decreed rights.

WHEREAS, the State Engineer recognizes that any comprehensive solution will require extensive outreach to those impacted by any future decisions and management strategies, including water right holders, tribal communities, water users, representatives of conservation and environmental interests, and other interests (collectively referred to as "stakeholders"). The State Engineer seeks to collaborate with stakeholders on the development of long-term management strategies, supported by groundwater models that are currently in development, to address conflict caused by stream capture without arbitrary curtailment or other administrative restrictions on groundwater use. The State Engineer anticipates that any future management framework shall consider active water replacement plans carried out by groundwater right holders, local water resource plans developed in accordance with NRS 278.0228, implementation of Water Conservation Plans pursuant to NRS 540.131, preferred uses of water in the interest of public

³ See generally, comments received from the draft interim order; notes from Working Group meetings, notes from Humboldt River Basin Water Authority meetings, official records of the Nevada Division of Water Resources.

welfare pursuant to NRS 534.120(2), and domestic well protections under NRS 533.024(b). It is also anticipated that any such framework will be supported by the use of the USGS and DRI models to demonstrate effectiveness in preventing conflict resulting from groundwater use within the Humboldt River Region.

WHEREAS, the State Engineer recognizes that under the current conditions there are substantial implications for the water users in the Humboldt River Region. The State Engineer also acknowledges and appreciates that the water users understand the issue and share in the desire to see an effective management strategy that addresses the issues relating to groundwater use that conflicts with senior decreed rights and the need for a defensible outcome. While the science that will be used to inform those long-term management strategies is being finalized, an interim protocol is necessary to avoid exacerbating existing problems. This Order establishes the management framework that the State Engineer is adopting for this period to avoid additional harm to water rights above what is already occurring.

II.

BACKGROUND OF THE HUMBOLDT RIVER REGION

WHEREAS, the Humboldt River Region is delineated by the topographic boundary of the Humboldt River watershed, extending over 11,000 square miles, including 34 hydrographic basins in eight Nevada counties. Hydrographic basins within the Humboldt River Region include Marys River Area (042), Starr Valley Area (043), North Fork Area (044), Lamoille Valley (045), South Fork Area (046), Huntington Valley (047), Dixie Creek-Tenmile Creek Area (048), Elko Segment (049), Susie Creek Area (050), Maggie Creek Area (051), Marys Creek Area (052), Pine Valley (053), Crescent Valley (054), Carico Lake Valley (055), Upper Reese River Valley (056), Antelope Valley (057), Middle Reese River Valley (058), Lower Reese River Valley (059), Whirlwind Valley (060), Boulder Flat (061), Rock Creek Valley (062), Willow Creek Valley (063), Clovers Area (064), Pumpnickel Valley (065), Kelly Creek Area (066), Little Humboldt Valley (067), Hardscrabble Area (068), Paradise Valley (069), Winnemucca Segment (070), Grass Valley (071), Imlay Area (072), Lovelock Valley (073), Lovelock Valley-Oreana Subarea (073A), and White Plains (074).

WHEREAS, the Bartlett Decree⁴ dated October 20, 1931, in the Sixth Judicial Court of the State of Nevada, establishes relative rights to the use of the waters of the Humboldt River and setting forth the dates of priority and duties of water for the decreed claims. The Bartlett Decree determined the waters of the stream system to be fully appropriated, and that in an average year there existed no surplus water for irrigation. Subsequent decrees, orders and writs made corrections to the Bartlett Decree, collectively forming the Humboldt River Adjudication, hereafter referred to as the “Humboldt Decree.” This process was complete by 1938. The most senior decreed surface water right in the Humboldt River system has a priority date of 1861 and the most junior right has a priority date of 1921.⁵ The Humboldt Decree does not include the Little Humboldt River adjudication or Reese River vested claims.

WHEREAS, Humboldt River flow measured at the Palisade gage is the primary tool utilized for determining and scheduling delivery amounts of Humboldt River decreed rights.⁶ Deliveries are scheduled during the irrigation season based on the daily flow measurement at the gage.⁷ When daily flows at the Palisade gage are sufficient to deliver all decreed rights on the Humboldt River and its tributaries, all water rights irrespective of location above or below the gage are scheduled to receive their full duty of water. When flows are not sufficient to deliver all decreed rights, those rights with senior priority dates are served first. In practice, actual deliveries over the expanse of the Humboldt River Region may be different than exact scheduled deliveries due to a wide range of variables including water distribution and management practices and climatic variations that affect riparian evapotranspiration rates, streambank storage, and baseflow.

WHEREAS, during the 2012–2015 period the Humboldt River Region experienced one of the worst droughts since 1902.⁸ Annual flow at the Palisade gage for that 4-year period averaged 82,872 acre-feet, which is 30% of the historical average annual flow of 287,846 acre-feet for the

⁴ Bartlett Decree, incorporated as Section 1 into the Decree entered *In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and its Tributaries*, Case No. 2804, Sixth Judicial District Court of the State of Nevada, In and For the County of Humboldt (October 20, 1931).

⁵ *In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Tributaries*, Case No. 2804, Sixth Judicial District Court of the State of Nevada, In and For the County of Humboldt (October 20, 1931).

⁶ Bartlett Decree, the decreed irrigation season begins March 15th downstream of Palisade and April 15th upstream of Palisade and ends on varying dates depending on location and culture.

⁷ United States Geological Survey (USGS) Gage 10322500, Humboldt River at Palisade.

⁸ Period of record for the Palisade gage begins in 1902.

period of record spanning 112 years.⁹ At the headwaters of the Humboldt River system during 2012–2015, upstream of any significant groundwater pumping, Lamoille Creek also experienced its lowest 4-year flow since at least 1944 when continuous flow measurements on Lamoille Creek started.¹⁰ By the end of the irrigation seasons in 2014 and 2015 the Humboldt River at Imlay was dry and water was unavailable to allocate to downstream surface water users in the Lovelock area. In the midst of the unprecedented drought, senior decreed water right holders alleged that junior groundwater appropriators were capturing surface flows of the Humboldt River and that groundwater use conflicted with the delivery of their surface water rights. In a writ petition filed in the 11th Judicial District Court for Pershing County in 2015, senior water right holders requested that the Court require the State Engineer to take action within his statutory authority to address the alleged conflict.¹¹

WHEREAS, nearly all groundwater uses within the Humboldt River Region are junior to decreed surface water rights in the Humboldt River and its tributaries. There are only four active groundwater permits having a priority date earlier than 1921, the date of the most junior Humboldt Decree right.¹² Groundwater development began to increase more substantially in the 1960s and has gradually increased in the decades since. Groundwater is now extensively relied upon for all manners of use, supporting communities and industry throughout the Region. Groundwater rights were approved in accordance with existing Nevada law over the years by the State Engineer based upon findings that unappropriated water was available and its use would not conflict with existing rights or the public interest.

WHEREAS, it is scientifically understood that groundwater pumping has the potential to capture streamflow when surface water and groundwater are hydraulically connected, either by inducing greater infiltration losses from the stream channel or by reducing the amount of

⁹ For water years between 1902–1906 and 1912–2019.

¹⁰ USGS Gage 10316500, Lamoille Creek Near Lamoille. Note that flow measurements also exist for a period between 1915 and 1923.

¹¹ *Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition*, In the Eleventh Judicial District Court of the State of Nevada In and For the County of Pershing, (Case No. CV 15-12019), *Pershing County Conservation District v. Jason King, P.E., State Engineer of the State of Nevada, Division of Water Resources, Department of Conservation and Natural Resources*.

¹² See Permit 1843, Certificate 139; Permit 2397, Certificate 399; Permit 3520, Certificate 995; and Permit 4589, Certificate 749, Nevada Division of Water Resources' Water Rights Database, official records of the Nevada Division of Water Resources, <http://water.nv.gov/hydrographicabstract.aspx>

groundwater that would otherwise discharge as baseflow to the stream.¹³ The potential for hydraulic connectivity and capture by itself does not necessarily demonstrate that conflict is occurring or will occur in the future, or that surface water deliveries cannot be met. However, because stream capture due to pumping necessarily reduces streamflow, any amount of capture in a fully appropriated river system when not in full priority will reduce surface water that would otherwise have been delivered to surface water right holders. In addition, with climate models forecasting a continuing pattern of increasing frequency and intensity of droughts and flood events,¹⁴ drought-accentuated natural losses from the river, combined with the likelihood for greater drawdown due to increased reliance on groundwater during drought, may increase the future potential for insufficient surface flow to fully serve decreed rights. The hydrologic connection between surface water and groundwater was not a consideration in the Humboldt Decree, but these long-term dynamics underscore the difficulty in developing and implementing conjunctive management strategies for future administration of groundwater and surface water in the Humboldt River Region.

III.

ACTIONS TAKEN SINCE THE 2012–2015 DROUGHT

WHEREAS, a basic tenet of prior appropriation is that if there is not enough water to serve all users then senior water right holders are entitled to water before junior right holders.¹⁵ During the drought period of 2012–2015 available data were insufficient to identify to what extent groundwater pumping was causing the inadequacy of water supply for Humboldt River senior decreed right holders and to what extent it was the result of natural low flow because of drought.

¹³ *Charles v. Theis*, 1940, *The Source of Water Derived from Wells—Essential factors controlling the response of an aquifer to development*, Civil Engineering, v. 10, no. 5, p. 277-280.

¹⁴ USGCRP, 2017, *Climate Science Special Report: Fourth National Climate Assessment, Volume I* [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 470 pp., See Chapter 8, page 237.

¹⁵ See NRS 534.110, providing for curtailment by priority. See also *Wilson v. Pahrump Fair Water, LLC*, 481 P. 3d 853, 860 (2021) (“That some water rights must necessarily acquiesce to senior water rights is a natural consequence of the prior appropriation doctrine” quoting *Fox v. Skagit Cty.*, 372 P.3d 784, 796 (Wash. App. 2016)); *U.S. v. Orr Water Ditch Co.*, 600 F.3d 1152, 1158-59 (9th Cir. 2010) (“Surface water contributes to groundwater, and groundwater contributes to surface water... [Surface rights granted by decree] cannot be defeated by allocation of water to others—whether by allocation of surface water or groundwater.”).

Analysis of the data at the time indicated that curtailing junior groundwater pumping to protect senior decreed rights would result in a negligible addition to flow in the River and that such action would not likely be legally defensible without additional data and scientific analysis. However, such action would have had devastating and severe impacts to the communities and economies throughout the Region that rely on groundwater.¹⁶ Consequently, no curtailment was imposed.

WHEREAS, in the years since the end of the 2012–2015 drought, the State Engineer initiated several measures to improve the available data in the Region and thus provide an informed and sound basis to render decisions with regard to avoiding potential conflict. Among these measures:

1. All non-designated basins within the Region were designated pursuant to NRS 534.030;
2. Totalizing meter installation and reporting were required by State Engineer's Order 1251;
3. Field investigations were completed to verify installation and meter data;
4. The Nevada Division of Water Resources enhanced its database capacity to maintain and manage the pumping data in a publicly accessible manner;
5. The State Engineer established a policy requiring water rights for pit lake evaporation; and,
6. Applications to appropriate groundwater or to change the point of diversion (POD) of existing groundwater rights were denied if granting the application would conflict with existing senior rights due to stream capture.

WHEREAS, in 2016, the State Engineer assembled the Humboldt River Working Group¹⁷ to assist in developing draft regulations to resolve future conflict between surface and groundwater rights. The Working Group members included both surface water and groundwater users representing municipalities, agriculture, mining, and other community interests across the Humboldt River Region. Over the course of the next three years, the Working Group developed a conjunctive management approach whose objective was to protect senior water interests while at the same time maximizing beneficial use of surface water and groundwater. This effort culminated in a set of draft regulations that relied on a combination of mitigation plans and financial compensation to avoid future conflict. However, in the 2019 Legislative session, the statutory

¹⁶ Nevada Division of Water Resources, public presentations on the Humboldt River in Lovelock, Winnemucca, and Elko, February 12–13, 2015. Analysis available in the files of the Nevada Division of Water Resources.

¹⁷ The Humboldt River Working Group consists of representatives from key stakeholder and water user groups from within the Humboldt River Region with the common purpose to propose, negotiate, and provide feedback on conjunctive use management regulations.

revisions required to give the State Engineer the authority to implement the draft regulations were unsuccessful.¹⁸ Surface water users expressed no interest in financial mitigation in lieu of water. Groundwater users likewise expressed no interest in being assessed fees for capture that had yet to be quantified by best available science.¹⁹

WHEREAS, since 2016, the State Engineer has worked with the USGS and DRI to develop improved groundwater budgets at the basin scale and to develop numerical groundwater capture models for the Humboldt River Region. These peer-reviewed products are intended to serve as a basis for determining the effect of groundwater pumping on flows in the Humboldt River and its tributaries.²⁰ When published, and made publicly available, this model study will provide a consistent basis and a scientifically sound measure to evaluate different management strategies. These products will allow for the development of capture maps, which identify the relative potential for the capture of surface water flow at any given well location and the potential for the capture of surface water flow over different durations of time. This study will also serve as a foundation for review of the perennial yield²¹ values for the Region, first estimated from the early USGS Reconnaissance Series Reports and Water Resource Bulletins, which are the primary guidelines used by the State Engineer to determine the water budget for any particular basin.²²

WHEREAS, while the completion of the Humboldt River Region groundwater model study is expected in 2022, preliminary findings from that effort provide insight into the dynamics of stream capture by groundwater pumping. These findings indicate that there may be important non-linear, climate-driven behaviors that influence interactions between the surface water and

¹⁸ AB 51 (2019).

¹⁹ See *Minutes of the Meeting of the Assembly Committee on Natural Resources, Agriculture and Mining*, February 27, 2019, (Dec. 2, 2021, 1:08 p.m.)

<https://www.leg.state.nv.us/Session/80th2019/Minutes/Assembly/NRAM/Final/309.pdf>

²⁰ See *Nevada Water Science Center: Evaluation of Streamflow Depletion Related to Groundwater Withdrawal, Humboldt River Basin*, (December 2, 2021, 1:10 p.m.)

<https://nevada.usgs.gov/humboldtdepletion/index.html>

²¹ Perennial yield is 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. See Office of the State Engineer, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

²² See, e.g. Hydrographic Area Summary for Marys River Area, (042), (December 2, 2021, 1:10 p.m.) https://nevada.usgs.gov/humboldtdepletion/HumboldtDepletionProposal_Public.pdf

official records in the Nevada Division of Water Resources.

groundwater systems. These behaviors suggest that pumping-related capture of surface water tends to increase during wet years when excess water is available and decrease during dry years when the potential for conflict is greater.²³ Understanding these phenomena is necessary to accurately define both the timing and distribution of capture so that conflict attributable to groundwater pumping can be characterized and quantified. Long-term management strategy will rely on completion of the modeling effort and a process of public review and deliberation to determine best practices that satisfy legislative directives of prior appropriation, beneficial use and the public interest. Until then, the interim management practices described herein focus on statutorily available mechanisms for avoiding conflict due to increased capture caused by new appropriations or changes to existing groundwater permits.

WHEREAS, as of the date of this Order (Fall 2021) the Region is two years into a Severe to Extreme Drought.²⁴ Humboldt River flows for the summer of 2021 were running at or below 10th percentile flow levels,²⁵ very little decreed water was served during the 2021 irrigation season, and current Ryé Patch Reservoir storage is approximately 7,000 acre-feet, which is 4% of the reservoir's capacity. This current condition highlights the difficult issues that face the water users in the Region, which are especially apparent during droughts like these.

IV.

AUTHORITY AND NECESSITY

WHEREAS, NRS 533.024(1)(c) directs the State Engineer "to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada."

WHEREAS, NRS 533.024(1) was amended in 2017 adding a new subsection declaring that it is the policy of Nevada "[t]o manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water."²⁶

WHEREAS, NRS 532.120 authorizes the State Engineer to make such reasonable rules as

²³ Steven Jepsen, Kip Allander, and Kyle Davis, "Behavior and prediction of stream capture under varying streamflow conditions," presentation at Nevada Water Resources Association Annual Conference, Jan. 26, 2021, (Dec. 2, 2021 1:11 a.m.)

https://www.youtube.com/watch?v=2vLa1hesE_E

²⁴ U.S. Drought Monitor, Nevada Map, October 5, 2021, (Dec. 2, 2021, 1:12 p.m.)

https://droughtmonitor.unl.edu/data/pdf/20211005/20211005_nv_trd.pdf

²⁵ USGS gaging stations (10318500, 10321000, 10325000, 10327500, 10333000).

²⁶ NRS 533.024(1)(c).

may be necessary for the proper and orderly execution of the powers conferred by law.

WHEREAS, NRS 534.020 provides that all underground waters of the State belong to the public and are subject to all existing rights.

WHEREAS, NRS 533.370(2) requires that, in review of an application to appropriate water or to change water already appropriated, the State Engineer must consider whether there is unappropriated water in the source of supply, whether the uncommitted groundwater has been reserved pursuant to NRS 533.0241, whether the proposed use or change conflicts with existing rights or protectable interests in existing domestic wells, and whether it threatens to prove detrimental to the public interest.

WHEREAS, the State Engineer's procedures to evaluate applications to appropriate water or to change existing appropriations must be applied in a manner that is consistent and understandable to water right holders and their representatives.

WHEREAS, the State Engineer is responsible for establishing procedures to evaluate applications that provide clarity to water users about how to meet the needs of communities and local economies while avoiding conflict with senior decreed water rights.

WHEREAS, procedures established by this Order are intended to allow for efficient administration of groundwater rights, with provisions for in-stream replacement water and withdrawal or duty limitation of groundwater permits, when necessary. The intent is to provide needed flexibility for water right holders without increasing conflict by adding to any capture impacts above what is already occurring. In the short term, these procedures will make progress toward avoiding conflicts and preserving the availability of surface water in the Humboldt River Region to serve senior priority rights.

WHEREAS, during this interim period before the USGS and DRI models are published and while long-term strategies are being developed with involvement from the stakeholder community, the State Engineer may adopt further conjunctive management measures necessary to address capture impacts.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that in addition to those considerations required by NRS 533.370 and established by previous State Engineer's Orders discussed herein, the following procedures are being implemented by the State Engineer for the review of applications for groundwater rights in the Humboldt River Region:

1. Applications for groundwater rights will be reviewed for increases to stream capture,

and cannot increase conflict along the Humboldt River or its tributaries. Capture shall be determined by the State Engineer using established analytical or numerical methods along with any available knowledge of aquifer properties associated with the points of diversion. These rules apply to:

A. New appropriations of groundwater where annual capture is predicted to exceed 10% of duty for any year during 50 years of continual pumping.²⁷ Continual pumping is defined as the annualized duty amount requested under the application. Where there is a non-consumptive return flow component of the application, the annualized duty amount only applies to the consumptive portion.

B. Applications to change the point of diversion of existing rights that are predicted to result in an increase of net capture on the system or a tributary, defined as the difference between capture at the proposed POD and capture at the existing POD, and where annual capture at the proposed POD is predicted to exceed 10% of the permitted duty in any year during 50 years of continual pumping.

C. Temporary applications filed under NRS 533.345 to change the point of diversion of an existing groundwater right and applications for new groundwater appropriations filed under the provisions of NRS 533.371.

2. Capture shall be offset by not diverting an existing decreed right (in-stream replacement water), or by the withdrawal of an existing groundwater permit (meaning that the groundwater permit is no longer active, in part or in its entirety) so the resulting availability of streamflow is not less than it was prior to the appropriation or the change in the point of diversion.

A. In-stream replacement water or withdrawn groundwater rights shall be sufficient to equal or exceed the predicted annual capture amount if there is a reasonable probability that the replacement water will be available, in both time and quantity, as determined by the State Engineer. The State Engineer finds that "reasonable probability" would be an 80% probability threshold, which is established to ensure a replacement surface water right or a groundwater withdrawal right is of sufficient quantity and priority to reliably offset annual capture in 40 out of 50-years after an application is approved. In the case of replacement water, probabilities can be determined based on historical

²⁷ This threshold is considered to represent the range of certainty of the methods currently being used to calculate capture.

Humboldt River flow and diversion records. In the case of withdrawal of a groundwater right, probabilities can be determined based on analytical or numerical model predictions of recovered capture amounts.

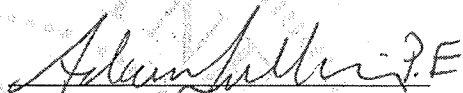
- B. If in-stream replacement water is used to offset capture, then the following applies:
 - i. If a decreed water right is the source of replacement water, it shall be for a crop-type, duty amount, and priority date that is sufficient to equal or exceed the predicted total capture amount of the new appropriation over a 50-year period of use, as determined by the State Engineer.
 - ii. Replacement water shall have an existing place of use that can and will be stripped of use. Water use on areas of natural flooding and other areas where water cannot be physically removed from the land will not be considered for replacement water.
 - C. If withdrawal of an existing groundwater right is used to offset capture, whether withdrawn in its entirety or an adequate portion of the existing right, the predicted total capture amount of the withdrawn right shall be sufficient to equal or exceed the predicted total capture amount of the new appropriation over a 50-year period of use, as determined by the State Engineer.
 - D. Where a change application moves an existing POD capture source from the Humboldt River or a tributary to either an upstream reach or to a different tributary, offset will be required for capture impacts on the new reach or tributary as well as for net capture on the Humboldt River. If capture impacts occur on a new reach or tributary, the applicant will have to offset the entire amount of capture on the new reach or tributary.
 - E. If either temporary in-stream replacement water or temporary withdrawal of a groundwater permit is used to offset capture, the predicted capture offset amount of the replacement water or withdrawn right must equal or exceed the predicted 50-year total capture amount of the temporary application within 10 years of the application's approval, as determined by the State Engineer.
3. These procedures do not apply:
- A. to any application where pumping at the proposed POD results in capture less than 10% of the permitted duty every year during 50 years of continual pumping.
 - B. to change applications where capture at the proposed POD is less than or equal to capture at the existing POD.
 - C. to any application for groundwater where annual capture associated with pumping at

the proposed place of use does not exceed 5 acre-feet during a 50-year period of use.²⁸

D. to temporary applications to change PODs within an area designated by State Engineer order allowing for multiple PODs from a single representative POD for mining, milling, and dewatering operations.

4. Uncommon or unforeseeable circumstances will be treated on a case-by-case basis, as determined by the State Engineer, with the same overall objective of preventing additional stream capture.

5. This order is in effect until it is replaced by a subsequent order establishing long term management practices addressing conflict caused by capture to the satisfaction of the State Engineer, or it is superseded by another order or decision.


ADAM SULLIVAN, P.E.
State Engineer

Dated at Carson City, Nevada this

7th day of December, 2021.

²⁸ This exemption is equivalent to a capture rate of less than 0.01 cfs and would effectively exempt all domestic use, much stockwater use, and other pumping resulting in nominal capture.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

O R D E R

DESIGNATING AND DESCRIBING THE
DIXIE CREEK-TENMILE CREEK AREA
(BASIN NUMBER 48) GROUND WATER BASIN
OF THE LIMITED GROUND WATER RESOURCE,
ELKO COUNTY, NEVADA

The State Engineer finds that conditions warrant the designation of the Dixie Creek-Tenmile Creek Area Ground Water Basin, Elko County, Nevada, and by this Order designates the following described area of land as a ground water basin coming under the Provisions of NRS Chapter 534 (Conservation and Distribution of Underground Waters).

T.29N., R.53E., M.D.B.&M.

All of Section 2 and those portions of Sections 1, 3, 10, 11, 12, 14 and 15 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.29N., R.54E., M.D.B.&M.

That portion of section 6 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.30N., R.53E., M.D.B.&M.

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25 and 36, and those portions of Sections 4, 9, 16, 21, 22, 26, 27 and 35 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.30N., R.54E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 29, 30 and 31, and those portions of Sections 24, 25, 26, 27, 28 and 32 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.30N., R.55E., M.D.B.&M.

All of Sections 6 and 7 and those portions of Sections 4, 5, 8, 17, 18 and 19 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.31N., R.53E., M.D.B.&M.

All of Sections 1, 2, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, and those portions of Sections 3, 9, 16, 21, 28 and 33 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.31N., R.54E., M.D.B.&M.

All Sections.

T.31N., R.55E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31 and 32, and those portions of Sections 2, 3, 10, 15, 16, 21, 28 and 33 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.31N., R.56E., M.D.B.&M.

Those portions of Sections 1, 2, 3, and 12 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.31N., R.57E., M.D.B.&M.

All of Sections 5 and 6 and those portions of Sections 3, 4, 7, 8 and 9 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.53E., M.D.B.&M.

All of Sections 25, 27, 35 and 36 and those portions of Sections 13, 21, 22, 23, 24, 26, 28, 29, 33 and 34 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.54E., M.D.B.&M.

All of Sections 1, 2, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and those portions of Sections 3, 4, 8, 9 and 18 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.55E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33 and 34, and those portions of Sections 25 and 35 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.56E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 35 and 36, and those portions of Sections 27, 28, 30, 31, 32, 33 and 34 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.57E., M.D.B.&M.

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32 and 33, and those portions of Sections 2, 12, 13, 24, 25, 26, 27 and 34 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.32N., R.58E., M.D.B.&M.

Those portions of Sections 18, 19 and 30 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.54E., M.D.B.&M.

All of Sections 35 and 36, and those portions of Sections 23, 24, 25, 26, 27, 33 and 34 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.55E., M.D.B.&M.

All of Sections 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, and those portions of Sections 2, 3, 9, 10, 16, 19 and 20 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.33N., R.56E., M.D.B.&M.

All Sections.

T.33N., R.57E., M.D.B.&M.

All of Sections 5, 6, 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33, and those portions of Sections 4, 9, 10, 15, 22, 27, 34 and 35 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.34N., R.55E., M.D.B.&M.

Those portions of Sections 25, 35 and 36 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.34N., R.56E., M.D.B.&M.

All of Sections 15, 22, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36, and those portions of Sections 3, 4, 9, 10, 11, 14, 16, 19, 20, 21, 23, 24 and 30 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.34N., R.57E., M.D.B.&M.


Those portions of Sections 19, 30, 31, 32 and 33 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

T.35N., R.56E., M.D.B.&M.

Those portions of Sections 27, 28, 33 and 34 lying within the natural drainage basin of Dixie Creek-Tenmile Creek Area.

A public hearing, as required under NRS 534.030, in the matter of designation of Dixie Creek-Tenmile Creek Area Ground Water Basin was held in Elko, Nevada, on August 8, 1984.

The designated Dixie Creek-Tenmile Creek Area Ground Water Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's Office Maps.


Peter G. Morros
State Engineer

Dated at Carson City, Nevada, this
6th day of SEPTEMBER, 1984.

1 SCHROEDER LAW OFFICES, P.C.
2 Laura A. Schroeder, NSB #3595
3 Therese A. Ure, NSB #10255
4 Matthew J. Curti, NSB #12572
5 440 Marsh Ave.
6 Reno, Nevada 89509-1515
7 PHONE: (775) 786-8800. FAX: (877) 600-4971
8 counsel@water-law.com
9 *Attorneys for PCWCD*

10 Affirmation: This document does
11 not contain the social security
12 number of any person.

13 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14 IN AND FOR THE COUNTY OF PERSHING

15 PERSHING COUNTY WATER
16 CONSERVATION DISTRICT.

17 Petitioner.

18 v.

19 JASON KING, P.E., State Engineer of the
20 State of Nevada, DIVISION OF WATER
21 RESOURCES, DEPARTMENT OF
22 CONSERVATION AND NATURAL
23 RESOURCES.

24 Respondent.

Case No. CV 15-12019

Department No. 01

**PETITION FOR WRIT OF MANDAMUS,
OR IN THE ALTERNATIVE, WRIT OF
PROHIBITION**

25 PETITIONER, Pershing County Water Conservation District ("PCWCD" or "District"),
26 by and through Schroeder Law Offices, P.C. and its attorneys, hereby seeks a writ of mandamus,
or alternatively, a writ of prohibition, to require the State Engineer to establish a critical
groundwater management area over all over-appropriated groundwater basins within the
Humboldt River Basin in order to: 1) bring all over-appropriated groundwater basins surrounding
the Humboldt River back to their perennial annual yield; 2) eliminate the cone of depression

Page 1 - PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF PROHIBITION



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1 caused by over-allocation of groundwater pumping causing interference with surface water flows
2 in the Humboldt River; and 3) regulate water used for mining and milling pursuant to Nevada
3 statutory code.

4 PCWCD has worked extensively with the Nevada State Engineer ("State Engineer") and
5 Nevada Division of Water Resources ("NDWR") to develop a plan which will allow the District
6 to be served their senior decreed water rights, while at the same time limit, to the extent possible,
7 curtailment of groundwater pumping that is pulling water away from the Humboldt River to the
8 detriment of the District. The State Engineer has repeatedly failed to take action to effectively
9 manage the water resources within the Humboldt River Basin, after many attempts by PCWCD
10 to assist in developing a suitable plan. Accordingly, the District is now forced to take legal
11 action in order to ensure their senior decreed water rights are served and protected under Nevada
12 law.

13 This writ is based on the Memorandum of Points and Authorities and Affidavit of Bennie
14 B. Hodges filed in conjunction herewith, the papers and pleadings that will be filed in this
15 matter, and any argument the Court may allow.

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 Pursuant to NRS 34.150 et seq., PCWCD hereby submits the following Memorandum of
18 Points and Authorities in support of its *Petition for Writ of Mandamus, or in the alternative, Writ*
19 *of Prohibition.*

20 A District Court may issue a writ of mandamus to compel the performance, or writ of
21 prohibition to dispel the performance, of an act by one whom the law enjoins has a duty resulting
22 from their public office. The State Engineer, in violation of Nevada law, has allowed the
23 majority of groundwater basins surrounding the Humboldt River to become over-appropriated,
24 and thereby capture Humboldt River water, in violation of Nevada's statutory water code and the
25 prior appropriation doctrine. There is no other plain, speedy, and adequate remedy at law, and
26 the Court must therefore order the State Engineer to establish a critical groundwater management



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1 area encompassing all over-appropriated groundwater basins within the Humboldt River Basin in
2 order to:

3 1) Bring all over-appropriated groundwater basins surrounding the Humboldt River back
4 to their perennial annual yield;

5 2) Eliminate the cone of depression caused by over-allocation of groundwater pumping
6 causing interference with surface water flows in the Humboldt River; and

7 3) Regulate water used for mining and milling pursuant to Nevada statutory code.

8 **I. INTRODUCTION**

9 PCWCD is an irrigation district in Lovelock Nevada, formed under Chapter 539 of the
10 Nevada Revised Statutes. *Affidavit of Bennie B. Hodges in Support of Petition for Writ of*
11 *Mandamus, or in the alternative, Writ of Prohibition* ("Affidavit of Hodges") ¶ 1. PCWCD is a
12 quasi-municipal agency that is led by a Board of Directors and its manager Bennie Hodges.
13 *Affidavit of Hodges* ¶¶ 1. 2. PCWCD owns, controls, and operates a water conveyance system
14 that provides water to approximately 100 constituents holding approximately 37,506 acres of
15 irrigated agricultural lands within the District boundaries. *Affidavit of Hodges* ¶ 3. PCWCD
16 operates diversion structures and dams along the Humboldt River, as well as diversion structures
17 within the District's boundaries. *Affidavit of Hodges* ¶ 4.

18 The District controls an extensive amount of senior decreed surface water rights for the
19 use of Humboldt River water. *Affidavit of Hodges* ¶ 5. In recent years, many water related issues
20 have plagued the Humboldt River and the basin. Many of the Humboldt River Basin
21 groundwater aquifers are greatly over-appropriated, and groundwater pumping within the
22 vicinity of the river is pulling water away from the river. PCWCD's land is situated at the lowest
23 reaches of the Humboldt River Basin, therefore, while they hold very senior decreed water
24 rights, little water is making it to the District's service and water righted areas. *Affidavit of*
25 *Hodges* ¶ 6. The District is in its second year with 0% water allocated to its constituents.
26 *Affidavit of Hodges* ¶¶ 7, 8.



1 Due to the increase in groundwater pumping in the Humboldt River Basin, along with
2 many temporary permits¹ to appropriate water being issued by the NDWR, less water is available
3 in the Humboldt River for diversion. This “new” appropriation of water is creating a system of
4 water allocation in violation of the prior appropriation doctrine, and Nevada’s statutory water
5 code. The State Engineer has failed to take required action to sustainably manage the water
6 resources in the Humboldt River Basin.

7 **II. ISSUE PRESENTED**

8 Must this Court issue a writ of mandamus, or in the alternative, writ of prohibition,
9 ordering the State Engineer to sustainably manage groundwater in the Humboldt River basin
10 according to Nevada law?

11 **III. FACTUAL BACKGROUND**

12 **a. Humboldt River Basin Groundwater Pumping**

13 The Humboldt River Basin is comprised of 34 separate and distinct hydrographic
14 groundwater basins. *Affidavit of Hodges, Exhibit 1; Affidavit of Hodges ¶ 10*. According to
15 NDWR, there are 1,852 wells within the Humboldt River Basin, and 1,291 groundwater permits
16 with their point of diversion within 5 miles of the Humboldt River and its tributaries, of which
17 273 capture 10% or more of their water from the Humboldt River. *Affidavit of Hodges, Exhibit*
18 *at 19-21*. The total combined perennial yield² of all collective groundwater basins in the
19 Humboldt River Basin is 476,400 AFA. *Affidavit of Hodges, Exhibit 2; Affidavit of Hodges ¶ 11*.
20 However, the total combined permitted groundwater allocation is 753,394 AFA. *Id.* Of the 34
21 hydrographic basins within the Humboldt River Basin, 23 are over-appropriated. *Id.*

22
23 ¹ A “temporary permit” is a permit issued to appropriate groundwater which is limited as to time. *See* NRS
24 534.120(3)(a).

25 ² Perennial Yield is “The amount of usable water of a ground water reservoir that can be withdrawn and consumed
26 economically each year for an indefinite period of time. It cannot exceed the sum of the Natural Recharge, the
Artificial (or Induced) Recharge, and the Incidental Recharge without causing depletion of the groundwater
reservoir.” NDWR Water Words, <http://water.nv.gov/programs/planning/dictionary/words-P.pdf> at 236.



1 The majority of groundwater in the Humboldt River Basin is used for irrigation and
2 mining purposes. *Id.* Of these groundwater permits, irrigation use accounts for 455,385 AFA of
3 appropriation, and mining use accounts for 171,343 AFA of appropriation. *Id.* Water use for
4 mining is most significantly used to dewater open pit mines, which is the current practice of
5 extracting minerals in the Humboldt River Basin.³ This practice often seeks to extract ore from
6 below the water table, which requires the mining area to be “dewatered.”⁴ Generally, the mine
7 drills a number of wells around the mining pit, then pumps water to create a cone of depression
8 under the pit, thereby drying up the mining area.⁵ When the pit is not being dewatered, the pit
9 fills up to the level of the water table, creating a pit lake.⁶

10 In Nevada, the State Engineer grants permits for mining and milling on a “temporary”
11 basis. *See, Affidavit of Hodges, Exhibit 5.* However, rather than issuing one-year temporary
12 permits, historically, the State Engineer issues permits for mining and milling akin to permanent
13 water rights while side-stepping an analysis as to whether water is available for appropriation.
14 *See, Affidavit of Hodges, Exhibits 9, 10.* The Humboldt River Chronology states that “mine
15 dewatering and mine pit lake formation, and their potential near-term and long-term effects on
16 groundwater levels and surface-water flows” has been identified as a principal water-related
17 issue plaguing the Humboldt River Basin.⁷ State Engineer Ruling 5876 states:

18 The State Engineers Office considers water used in mining and
19 milling to be a temporary use of water and as such is not
20 considered in the amount of water appropriated in a basin. The
21 State Engineer finds if the water used for mining and milling is
22 removed from the amount of water appropriated for each basin...
23 there is water available for appropriation. The State Engineer finds

22 ³ Humboldt River Chronology Volume I, Part I. <http://water.nv.gov/mapping/chronologies/humboldt/hrc-pt1.pdf> at
23 94.

24 ⁴ *Id.*

25 ⁵ *Id.*

26 ⁶ *Id.*

⁷ *Id.* at 14.



1 the perennial yield of the ground-water belongs to the basin and
2 not to the Humboldt River.

3 *Affidavit of Hodges, Exhibit 5 at 2.* Accordingly, the State Engineer has not considered the use
4 of water for mining and milling to be appropriate, and finds a lack of interconnection between
5 surface and groundwater sources, and states that the perennial yield of the groundwater basin
6 belongs to the basin and not the Humboldt River. *Id.*

7 In more recent years, the State Engineer has recognized interconnection between
8 groundwater and surface water in the Humboldt River Basin. *Affidavit of Hodges, Exhibit 4.* In
9 State Engineer Ruling 6299, the State Engineer changed the perennial yield for the Lovelock
10 Valley groundwater basin, finding that it is over-appropriated, and denied applications due to a
11 potential influence on decreed Humboldt River rights. *Affidavit of Hodges, Exhibit 4.*

12 **b. PCWCD's Water Rights**

13 Through the acquisition of additional water, including change applications approved by
14 the State Engineer, PCWCD currently holds the following Humboldt River Decree⁸ water rights
15 of use⁹:

- 16 • Water Right Permit 12955 (Certificate 4861) has a combined duty of 14,432.32
17 acre-feet per year ("AFA"), and a priority date ranging between January 1, 1873
18 to January 1, 1887;
- 19 • Water Right Permit 12953 (Certificate 4436) has a combined duty of 4,154.08
20 AFA, and a priority date of January 1, 1871;

21

22

23 ⁸ "Humboldt River Decree" or "decreed" rights referenced herein refer to surface water rights, issued subject to the
adjudication of the Humboldt River, under Sixth Judicial District Court, County of Humboldt, Case No. 2804.

24 ⁹ A portion of the water rights referenced are currently held in trust by the United States Department of Interior
25 (Permits: 12955, 12953, 12954, 12952, 12951, 12950, 12957, 12956, 10283) and Department of Reclamation
(Permits: 12948, 12947, 12957), for the District. Currently, the water rights are in the process of being transferred
26 back to the District as they have now fulfilled their repayment obligations pursuant to contracts entered into with the
United States. (See, *Affidavit of Hodges* ¶ 13).



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- Water Right Permit 12954 (Certificate 4437) has a combined duty of 1,925.52 AFA. and a priority date ranging between January 1, 1873 to January 1, 1877;
- Water Right Permit 12952 (Certificate 4572) has a combined duty of 14,432.32 AFA. and a priority date ranging between January 1, 1873 to January 1, 1887;
- Water Right Permit 12951 (Certificate 4435) has a combined duty of 1,282.87 AFA. and a priority date of January 1, 1873;
- Water Right Permit 12950 (Certificate 4571) has a combined duty of 3,023.49 AFA. and a priority date of January 1, 1874;
- Water Right Permit 12949 (Certificate 4570) has a combined duty of 2,626.30 AFA. and a priority date ranging between January 1, 1874 to January 1, 1887;
- Water Right Permit 12948 (Certificate 4434) has a combined duty of 1,925.52 AFA. and a priority date ranging between January 1, 1863 to January 1, 1866;
- Water Right Permit 12947 (Certificate 5040) has combined duty of 562.17 AFA. and a priority date ranging between January 1, 1873 to January 1, 1880;
- Water Right Permit 12957 (Certificate 5180) has a combined duty of 1,647.18 AFA. and a priority date of January 1, 1877;
- Water Right Permit 12956 (Certificate 4506) has a combined duty of 100,000 AFA for storage in Rye Patch Reservoir, and a priority date of December 12, 1933;
- Water Right Permit 10283 (Certificate 9258) has a combined duty of 15,152.32 AFA for storage in Rye Patch Reservoir, and a priority date of August 13, 1938;
- Water Right Permit 1098 (Certificate 2130) has a combined duty of 20,200 AFA, and a priority date of August 21, 1908;
- Water Right Permit 1948 (Certificate 2131) has a combined duty of 29,570 AFA, and a priority date of February 10, 1911.

Affidavit of Hodges, Exhibit 3; Affidavit of Hodges ¶ 12.



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1 **c. PCWCD attempted to reach solution with the State Engineer.**

2 After feeling the effect of groundwater pumping that decreases flows within the
3 Humboldt River, coupled with the ongoing drought in the West, the District sought the assistance
4 of the State Engineer to develop a collective plan to ensure PCWCD's senior water rights are
5 delivered, while at the same time attempting to allow junior rights to continue to allocate water
6 to the greatest extent possible. *Affidavit of Hodges* ¶ 16. On August 21, 2014, PCWCD prepared
7 a report for the State Engineer to assist in the development of such a plan. *Affidavit of Hodges* ¶
8 17.

9 The report, titled *Water Management in a Prior Appropriation System: Conjunctive*
10 *Management Solutions to Groundwater Withdrawals Affecting Surface Water Flows within the*
11 *Humboldt River Basin*, is meant to provide the State Engineer with information about how other
12 western states are approaching the issue of interconnection of water resources, as well as provide
13 data regarding the interconnection issues in the Humboldt River Basin. *Affidavit of Hodges*,
14 *Exhibit 6: Affidavit of Hodges* ¶ 17. The report then provides the State Engineer with a list of
15 requested "Action Items" and asks the State Engineer to take action to: 1) develop a system of
16 conjunctive management; 2) regulate mine dewatering under statutory code; 3) account for
17 "temporary" permits in the hydrographic basins' annual budget; 4) regulate mining pit lakes
18 under statutory code for water storage; 5) curtail junior groundwater rights in basins surrounding
19 the Humboldt River, until perennial yield equilibrium is met; 6) require mandatory metering on
20 groundwater wells in the Humboldt River Basin; 7) create an enforcement officer to regulate
21 groundwater use; and 8) bring groundwater basins back to sustainability. *Id.* On September 9,
22 2014, the PCWCD Board Members and Manager met with the State Engineer to discuss the
23 report and request action. *Affidavit of Hodges* ¶ 18. While the District understands that not all
24 actions taken by other states are applicable to the difficulties effecting Nevada, the point was to

25 ///

26 ///



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1 start the conversation to develop a system of water management that will work for Nevada.
2 PCWCD received no written response to their report or otherwise.¹⁰ *Id.*

3 On January 14, 2015 and January 15, 2015, the State Engineer held a series of workshops
4 on the Humboldt River stating their intent to prepare a capture model in the basin, to be
5 completed within 4 to 5 years. *Affidavit of Hodges, Exhibit 7 at 12; Affidavit of Hodges ¶ 19.*
6 The State Engineer also demonstrated a simple “Glover” analysis capture model illustrating that
7 groundwater pumping curtailment would supply additional water to the Humboldt River, but
8 determined that the “Glover analysis shows that curtailment of pumping over one irrigation
9 season will not cause an appreciable gain in Humboldt River flows.” *Affidavit of Hodges, Exhibit*
10 *at 23.* The State Engineer concluded that “it is anticipated that there will be NO groundwater
11 curtailment in 2015.” *Id.*

12 On March 24, 2015, with a second irrigation season with 0% allocation looming, the
13 PCWCD Board Members again met with the State Engineer, this time presenting data through a
14 District retained hydrogeologist. *Affidavit of Hodges ¶ 20.* The District provided to the State
15 Engineer a *Request for Implementation of Water Management Strategies*. *Affidavit of Hodges,*
16 *Exhibit 8; Affidavit of Hodges ¶ 20.* PCWCD expressly asked for a written response to their
17 letter and presentation. *Id.* No response was received. *Id.*

18 IV. ARGUMENT

19 This Court must issue a writ of mandamus, or in the alternative, writ of prohibition,
20 ordering the State Engineer to regulate the water resources of the Humboldt River Basin
21 according to Nevada law. The District has exhausted every remedy available to them, and thus
22 there is no plain, speedy, or adequate remedy available.

23 ///

24 ///

25 _____
26 * The State Engineer has begun the process to require groundwater meters to be installed on wells within the Humboldt River Basin.



1 a. A District Court may issue a writ of mandamus or prohibition to compel or
2 dispel the performance by a state official of an act that the law requires.

3 A district court may issue a writ of mandamus, or in the alternative, writ of prohibition, to
4 compel or dispel the performance by a state official of an act the law requires. A writ of
5 mandamus “may be issued by the Supreme Court, the Court of Appeals, a district court or a
6 judge of the district court, to compel the performance of an act which the law especially enjoins
7 as a duty resulting from an office, trust or station...” NRS 34.160. In other words, “[a] writ of
8 mandamus may be issued to compel the performance of an act that the law requires as a duty
9 resulting from an office, trust or station, or to control an arbitrary or capricious exercise of
10 discretion.” *Diaz v. Eighth Judicial Dist. Court*, 116 Nev. 88, 93 (2000). A writ of mandamus
11 “shall be issued in all cases where there is not a plain, speedy and adequate remedy in the
12 ordinary course of law.” NRS 34.170; see also, *Diaz v. Eighth Judicial Dist. Court*, 116 Nev. 88,
13 93 (2000). “Mandamus is an extraordinary remedy, and the decision as to whether a petition will
14 be entertained lies within the sound discretion of this court.” *Brewery Arts Ctr. v. State Bd.*
15 *Examiners*, 108 Nev. 1050, 1053 (1992). A formal order refusing to perform is not required.
16 See, *Whitehead v. Nevada Comm'n on Judicial Discipline*, 873 P.2d 946, 964 (1994).

17 A writ of prohibition “is the counterpart of the writ of mandate.” NRS 34.320. “It arrests
18 the proceedings of any tribunal, corporation, board or person exercising judicial functions, when
19 such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board
20 or person.” *Id.* “While a writ of prohibition is most often used to restrain courts or judicial
21 tribunals, it can also be used to restrain persons in other classes who are exercising or attempting
22 to exercise judicial or quasi-judicial functions beyond their powers.” *Mineral County v. State*,
23 117 Nev. 235, 243-244 (2001).

24 This Court must issue a writ of mandamus, or in the alternative, writ of prohibition,
25 because there is no plain, speedy, and adequate remedy at law, and the State Engineer has failed
26 to take action and sustainably manage the groundwater basins surrounding the Humboldt River.



1 The State Engineer has a statutory duty to sustainably manage the groundwater basins within the
2 Humboldt River Basin, and ensure that junior groundwater use does not impact senior decreed
3 surface water rights, and must perform such duties prescribed by law.

4 b. The State Engineer has failed in his statutory duty to manage groundwater in
5 the Humboldt River Basin sustainably, and is prohibited by law from granting
6 applications that conflict with a prior decree, senior water right, are detrimental
7 to the public interest, or where there is no water available at the proposed
8 source.

8 The Nevada State Engineer has a duty to manage groundwater in a sustainable manner,
9 and cannot grant an application to appropriate water in the State of Nevada, if such appropriation
10 conflicts with a decree or senior water right, is detrimental to the public interest, or where there
11 is no water available at the proposed source. Chapter 533 of the Nevada Revised Statutes
12 governs the State Engineer's ability to grant a new or change application to appropriate water in
13 Nevada. Each time an application is made to appropriate new water, or change an existing right,
14 the State Engineer must perform a multi-step process to determine whether the application may
15 be granted.

16 NRS 533.370(2) sets the test the State Engineer is required to perform prior to granting
17 an application to appropriate water, and provides as follows:

18 [W]here there is no unappropriated water in the proposed source of
19 supply, or where its proposed use or change conflicts with existing
20 rights...or threatens to prove detrimental to the public interest, the
21 State Engineer shall reject the application and refuse to issue the
22 requested permit.

21 See also, *Redrock Valley Ranch LLC v. Washoe County*, 254 P.3d 641, 647 (2011).

22 Similarly, NRS 533.371 governs the issuance of a temporary permit to appropriate water,
23 and states:

24 The State Engineer shall reject the application and refuse to issue a
25 permit to appropriate water for a specified period if the State
26 Engineer determines that:



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- 1. The application is incomplete;
- 2. The prescribed fees have not been paid;
- 3. The proposed use is not temporary;
- 4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
- 5. The proposed use conflicts with existing rights; or
- 6. The proposed use threatens to prove detrimental to the public interest.

The State Engineer violated his statutory duties by allowing groundwater allocation within basins surrounding the Humboldt River where there 1) is no unappropriated water, 2) that conflict with existing rights, 3) that are detrimental to the public interest, and 4) that conflict with the Humboldt River Decree. Further, the State Engineer violated his statutory duties by finding that groundwater used for mining and milling is a temporary use of water, and is not appropriative.

1. The State Engineer violated his statutory duties by allowing groundwater allocation where there is no unappropriated water available.

The State Engineer cannot grant an application to appropriate water when there is no unappropriated water at the proposed source to fulfill the application, NRS 533.370(2). To make this determination, the State Engineer must assess whether there is "unappropriated" water available. *Id.* The amount of unappropriated water available is based on the perennial yield of the groundwater basin where application is sought. The term "perennial yield" is defined as:

The amount of usable water of a ground water reservoir that can be withdrawn and consumed economically each year for an indefinite period of time. It cannot exceed the sum of the Natural Recharge, the Artificial (or Induced) Recharge, and the Incidental Recharge without causing depletion of the groundwater reservoir. Also referred to as Safe Yield.¹¹

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¹¹ NDWR Water Words, <http://water.nv.gov/programs/planning/dictionary/wwords-P.pdf> at 236.



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1 PCWCD holds senior decreed surface water rights to the Humboldt River. Because their
2 rights are senior in priority to almost every other groundwater right within the Humboldt River
3 Basin, groundwater rights granted by the State Engineer with a priority date junior to that of the
4 District's decreed rights cannot conflict with the District's senior rights. Any "conflict" violates
5 NRS 533.370(2) and the prior appropriation doctrine.

6 The State Engineer has granted hundreds of permits to appropriate groundwater within
7 the Humboldt River Basin. *Affidavit of Hodges, Exhibit 7*. Upon consideration of each
8 application to appropriate water, the State Engineer is required to determine whether the
9 appropriation will conflict with existing rights. *See* NRS 533.370(2). The State Engineer
10 recognizes that groundwater pumping in the Humboldt River Basin is pulling water away from
11 the Humboldt River, making less water available to decreed surface water right holders. *Affidavit*
12 *of Hodges, Exhibit 7*.

13 While the State Engineer has historically not found that groundwater pumping conflicts
14 with surface water rights (*Affidavit of Hodges, Exhibit 5*), in recent years, the State Engineer has
15 denied some applications because "additional pumping would cause an increase in infiltration of
16 the surface water of the Humboldt River into the groundwater aquifer, thereby potentially
17 reducing river flow to the extent that it could conflict with existing decreed Humboldt River
18 water rights." *Affidavit of Hodges, Exhibit 4 at 11*. This inconsistent water resource management
19 demonstrates that while the State Engineer now recognizes that Humboldt River decreed
20 "existing rights" are negatively impacted by groundwater pumping, other applications were
21 granted to the detriment of decreed Humboldt River rights. This impact and conflict is
22
23

24 _____ (Cont.)
25 to establish a possessory interest in water. *Application of Filippini*, 66 Nev. 17, 22 (Nev. 1949). Generally, an
26 appropriation of water relates back to the time when the first step to secure it was taken, if the work was prosecuted
with reasonable diligence. *Irwin v. Strait*, 18 Nev. 436, 436 (1884). Water allocation in the State cannot interfere
with earlier senior appropriations. *See generally, Desert Irrigation, Ltd. v. State*, 113 Nev. 1049, 1051 (1997). This
doctrine does not distinguish between groundwater and surface water.

Page 14 - PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF PROHIBITION



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1 something the State Engineer should have taken into consideration before allowing the junior
2 groundwater use, and before allowing the basins to become over-appropriated.

3 Because junior rights continue to conflict with senior rights, the State Engineer violated
4 his statutory duties by approving the conflicting groundwater use, by allowing the groundwater
5 basins to become over-appropriated, and by allowing the groundwater use to continue when it
6 conflicts with the District's senior decreed rights. *See* NRS 533.370(2).

7 **3. The State Engineer violated his statutory duties by allowing groundwater**
8 **pumping that is detrimental to the public interest.**

9 The State Engineer cannot grant an application to appropriate water when such
10 appropriation is in detriment to the public interest, NRS 533.370(2). The State Engineer must
11 perform a public interest assessment prior to allowing any appropriation of water in the state. A
12 public interest determination requires the State Engineer to review both environmental and
13 economic interests in the area, and determine whether these interests are impacted. *See generally*:
14 *Pyramid Lake Paiute Tribe of Indians v. Washoe County*, 112 Nev. 743.

15 Humboldt River surface flows are being pulled away from the river, and being allocated
16 by groundwater users in the Basin. *Affidavit of Hodges, Exhibit 7*. This interconnection causes
17 great economic and environmental hardship to PCWCD and its constituents. With less water in
18 the river, the District's constituents are unable to produce viable crops in sufficient quantity to
19 justify continued agricultural use, something detrimental to both the economic and
20 environmental interests in the area. *Affidavit of Hodges* ¶ 8. These public interest factors should
21 have been taken into consideration by the State Engineer before allowing the over-appropriation
22 of the groundwater basins surrounding the Humboldt River.

23 The State Engineer violated NRS 533.370(2) by allowing groundwater use that is
24 detrimental to the public interest.

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4. The State Engineer violated his statutory duties by finding that groundwater use for mining and milling is not appropriative, and issuing permanent water rights.

Similar to the above analysis, the State Engineer is required to assess temporary uses of water pursuant to NRS 533.371. Under NRS 533.371, groundwater appropriations in conflict with existing rights, that are detrimental to the public interest, and where there is no unappropriated water available, are not allowed. Further, a statutory temporary change in use of water cannot be granted for a period of more than one year, NRS 533.345. The State Engineer also cannot grant a statutory temporary application to appropriate water when the use of water is not actually a temporary use, NRS 533.371.

In the Humboldt River Basin, the State Engineer considers water used for mining and milling to be a "temporary use" of water, and does not consider this use of water to be appropriative. *Affidavit of Hodges, Exhibit 5 at 2.* Water used for mining and milling purposes, among other uses, is used to "dewater" open pit mines, which use often continues for many years, even after the mine ceases operations. Rather than issuing "temporary" permits for this use, and conducting the necessary analysis under NRS 533.371, the State Engineer allows this "temporary" use of water to continue indefinitely under a permanent water right. *See, Affidavit of Hodges, Exhibits 9-10.*

Even if the State Engineer were to issue the proper statutory temporary permit for mining and milling use, his action would again violate Nevada law, because water used for mining and milling is not a temporary use of water. *See NRS 533.371.* While the mines may not be in operation forever, the effects the pit lakes created when the mine ceases to pump will hold water open to the air and land surface, and out of the enclosed groundwater aquifer indefinitely. Also, the State Engineer refuses to recognize the evaporative losses pit lakes create as an appropriation requiring a water right. *See, Affidavit of Hodges, Exhibit 11 at 5.* The State Engineer violated



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1 Nevada Law by issuing permanent water rights for mining and milling in the Humboldt River
2 Basin, without considering the appropriative nature of such use.

3 **5. The State Engineer violated his statutory duties by allowing groundwater**
4 **pumping in conflict with a State issued court decree.**

5 In addition to the State Engineer's power over the approval of groundwater appropriation,
6 the State Engineer is an officer of the Court in its administration of Court issued State decrees.
7 The State Engineer must uphold State issued decrees, and ensure no interference occurs. NRS
8 533.0245 states:

9 The State Engineer shall not carry out his or her duties pursuant to
10 this chapter in a manner that conflicts with any applicable
11 provision of a decree or order issued by a state or federal court, an
12 interstate compact or an agreement to which this State is a party
for the interstate allocation of water pursuant to an act of
Congress.

13 As demonstrated above, the State Engineer has allowed numerous groundwater basins
14 surrounding the Humboldt River to become over-appropriated. This over-appropriation is now
15 pulling water away from the Humboldt River, thereby making less water available to
16 downstream senior water right users such as PCWCD. By allowing groundwater pumping to
17 impact Humboldt River Decree rights, the State Engineer is violating the Humboldt River
18 Decree, the very Decree he is charged to uphold, and in doing so, he also violates NRS 533.0245.

19 **c. The State Engineer has tools available to sustainably manage over-appropriated**
20 **groundwater basins and bring them back to perennial yield, including**
21 **designating a critical groundwater management area.**

22 The State Engineer, in violation of his statutory duties, has allowed the groundwater
23 basins surrounding the Humboldt River to become over-appropriated. The State Engineer has
24 statutory tools available to more effectively manage over-appropriated groundwater basins and
25 bring them back into perennial yield, and has a legal obligation to do so, including designating a
26 critical groundwater management area. Pursuant to NRS 534.110(7), the State Engineer "may
designate as a critical management area any basin in which withdrawals of groundwater



1 consistently exceed the perennial yield.” This designation gives the State Engineer additional
2 power to more effectively carry out groundwater basin management.

3 Upon designation as a critical management area, groundwater users within the designated
4 basin may petition the State Engineer for approval of a groundwater management plan. NRS
5 534.037(1). This plan, if approved, allows groundwater users to take steps to bring the basin
6 back to sustainability, and eventually remove the critical management basin designation. *Id.* If a
7 plan is not approved, and sustainability is not reached within 10 years, the State Engineer is then
8 required to curtail groundwater pumping. NRS 534.110(7)(b). “If a basin has been designated as
9 a critical management area for at least 10 consecutive years, the State Engineer shall order that
10 withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that
11 basin to conform to priority rights, unless a groundwater management plan has been approved
12 for the basin pursuant to NRS 534.037.” *Id.* In other words, the designation allows groundwater
13 appropriators time to develop a plan to bring the basin back to sustainability, and alleviate
14 curtailment to the greatest extent possible.

15 By designating the over-appropriated basins surrounding the Humboldt River a critical
16 groundwater management areas, the State Engineer can begin to develop a plan with the
17 groundwater users to bring the basins back to their sustainable yield. This in turn will begin to
18 ease the impact this over-appropriation has on the surrounding river, and the negative effect on
19 the District’s senior decreed water rights. The State Engineer must use his statutory powers to
20 correct his previous violations allowing the over-appropriation in the first place. If the State
21 Engineer does not use his statutory powers to bring the groundwater basins back to
22 sustainability, he has no choice but to curtail groundwater use by priority, and pursuant to the
23 prior appropriation doctrine.

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1 d. The District has exhausted every remedy in an attempt to have their senior
2 rights served.

3 The District owns and controls a substantial number of senior Humboldt River decreed
4 water rights. *See, Affidavit of Hodges, Exhibit 3.* In turn, the District and its constituents have a
5 great deal to lose should groundwater pumping be allowed that continues to deplete surface
6 water flows. The District has met with the State Engineer on multiple occasions to discuss
7 options and develop a plan to better manage the water resources within the Humboldt River
8 Basin, and to ensure they receive their water, pursuant to the Humboldt River Decree. The
9 District has further provided the State Engineer with research, information, and data regarding
10 other states' methods, as well as data pertaining to the Humboldt River Basin. *See, Affidavit of*
11 *Hodges, Exhibit 6.* The District has made written requests for action by the State Engineer. *See,*
12 *Affidavit of Hodges, Exhibits 6, 8.* The District has asked for a written response to their requests.
13 *See, Affidavit of Hodges, Exhibit 8.* The State Engineer has made no response to the District's
14 requests, and has taken little action in response to the ongoing over-allocation of water in the
15 basin, in violation of the prior appropriation doctrine. *Affidavit of Hodges ¶ 20.* By making no
16 response, the District is deprived of the opportunity for an adequate and speedy legal remedy.

17 Historically, the State Engineer has not recognized the connection between surface and
18 groundwater sources, however, now concedes that connection does exist between the two water
19 sources. *See, Affidavit of Hodges, Exhibits 4, 7.* In his January 2015 Humboldt River workshop,
20 the State Engineer provided a Glover analysis in an attempt to determine groundwater pumping's
21 effect on surface water flows. This simplified scenario used water wells capturing at least 10%
22 of their water from the Humboldt River, and ran the scenario over one (1) 180-day irrigation
23 season. It was determined that curtailment of groundwater pumping will place additional water
24 into the river. This solution did not take into consideration the years of pumping before the
25 scenario, and did not take into consideration the effect of curtailment moving forward more than
26



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1 a single irrigation season. The benefit of groundwater basin sustainability will be greater when
2 one takes into account the history and future of groundwater pumping.

3 By failing to take any immediate action to bring the over-appropriated groundwater
4 basins surrounding the Humboldt River back to perennial yield, the State Engineer continues to
5 violate Nevada statutory code, and the prior appropriation doctrine. PCWCD has exhausted all
6 options and therefore, there is no other plain, speedy, and adequate remedy to bring the
7 groundwater basins back to perennial yield, and to eliminate the negative effect to the Humboldt
8 River.

9 **V. REQUESTED RELIEF**

10 The District has a beneficial interest in obtaining writ relief. The State Engineer has
11 granted groundwater applications in excess of perennial yield in the Humboldt River Basin, and
12 in violation of Nevada's statutory water code and the prior appropriation doctrine. Groundwater
13 pumping in the Humboldt River Basin is pulling water away from the Humboldt River, leaving
14 less water to serve decreed water right holders. PCWCD and its constituents hold some of the
15 most senior decreed rights to the Humboldt River, rights senior to most groundwater users.
16 When a junior water right captures water meant to serve a senior right, this action violates
17 Nevada law and the prior appropriation doctrine. The State Engineer has failed to take action to
18 sustainably manage groundwater as required under Nevada law.

19 This Court must issue a writ of mandamus, or in the alternative, writ of prohibition
20 ordering the State Engineer to establish a critical groundwater management area over all over-
21 appropriated groundwater basins within the Humboldt River Basin in order to:

- 22 1) Bring all over-appropriated groundwater basins surrounding the Humboldt River back
23 to their perennial annual yield;
- 24 2) Eliminate the cone of depression caused by over-allocation of groundwater pumping
25 causing interference with surface water flows in the Humboldt River; and
- 26 3) Regulate water used for mining and milling pursuant to Nevada statutory code.



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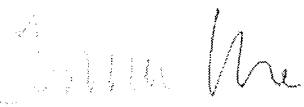
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If the State Engineer fails to use his statutory powers to bring sustainability back to the Humboldt River Basin groundwater aquifers, curtailment is necessary to achieve sustainability pursuant to the prior appropriation doctrine.

This Court should order Respondent to show cause before the Court, at a time and place set by the Court, why he has not fulfilled his statutory duties established herein.

RESPECTFULLY SUBMITTED, this 12th day of August, 2015.

SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder, NSB #3595
Therese A. Ure, NSB #10255
Matthew J. Curti, NSB #12572
440 Marsh Ave.
Reno, NV 89509
PHONE – (775) 786-8800
FAX – (877) 600-4971
counsel@water-law.com
Attorneys for PCWCD



440 Marsh Avenue
Reno, NV 89509
PHONE (775) 786-8800 FAX (877) 600-4971

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CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2015, I caused a copy of the forgoing *PETITION FOR WRIT OF MANDAMUS, OR IN THE ALTERNATIVE, WRIT OF PROHIBITION* to be deposited with the United States Postal Service within the State of Nevada for mailing, postage pre-paid, as noted below:

Nevada State Engineer
901 South Stewart Street, Suite 2002
Carson City, NV 89701
Certified Mail #7013 2630 0000 0975 0670

Nevada Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Certified Mail #7013 2630 0000 0975 0663

Dated this 12th day of August, 2015.

Laura A. Schroeder, NSB #3595
Therese A. Ure, NSB #10255
Matthew J. Curti, NSB # 12572
440 Marsh Ave.
Reno, Nevada 89509-1515
PHONE: (775) 786-8800. FAX: (877) 600-4971
counsel@water-law.com
Attorneys for the Petitioner



440 Marsh Avenue
Reno, NV 89509
PHONE (775) 786-8800 FAX (877) 600-4971

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STATE ENGINEERS OFFICE

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 4)

*

A.B. 51

ASSEMBLY BILL NO. 51—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2018

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the management of
water. (BDR 48-213)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to water; requiring the State Engineer to adopt
regulations relating to the conjunctive management of
groundwater and surface water; authorizing the State
Engineer to impose certain special assessments related to
a program for the conjunctive management of
groundwater and surface water; providing that certain
water rights are not subject to abandonment or forfeiture;
and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law declares that it is the policy of this State to manage conjunctively
2 all waters of this State, regardless of the source of water. (NRS 533.024) **Section 3**
3 of this bill requires the State Engineer to adopt regulations related to the
4 conjunctive management of groundwater and surface water. The regulations may
5 include, without limitation: (1) requirements or guidelines for establishing
6 mitigation plans; (2) the creation of a program for the conjunctive management of
7 groundwater and surface water in a particular hydrographic basin to mitigate
8 conflicts between groundwater and surface water users; and (3) any other provision
9 necessary to conjunctively manage groundwater and surface water, determine the



10 amount of conflict between groundwater and surface water users or resolve a
11 conflict between groundwater and surface water users.

12 **Section 4** of this bill authorizes the State Engineer to levy certain special
13 assessments related to a program for the conjunctive management of groundwater
14 and surface water. **Section 7** of this bill provides that the partial abatements of
15 property taxes does not apply to any such special assessment, consistent with other
16 assessments levied against groundwater and surface water users.

17 **Section 5** of this bill provides that a right to groundwater or surface water that
18 is not being used because of a program for the conjunctive management of
19 groundwater or surface water is not subject to forfeiture or abandonment for as long
20 as the program is in effect.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 533 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act,*
5 *“groundwater user” includes, without limitation, an owner of a*
6 *domestic well.*

7 **Sec. 3. 1.** *The State Engineer shall adopt regulations*
8 *related to the conjunctive management of groundwater and*
9 *surface water. In adopting such regulations, the State Engineer*
10 *must recognize existing uses of water while protecting water rights*
11 *that are senior in priority.*

12 **2.** *The regulations adopted pursuant to this section may*
13 *include, without limitation:*

14 *(a) Requirements or guidelines for establishing a mitigation*
15 *plan to address conflicts between groundwater and surface water*
16 *users.*

17 *(b) The creation of a program for the conjunctive management*
18 *of groundwater and surface water in a hydrographic basin in the*
19 *State in order to mitigate conflicts between groundwater and*
20 *surface water users.*

21 *(c) Any other provision that the State Engineer finds necessary*
22 *to conjunctively manage groundwater and surface water,*
23 *determine the amount of conflict between groundwater and*
24 *surface water users or resolve a conflict between groundwater and*
25 *surface water users.*

26 **Sec. 4. 1.** *If the State Engineer creates a program for the*
27 *conjunctive management of groundwater and surface water in a*
28 *hydrographic basin, the State Engineer:*

29 *(a) Is not required to curtail a groundwater user who has a*
30 *conflict with a surface water user whose water right is senior in*
31 *priority if the State Engineer finds that curtailment will not be*



1 *effective to provide water for the beneficial use of the surface*
2 *water user.*

3 *(b) May require a groundwater user to furnish replacement*
4 *water to a surface water user so long as the replacement water is*
5 *of sufficient quality.*

6 *(c) May levy a special assessment annually or at such times as*
7 *needed against the taxable property of a groundwater user for the*
8 *purpose of providing compensation for a conflict or injurious*
9 *depletion of a surface water user whose water right is senior in*
10 *priority to the groundwater user's water right or protectable*
11 *interest in a domestic well, as applicable. Any such special*
12 *assessment must be proportionate to the amount of conflict caused*
13 *by the groundwater user to the surface water user whose water*
14 *right is senior in priority.*

15 *(d) May levy a special assessment annually or at such times as*
16 *needed against the taxable property of water users in the basin to*
17 *pay for the expenses of administering the program.*

18 *2. Any charge or fee levied pursuant to subsection 1 must be:*
19 *(a) Collected on the tax roll in the same manner, by the same*
20 *persons, and at the same time as the county's general taxes. Such*
21 *charge or fee is a lien against the property.*

22 *(b) Accounted for separately and may only be used for the*
23 *purposes described in subsection 1.*

24 *Sec. 5. If the State Engineer creates a program for the*
25 *conjunctive management of groundwater and surface water in a*
26 *hydrographic basin, a right to groundwater or surface water that*
27 *is not being used because of the program is not subject to a*
28 *determination of abandonment or forfeiture for as long as the*
29 *program is in effect.*

30 *Sec. 6. NRS 534.090 is hereby amended to read as follows:*

31 *534.090 1. Except as otherwise provided in this section ~~and~~*
32 *and section 5 of this act, failure for 5 successive years after*
33 *April 15, 1967, on the part of the holder of any right, whether it is*
34 *an adjudicated right, an unadjudicated right or a right for which a*
35 *certificate has been issued pursuant to NRS 533.425, and further*
36 *whether the right is initiated after or before March 25, 1939, to use*
37 *beneficially all or any part of the underground water for the purpose*
38 *for which the right is acquired or claimed, works a forfeiture of both*
39 *undetermined rights and determined rights to the use of that water to*
40 *the extent of the nonuse.*

41 *2. If the records of the State Engineer or any other documents*
42 *obtained by or provided to the State Engineer indicate 4 or more*
43 *consecutive years of nonuse of all or any part of a water right which*
44 *is governed by this chapter:*



1 (a) The State Engineer shall notify the owner of the water right,
2 as determined in the records of the Office of the State Engineer, by
3 registered or certified mail of the nonuse and that the owner has 1
4 year after the date of the notice of nonuse in which to use the water
5 right beneficially and to provide proof of such use to the State
6 Engineer or apply for relief pursuant to subsection 3 to avoid
7 forfeiting the water right.

8 (b) If, after 1 year after the date of the notice of nonuse pursuant
9 to paragraph (a), proof of resumption of beneficial use is not filed in
10 the Office of the State Engineer, the State Engineer shall, unless the
11 State Engineer has granted a request to extend the time necessary to
12 work a forfeiture of the water right, send a final notice to the owner
13 of the water right, as determined in the records of the Office of the
14 State Engineer, by registered or certified mail, that the water right is
15 held for forfeiture. If the owner of the water right, within 30 days
16 after the date of such final notice, fails to file the required proof of
17 resumption of beneficial use or an application for an extension of
18 time to prevent forfeiture, the State Engineer shall declare the right,
19 or the portion of the right not returned to beneficial use, forfeited.
20 The State Engineer shall send notice of the declaration of forfeiture,
21 by registered or certified mail, to the owner of record, as determined
22 in the records of the Office of the State Engineer, of the water right
23 that has been declared forfeited.

24 (c) If, after receipt of a notice of the declaration of forfeiture
25 pursuant to paragraph (b), the owner of record of the water right
26 fails to appeal the ruling in the manner provided for in NRS
27 533.450, and within the time provided for therein, the forfeiture
28 becomes final. Upon the forfeiture of the water right, the water
29 reverts to the public and is available for further appropriation,
30 subject to existing rights.

31 3. The State Engineer may, upon the request of the holder of
32 any right described in subsection 1, extend the time necessary to
33 work a forfeiture under subsection 2 if the request is made before
34 the expiration of the time necessary to work a forfeiture. Except as
35 otherwise provided in subsection 4, the State Engineer may grant,
36 upon request and for good cause shown, any number of extensions,
37 but a single extension must not exceed 1 year. In determining
38 whether to grant or deny a request, the State Engineer shall, among
39 other reasons, consider:

40 (a) Whether the holder has submitted proof and evidence that
41 the holder is proceeding in good faith and with reasonable diligence
42 to resume use of the water beneficially for the purpose for which the
43 holder's right is acquired or claimed;

44 (b) The number of years during which the water has not been
45 put to the beneficial use for which the right is acquired or claimed;



- 1 (c) Any economic conditions or natural disasters which made
2 the holder unable to put the water to that use;
- 3 (d) Whether the water right is located in a basin within a county
4 under a declaration of drought by the Governor, United States
5 Secretary of Agriculture or the President of the United States;
- 6 (e) Whether the holder has demonstrated efforts to conserve
7 water which have resulted in a reduction in water consumption;
- 8 (f) Whether the water right is located in a basin that has been
9 designated as a critical management area by the State Engineer
10 pursuant to subsection 7 of NRS 534.110;
- 11 (g) The date of priority of the water right as it relates to the
12 potential curtailment of water use in the basin;
- 13 (h) The availability of water in the basin, including, without
14 limitation, whether withdrawals of water consistently exceed the
15 perennial yield of the basin; and
- 16 (i) Any orders restricting use or appropriation of water in the
17 basin.
- 18 ↪ The State Engineer shall notify, by registered or certified mail,
19 the owner of the water right, as determined in the records of the
20 Office of the State Engineer, of whether the State Engineer has
21 granted or denied the holder's request for an extension pursuant to
22 this subsection. If the State Engineer grants an extension pursuant to
23 this subsection and, before the expiration of that extension, proof of
24 resumption of beneficial use or another request for an extension is
25 not filed in the Office of the State Engineer, the State Engineer shall
26 send a final notice to the owner of the water right, by registered or
27 certified mail, that the water right will be declared forfeited if the
28 owner of the water right fails to file the required proof of
29 resumption of beneficial use or an application for an extension of
30 time to prevent forfeiture within 30 days after the date of the final
31 notice. If the owner of the water right fails to file the required proof
32 of resumption of beneficial use or an application for an extension of
33 time to prevent forfeiture within 30 days after the date of such final
34 notice, the State Engineer shall declare the water right, or the
35 portion of the right not returned to beneficial use, forfeited.
- 36 4. If the State Engineer grants an extension pursuant to
37 subsection 1 in a basin:
- 38 (a) Where withdrawals of groundwater consistently exceed the
39 perennial yield of the basin; or
- 40 (b) That has been designated as a critical management area by
41 the State Engineer pursuant to subsection 7 of NRS 534.110,
42 ↪ a single extension must not exceed 3 years, but any number of
43 extensions may be granted to the holder of such a right.



1 5. The failure to receive a notice pursuant to subsection 2 or 3
2 does not nullify the forfeiture or extend the time necessary to work
3 the forfeiture of a water right.

4 6. A right to use underground water whether it is vested or
5 otherwise may be lost by abandonment. If the State Engineer, in
6 investigating a groundwater source, upon which there has been a
7 prior right, for the purpose of acting upon an application to
8 appropriate water from the same source, is of the belief from his or
9 her examination that an abandonment has taken place, the State
10 Engineer shall so state in the ruling approving the application. If,
11 upon notice by registered or certified mail to the owner of record
12 who had the prior right, the owner of record of the prior right fails to
13 appeal the ruling in the manner provided for in NRS 533.450, and
14 within the time provided for therein, the alleged abandonment
15 declaration as set forth by the State Engineer becomes final.

16 **Sec. 7.** NRS 361.47111 is hereby amended to read as follows:
17 361.47111 "Ad valorem taxes" does not include any
18 assessments levied pursuant to NRS 533.190, 533.285 or 534.040 ~~+~~
19 *or section 4 of this act.*

20 **Sec. 8.** The provisions of NRS 354.599 do not apply to any
21 additional expenses of a local government that are related to the
22 provisions of this act.

23 **Sec. 9.** This act becomes effective:

24 1. Upon passage and approval for the purpose of adopting
25 regulations and performing any other administrative tasks that are
26 necessary to carry out the provisions of this act; and

27 2. On July 1, 2019, for all other purposes.



**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

**Eightieth Session
February 27, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 4 p.m. on Wednesday, February 27, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Room 203, Carl Diekhans Center Industrial Tech Bldg., Great Basin College, 1500 College Parkway, Elko, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair
Assemblyman Alex Assefa
Assemblywoman Maggie Carlton
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Sarah Peters
Assemblywoman Robin L. Titus
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 309



STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Nancy Davis, Committee Secretary
Alejandra Medina, Committee Assistant

OTHERS PRESENT:

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources
Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Micheline Fairbank, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Rupert Steele, Chairman, Confederated Tribes of the Goshute Reservation, Iapah, Utah
Robert McDougal, Commissioner, Board of Commissioners, Pershing County
Norman Harry, Environmental Director, Environmental Protection Department, Washoe Tribe of Nevada and California
Norman Frey, Private Citizen, Fallon, Nevada
Jeff Fontaine, Executive Director, Central Nevada Regional Water Authority and Humboldt River Basin Water Authority
Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County
Kyle Roerink, Executive Director, Great Basin Water Network
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Tobi Tyler, Executive Committee Member, Toiyabe Chapter, Sierra Club
Laurel Saito, Nevada Water Program Director, The Nature Conservancy
Mark Butler, Executive Council Member, Coalition to Protect America's National Parks
Susan Juetten, Private Citizen, Reno, Nevada
Kenny Bent, Private Citizen, Pahrump, Nevada
John Hiatt, Conservation Chair – Press Liaison, Red Rock Audubon Society
Patti Jesinoski, Private Citizen, Henderson, Nevada
Ed James, General Manager, Carson Water Subconservancy District
Andrew M. Belanger, Director of Public Services, Southern Nevada Water Authority
Adam Sullivan, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
David G. Hillis, Jr., Principal Engineer, Turnipseed Engineering, LTD, Carson City, Nevada
Steve Walker, representing Douglas County; and Storey County
Bennie B. Hodges, Manager, Pershing County Water Conservation District
Rebekah Stetson, Private Citizen, Reno, Nevada

Anthony Sampson, Tribal Chairman, Pyramid Lake Paiute Tribe
Will Adler, representing Pyramid Lake Paiute Tribe

Chair Swank:

[Roll was called. Committee rules and protocol were reviewed.] Assembly Bill 62 will be heard on another day, in order to allow enough time for public participation. I will begin with a presentation by the Division of Water Resources, State Department of Conservation and Natural Resources.

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources:

Thank you for holding this hearing today to discuss the important topic of how best to manage Nevada's most precious resource, our water. Before we provide some background for the Committee on Nevada's water statutes and the manner in which those statutes are implemented, I would like to introduce the leadership of our Division of Water Resources and then take a moment to offer the big picture of the challenges Nevada faces today in managing our limited water supply. I am joined by Mr. Tim Wilson, Acting State Engineer and Administrator of the Division of Water Resources as well as the two deputy administrators, Adam Sullivan and Micheline Fairbank. We are happy to answer any and all questions you have today.

To help set the stage for this hearing, I would like to highlight three indisputable facts: One, Nevada is the driest state in the nation. Two, Nevada has been one of the fastest growing states in the nation for the past two decades and is continuing to grow and diversify its economy. Three, climate change is real. The impacts are being felt in Nevada and it is our responsibility to take the impacts into account in managing Nevada's water resources. These three facts demand we take a proactive approach to responsibly manage our water in every corner of Nevada. It is imperative that we recognize these fundamental truths and exercise our collective responsibilities to protect the best interests of all Nevadans.

There is a fourth potential reality lurking just around the corner, which is the very real and growing possibility that the federal government will enact mandatory curtailment of our water supply from the Colorado River. If this reality comes to pass, our water challenges in Nevada will become magnified exponentially.

We are here today not to ignore these challenges, but to recognize them and to take action. Taking action will require both courage and shared sacrifice. There can be no winners and losers when there is a collective understanding of the challenges we face and the willingness to ensure a sustainable water future for all Nevadans. I am optimistic that we can and will rise to this challenge.

With regard to the bills we will discuss today, these are our neutral and good-faith attempts to address complex issues based on years of experience and expertise within the Office of the State Engineer which is within the Division of Water Resources. We have not cornered the market on the best ideas, and we welcome the informed views and suggestions of this

Committee and the many stakeholders who are here today. One thing is without question, the status quo is not an option. We look forward to your questions and discussing the legislation that is before us today.

**Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources,
State Department of Conservation and Natural Resources:**

I would like to provide an overview of Nevada water law, our agency, and some of our water issues. Most people know that our mission statement is to conserve, protect, manage and enhance the state's water resources for Nevada's citizens through the appropriation and reallocation of the public waters [page 2, (Exhibit C)].

What we do is quite a bit more than that. Page 3 shows a short list of some of the many activities we perform—many are very important, such as well drilling, dam safety, innovative solutions like aquifer storage and recovery, and many others.

In recent years, the Division has also made a concerted effort to use advanced technology to improve our services to the public. We are utilizing modeling techniques in processing power, in cooperation with other agencies and the University of Nevada to better understand basin-scale hydrology. We are utilizing unmanned aerial vehicles for dam safety inspections and for mapping to complement, but not replace, boots on the ground for inspections. We use geographical information systems to improve mapping, public accessibility, and historic and current data. We have some really good Truckee-Carson Irrigation District mapping, Smith Valley and Mason Valley interactive monthly pumpage reports, and historic hydrologic data that was formerly only in paper records and is now all on interactive databases.

Page 5 shows a few quick facts about Nevada. We sometimes argue with New Mexico over who is the driest, but we think we still hold the moniker as the driest in the nation, averaging approximately 11 inches of precipitation annually. When I started with the state of Nevada, it does not seem very long ago but it was 1995, there were about 1.5 million people in this state. Our population is now over 3 million. I point that out because the amount of water we have is the same, obviously, about 4 million to 5 million acre-feet of surface water and about 2 million acre-feet of groundwater. We manage our water resources that are available through 14 hydrographic regions divided into 256 groundwater basins. We group those basins and assign them to water resource specialists. Any time you contact our office, if you tell us what groundwater basin you are in, you will be directed to a water resource specialist who is assigned to that basin and can personally assist you.

Page 6 shows who uses our water. Most of it is irrigation. Irrigation for surface water takes up about 64.9 percent. The second largest user of surface water is recreation and wildlife at almost 19 percent; this amount represents instream flow rights, recreational rights, and evaporation off of terminal lakes. Municipal use is third at about 16 percent; this includes Las Vegas' use of the Colorado River water and the Reno and Sparks use of the Truckee River water.

Page 7 shows groundwater use; irrigation use is the dominant use at about 67 percent, mining is at about 10 percent, and municipal use at about 9 percent.

Our water rights are committed through permits and vested claims. Page 8 is a chart comparing groundwater pumpage to the water that is actually committed for each manner of use in the state. If you were to add up both columns, the actual usage is about 50 percent of the committed rights for all manners of use.

Page 9 (Exhibit C) is a simple illustration showing that on a statewide scale, even though we use less than 50 percent of our total committed supply, we do exceed our committed resources in many localized areas. This map shows the ratio of committed groundwater resources—that is the addition of permits, certificates, claims, and domestic wells versus the amount of water we estimate is available through perennial yield. We estimate about 106 basins are over our estimated perennial yield. I would also like to point out that there are about 54 of the 256 basins for which commitments are more than double their perennial yield. These are some very serious issues.

Page 10 gives you an even better picture where actual groundwater pumpage exceeds the perennial yield on about 51 of our 256 basins. These are the basins that are most likely to be experiencing significant water level drawdown and conflict amongst users. In some cases, we have worked with local management very actively to prevent harmful effects: notably, Las Vegas Valley, Truckee Meadows area, and Diamond Valley.

I would like to discuss Nevada water law. We have three basic tenets of Nevada water law: the prior appropriation doctrine, which means if you are first in time—you are the senior user—you get your water first. Beneficial use is an expectation that you place your water to beneficial use, that is the limit of the right to use of water. Related to the beneficial use is that if you are not using your water, you can lose it to cancellation, abandonment, or forfeiture.

Page 12 describes a very important concept that comes up that some people do not realize. It is by statute that the public owns the water in the state of Nevada, above and below the ground. What people have through the statutory permitting process is the right to the use of the water. That is considered a type of property right. It is appurtenance to the property, it can pass from seller to buyer, it can be sold and leased, but it is still a permit.

Page 14 makes it look like it is very easy to obtain a permit. It can be a very complex process to file an application. If you meet all of those statutory criteria, you can be issued a water rights permit. As part of the permit terms, you will be required to do a proof of completion of work and proof of beneficial use. If you do so, then you will be allowed to have a water rights certificate, which is the last step in the process. If you were using your water prior to the enactment of Nevada water law, you can make a vested claim to water as well. We have an entire section that does the adjudication process to make a determination on those claims—prior to 1905 for surface water, 1913 for artesian wells, and 1939 for groundwater.

There is not a lot we can do when someone files an application. We are either going to approve it, approve it with conditions, or we are going to deny it [page 15]. Many times, in addition to the regular permit terms, we will condition permits on monitoring. We have conditioned permits on mitigation, pumpage reporting, the depth of the well as far as limitation, and reducing the rate of flow and volume that were requested in the application. Or we can deny the application. Any of our decisions in that regard can be appealed to district court.

Page 16 (Exhibit C) shows four basic conditions of approval. The ones we will be looking at today are part of *Nevada Revised Statutes* (NRS) 533.370, which deals with conflicting with existing rights. We also consider whether the use of the water will prove detrimental to public interest, whether there will be a conflict with existing domestic wells, and whether there is unappropriated water available.

We also consider legislative directives, which are in NRS 533.024. "Conjunctive use" was recently added. We will discuss Assembly Bill 51 later, which attempts to address this part of the legislative declaration. "Conjunctive use" means managing the surface water and groundwater as a single source and recognizing the interaction between the two. Previously, under Nevada water law, we have treated surface water and groundwater separately, and we will talk about that when we discuss our bills.

We have another bill that is not going to be heard today. It really helps add to the antispeculation doctrines we have in statute. If you apply for a permit, you cannot just hold the spot, you have to actually diligently apply yourself to place your water to beneficial use—construct the works necessary, drill your well, construct your ditches, and actually use the water beneficially and in accordance with the terms of your permit. We have a lot of antispeculation doctrines to keep people from grabbing a spot. If they do not intend to use the water, they need to move aside and let the next person in line have that water.

Page 19 shows that we have a tenet that you can lose a water right permit through cancellation, forfeiture for five years of nonuse of certificated groundwater, and also abandonment.

We have many significant water management challenges. In 2017, the Legislature directed the Division to conjunctively manage all waters, regardless of their source. Since the water laws traditionally treated surface water and groundwater as separate sources, there is a lot of room for statutory changes to allow our office to fulfill this mandate. Concentrated areas of domestic wells are a continuing concern in dealing with conflicts, along with overappropriated basins and litigation are our largest challenges.

To tie this all together, the Division would like to have additional statutory authority. We have three bills this session and I look forward to explaining the bills and addressing any misconceptions about the intent of our bills that may be out there. We are all in this together and I hope we can all come together and work toward solutions. As Mr. Crowell mentioned, we may not have all the ideas, but we are willing to listen to everyone's ideas and bring

everyone together to work toward bringing some statutory structure and correcting some mistakes from our past, as you can see by the overappropriated basins.

Chair Swank:

Thank you for the presentation. We will now move to the bill hearings. I will open the hearing on Assembly Bill 30.

**Assembly Bill 30: Revises provisions governing the appropriation of water.
(BDR 48-214)**

**Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources,
State Department of Conservation and Natural Resources:**

I am here today to present testimony in support of Assembly Bill 30. As I enter my testimony, it is imperative to stress that this—and every bill the Division of Water Resources, State Department of Conservation and Natural Resources has offered this session—is the product of extensive experience managing Nevada’s limited water resources (Exhibit D). To adapt to today’s water resource challenges, the Division of Water Resources needs opportunities for flexibility to best manage Nevada’s limited water resources and to fulfill its legal duties and responsibilities. As Nevada’s population grows, there will be an ever-increasing demand on our water resources. These demands will inevitably create conflicts, and therefore the responsibility to manage those conflicts is imperative.

Nevada’s water resources belong to all Nevadans, and it is the responsibility of the State Engineer through the Division of Water Resources to manage our shared water resources with consistency, in accordance with the law, and using the best available science. And to preemptively dispel any rumors that I have heard and to put to rest any perception that this, or any Division bill, is intended to, or is for the purpose of facilitating large water development projects, let me be clear: This is absolutely untrue. These bills are the Division’s best effort to address real challenges and issues the Division grapples with regularly in all parts of the state. The Division of Water Resources has heard an abundance of criticism of A.B. 30, much of which we believe misinterprets the bill, and we are open to an ongoing dialogue as to how to best achieve the purpose of this bill.

The intent of this bill is to bring needed consistency and clarity to Nevada’s water law. Assembly Bill 30 seeks to harmonize existing provisions of Nevada’s water law under *Nevada Revised Statutes* (NRS) Chapters 533 and 534. Specifically, the mandate within NRS 533.370 subsection 2 that applications conflicting with existing rights be denied in contrast with the express authority under NRS 533.024 subsection 1, paragraph (b) to mitigate conflicts with domestic wells and the additional express authorities under NRS 534.110 subsection 4, permitting the use of monitoring, management and mitigation plans (3M plans) as a condition on approval of water rights, and the allowance for the reasonable lowering of the groundwater table. These provisions currently provide conflicting guidance to the Division of Water Resources regarding the issuance of water rights and the ability to resolve potential conflicts among water rights holders. Assembly Bill 30 is intended to help resolve this discrepancy by providing the Division clear legislative direction to help avoid or

eliminate a potential conflict when deciding whether or not to grant a water rights application.

Nevada water law anticipates that any water appropriation may result in some degree of foreseen or unforeseen conflict or impact to existing water rights. And, while the terms “mitigation” and “3M plans” have been somewhat villainized due to conflict over a particular groundwater development project, the fact of the matter is that current law authorizes the State Engineer to resolve a conflict based on the principle that any impacted senior water rights holders are made whole and the overreaching public interest remains balanced.

This bill merely seeks to provide needed clarity and consistency in Nevada water law. The commitment of the Division of Water Resources is that harmonization of the law will be applied in a balanced, responsible manner through consultation with and contribution by affected water rights holders and domestic well owners, and based on the most current and best available hydrologic and engineering data.

In offering additional context within Nevada water law as to why this bill is both permissible and necessary, Nevada’s water resources are owned by all Nevadans, as enshrined in state law under NRS 533.025 since 1913. Whereas, a water right does not confer ownership, but merely the right to the use of water in a specified quantity and manner as allowed for under the terms of a water rights permit. For the purpose of this bill and today’s testimony, there are two important principles to keep in mind regarding the right to use water: Every new water rights permit is conditioned on and subject to existing water rights. If a new junior right is determined to impair a senior right in a manner that cannot be resolved, the junior right holder must cede to the senior right holder; any water right in Nevada, whether it is a prestatutory vested claim, a decreed right, or a statutory appropriation, carries with it the requirement that all water rights must be put to beneficial use. A water rights holder neither holds ownership nor title to the water itself, but only the particular beneficial use as approved according to the underlying water rights.

This is important because Nevada water law accounts for the fact that certain water rights appropriations may result in an adverse impact to existing rights. The Nevada Division of Water Resources has applied this statutory provision by seeking to minimize, avoid, or eliminate any existing or reasonably foreseeable impacts on all impacted water users. This basic principle is the foundation for managing Nevada’s limited water resources without undermining the responsible development of water to provide for the continued economic growth of our state.

Before I walk through the specific provisions of A.B. 30, I want to address certain perceptions and concerns regarding the Division’s water management practices. First, the Division routinely conducts, or requires holders of water rights to conduct, water monitoring to better understand local groundwater conditions and the effects of a particular project on the sustainability of groundwater development in a particular basin or region. Currently, the Division of Water Resources has approximately 90 groundwater monitoring plans in place as a condition of existing water right permits within one or more of Nevada’s 256 groundwater

basins. Monitoring is necessary because we cannot predict with absolute accuracy what the impacts of pumping will be, even utilizing the best available science. Accurate monitoring data improves the science, which in turn leads to better management. Second, 3M plans are not the panacea to achieving balanced water development in Nevada, and we recognize that. In fact, very few water rights permits have been granted with a requirement for a 3M plan, only one of which was developed by the applicant, accepted by the State Engineer, and implemented. In short, 3M plans may be applicable or useful in the future, and may be an appropriate proposal for the elimination or avoidance of a conflict, but 3M plans should not and will not be used to push through any questionable water development projects. With that, please allow me to provide a summary of A.B. 30.

Section 1 proposes to add a new section to NRS Chapter 533. This new statutory section would harmonize and bring consistency to Nevada's water statutes by clearly identifying the conditions under which the State Engineer may consider a proposal to avoid or eliminate a conflict. A proposal may only be considered if water is available for appropriation.

Section 1, subsection 1, paragraph (a) grants the State Engineer discretion to consider a proposal that would avoid or eliminate a conflict, and sets forth the criteria the State Engineer may consider within such a proposal. This includes an agreement between the water right applicant and the owner of an existing water right or domestic well, if there is concern that a conflict may manifest. An example could include the deepening of an existing well where the anticipated reasonable lowering of the groundwater level would interfere with the well's use. These types of agreements are only limited by the needs of the individual water rights holders.

Section 1, subsection 1, paragraph (b) allows for the development of a 3M plan. These plans should be viewed in their proper light as contingency plans, not as forgone conclusions to address conflicts that cannot be avoided. Depending on the known and unknown conditions of a groundwater aquifer and the inherent degree of uncertain response by a particular groundwater project, a 3M plan may be the most appropriate option. The Division of Water Resources will continue to use its technical expertise to require stringent standards, primarily focused on the first two "Ms" of monitoring and proactive project management, to be the mechanism to avoid conflicts. But because the exact effects of pumping are never certain, and environmental conditions will always be variable, a comprehensive and in-depth analysis of the possibilities with flexible responses aimed to avoid or eliminate conflicts is an important tool needed to facilitate the management of Nevada's water resources. Therefore, responsible management of our water resources requires this type of upfront, proactive management rather than after-the-fact conflict resolution.

The third option outlined in section 1, subsection 1, paragraph (c) is, "Any other plan to avoid or eliminate the conflict or replenish the source of supply impacted or depleted by the conflict." Again, providing the Division of Water Resources flexibility to consider alternative proposals and solutions that may be "out of the box" or creative alternatives is imperative as water conflicts become more prevalent, particularly when these solutions are proposed and agreed to by the impacted users themselves, which is always the Division's

preferred scenario. The concept of mitigation should not be universally maligned, and the Division welcomes any and all creative solutions to best manage our shared water resources in a manner consistent with the fundamental tenets of Nevada's water law.

Section 1, subsection 2 expressly authorizes the State Engineer to grant a water rights application if the proposal is found to avoid or eliminate the conflict, and to condition the appropriation on the applicant's performance of the measures or actions in the proposal determined to be necessary to avoid and eliminate the conflict.

The remainder of Assembly Bill 30, sections 2 through 10, contains conforming changes.

The Division of Water Resources recognizes and appreciates extensive feedback to A.B. 30; however, resolving the existing statutory conflict is imperative. Furthermore, despite many misplaced concerns regarding 3M plans, particularly the concept of mitigation, this effort is the Division's attempt to implement the direction of the Legislature to utilize tools such as 3M plans as a condition to appropriations. The Division believes there is, at some level, consensus that proposals to avoid or eliminate conflicts is good water policy in instances where water is available to appropriate. The Division is open to, and welcomes, alternative ideas as to how to address these issues. A constructive dialogue should be a priority for every stakeholder because the status quo is not, in the end, serving the interest of the public who owns Nevada's water. At this time, I am happy to take any questions from the members of the Committee.

Assemblywoman Cohen:

Looking at section 1, subsection 1, paragraph (c), can you give an example of what one of those agreements might look like?

Tim Wilson:

We have one approved 3M plan within our office. It is quite extensive. It lays out all of the monitoring requirements that will be necessary, it lays out pumping management, and it follows up with mitigation measures that could be used if conflicts arise. It is not a simple plan, it is very complex and it took a lot of effort to bring everyone together as much as possible to come to some type of consensus. It is difficult to get a consensus amongst everyone, but we thought we had the best plan we possibly could to set the applicant up front to have to be responsible for mitigation as a final contingency. That is the significant point to the 3M plan. When you have an applicant that only has to do monitoring and management, we can tell them to stop using the water. If they do not have a specific up-front responsibility for mitigation, then they are not on the hook for mitigation. We do not want them to walk away, we want them to be up front and responsible.

Assemblywoman Cohen:

Are you already able to develop a 3M plan?

Tim Wilson:

That is correct. In statute, we have a mention of monitoring, management, and mitigation plans and a requirement to consult with local counties as part of issuing those plans, and we have conditioned permits on the 3M plan. We have lesser versions of 3M plans also. As I mentioned, we have a significant number of conditioned permits on monitoring and management of pumping.

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources:

The issue with the authorization of the 3M plans is that we have authorization to do 3M plans in instances where water is available. The 3M plan would be to mitigate a conflict, but there is also statute that says, when there is a conflict, you have to deny the application. Those two provisions are inconsistent. If we take one route, we get sued by people who think we should have taken the other route. If we take the "no" route, we get sued by people who think we should take the mitigation route. We are stuck in a lose-lose situation from a management perspective.

Chair Swank:

Will you please repeat the two pieces that conflict for me?

Bradley Crowell:

I would like to have Ms. Fairbank repeat that in a more articulate way.

Micheline Fairbank, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

We have two statutory provisions under NRS 533.353: We have an allowance in which our office is authorized to approve an application to appropriate water, contingent on a monitoring, management, and mitigation plan. Yet, under NRS 533.370 subsection 2, as was spoken to earlier, we also have the requirement that if there is water available to appropriate and/or whether that new appropriation would conflict with existing rights. Inherent in the 3M plan is an anticipation of conflict, and we have a requirement to deny that application; on the other hand, we are guided by the Legislature to consider these plans in determining whether to appropriate water.

Chair Swank:

Would this bill, should it pass, solve that conflict currently in Nevada water law?

Micheline Fairbank:

Yes, this bill would resolve that conflict or at least bring harmonization to these different provisions with the state. We also have provisions that allow for our office to mitigate conflicts with domestic wells under certain conditions and to allow for reasonable lowering of the groundwater table in NRS Chapter 534. Again, in each of those is the inherent idea that there is conflict. We have provisions that allow us to mitigate conflict. We are trying to provide that harmonization so that we have a clear direction as to when and under what conditions that we proceed with applications.

Chair Swank:

Is it fair to say that there is not a lot in this bill that is new, and this bill is mostly a harmonization of things that we already have in statute?

Micheline Fairbank:

Yes, that is correct.

Assemblyman Watts:

Do you see the 3M plan as applying to mitigating the public interests, or in the case of interbasin groundwater transfers, environmental soundness? Or do you see this only applying to conflicts with water rights holders or interest in domestic wells?

Micheline Fairbank:

The idea behind 3M plans is not necessarily to mitigate conflicts to the public interest. Certainly, the idea of the public interest is out there in terms of the balancing of development of water and balancing that as to what those interests are with that particular project. To the extent that it talks about the interbasin transfers, within the statute we also have to have environmental soundness when it comes to interbasin transfers. It is a very in-depth and complex analysis that has to take place based upon each individual application and project. That is one of the challenges; there is not a universal one-size-fits-all solution. We have to look at each project, each application, the hydrographic basin, and the conditions within that basin on an individualized basis to provide the balance. Our office has denied applications on the basis that it is not in the public interest due to multiple considerations. We take great care, and we try to strive to do that balancing within the confines of the statute.

Assemblyman Watts:

Would a 3M plan apply to monitoring, management, and mitigation in those areas, or is it geared toward monitoring, managing, and mitigating conflict between water rights, only?

Bradley Crowell:

What we are seeking in this bill is the expressed authorization to build regulations governing 3M plans. Part of that process of building regulations is the stakeholder or public process. With that interaction, we hope to strike a balance between various interests, including the environmental concerns and the public interest. Instead of being overly prescriptive in the legislation, or having the State Engineer do it without the utmost transparency, we are asking for direction to undertake the regulatory process with stakeholders to strike that balance.

Assemblyman Watts:

I know that sometimes we have legislation that asks for regulations to be promulgated, so I appreciate the clarification of the intent. I want to make clear where my question was coming from and my concern. If we were to set the foundation in legislation, I am concerned that we can have a situation where conflict between water rights is being mitigated, but that the mitigation measures—which I know this legislative framework leaves wide open—could potentially result in harm to the public interest or to environmental soundness. I am concerned if this is focused on mitigating conflicts for water rights, we could end up with

things like aquifer decline, groundwater mining, or other things that have negative impacts in those other areas that would not be considered under the policy framework.

Bradley Crowell:

There are some environmental concerns and public interest determinations that cannot be either fully or partially mitigated.

Assemblywoman Titus:

I have an observation: using "harmony" and "water law" in the same sentence is a little bit of an oxymoron. In your presentation prior to the bill, you gave us a review on water law in the state. You mentioned that one of your tenets—one of the things you do not want to do—is upend decades of decisions. Then, looking at A.B. 30, section 1, begins, "If there is water available for appropriation in the proposed source of supply, before rejecting an application because the proposed use or change set forth in an application conflicts with existing rights." It seems that very first line upends the very tenet of our Nevada water law since its inception—the first in time is the first in rights.

Tim Wilson:

We feel that instead of an outright rejection of the application, there should be an opportunity to bring the parties together to resolve the conflict. We might even have an ability to avoid the conflict through management of the project. That management could be staged development, altering points of diversion, or reducing pumpage from certain wells. We think that in order to maximize our available water resources, and again, we are talking about when water is available for appropriation, that we need to have the opportunity to try to avoid conflict through a 3M plan and not outright reject an application.

Assemblywoman Titus:

Frankly, you did not answer my question. What I asked was this: Because you want to take permittees to arbitration or discussion, you are saying that the person with the senior right—which is the one this protects—you are forcing him into a negotiation or a conflict. By nature of doing that, it takes away his right to say, "I am the senior water rights holder, and this interferes with me." Is that not what this is trying to change?

Tim Wilson:

I think Ms. Fairbank might be able to assist me.

Micheline Fairbank:

I think the direct answer to your question is, the right to the use of water is merely to the use. It is not the actual ownership to the particles of the water; it is not even necessarily the place of diversion or the source of the water, so long as the senior water rights holder is made whole in some manner. Again, there are a lot of variables and different types of scenarios. That is why it is difficult because what might be an appropriate resolution to avoid or eliminate the conflict may be through the reasonable lowering of the groundwater table if someone has a shallow well. That well is no longer going to be functional, or the draw may not be sufficient based upon the lowering of the groundwater; therefore, that alternate plan

could be simply something as simple as deepening the well. You are still providing access and respecting the prior appropriation because you are ensuring that the senior water rights holder is being made whole in an appropriate manner which satisfies their manner of use and their beneficial use. You are also balancing the development of the available water without allowing a particular water rights holder to hold hostage available water that could be used for the development and economic growth of a particular area where water is available. It is a balancing of interest. There is not an easy dialogue because you must look at each one on a case-by-case basis. Overall, that fundamental tenet in the Nevada water law is that you have the right to the use of the water.

Assemblywoman Titus:

Would you agree that the water is a property right, a right of ownership?

Micheline Fairbank:

You have a right to the use of the water, but it does not give you the ownership over the particles of water because that belongs to the public.

Assemblywoman Bilbray-Axelrod:

You used the term "reasonable groundwater levels." How is "reasonable" defined?

Tim Wilson:

In NRS 534.110 subsection 4, all groundwater appropriations allow for reasonable lowering of the water table. There is no definition of "reasonable"; it is left to the State Engineer's discretion.

Assemblywoman Bilbray-Axelrod:

Did any outside agencies, such as the Southern Nevada Water Authority (SNWA), offer any language or advice or supply any help in drafting these bills?

Tim Wilson:

No, absolutely not. We did not meet with SNWA when we were drafting this legislation. These are bills that we feel are necessary to address unclear statutory language, in particular with this bill, to eliminate what we feel is a conflict in the statute. Our next bill is something that we feel goes straight to the directive of the Legislature on conjunctive management.

Assemblywoman Bilbray-Axelrod:

To be clear, no other agency has asked you to bring this forward?

Bradley Crowell:

The response to your question is an emphatic "no," be it the entity that you mentioned or any other stakeholder.

Chair Swank:

I would like Mr. Amburn to talk a little bit about both of these bills. We have received a lot of comments about a lack of due process. We have had our staff look at that, and I would like him to talk about those issues for both this bill and the next one.

Allan Amburn, Committee Counsel:

When we were drafting these bills, our office looked into whether these bills violate due process concerns or issues. Essentially, our conclusion was that there were no due process violations or issues coming as a result of these bills. There are procedures in place, either by regulatory action or in statute, that allow someone to be heard if there is an issue. We are also talking about a situation in which there is the taking of water, there is adequate compensation provided with replacement of water, or in Assembly Bill 51, financial compensation.

Chair Swank:

We have a lot of people who are sending in comments to that effect. I think it is important to have that cleared up.

Assemblywoman Hansen:

Along the lines of a 3M plan, if a senior water rights holder is injured, what does the remedy look like?

Tim Wilson:

We look to developing these plans when they are needed. It has been rare that we try to utilize the 3M plans. For the mitigation process, we need to know what source might be impacted. Is it a nearby well that is not drilled very deep and could easily be deepened? Is it an issue where it could be a conflict with a spring? Springs are more problematic, you cannot replace a spring if it has other intrinsic values to it. There are instances, one in particular, in which we have a spring that is basically a hole someone dug in a shallow water table. Someone put a piece of casing in it and called it a spring. It is very small and maybe produces one or two gallons per minute. It is not very useful, but there is a certificated water right on it. It could easily be mitigated and that water rights holder could be made whole with an even better water right that flows year round. In this particular case, there is nothing dependent on the spring. There is no obvious evidence of any flora or fauna or dependent species—considering that it was most likely a hand-dug hole and was not originally a spring. We think something like that can be mitigated with a replacement well, for instance.

Bradley Crowell:

Every water system is different, so every solution to address an impact or conflict is going to be different. The idea is that the burden for keeping that senior water rights holder whole is not on them: so if there is a deepening of a well, it is not at their expense; it is at the new water right applicant's expense. To the greatest degree possible, it is done with the consent and agreement of the senior water rights holder.

Micheline Fairbank:

To elaborate a little more, when you look at A.B. 30, section 1, subsection 1, paragraph (b), the emphasis is on "monitoring." The idea is that if you have a project that is going to be affecting groundwater, you are going to be monitoring the effects of that project so that you can get in front of potential impacts to those senior water rights holders. If you see that the monitoring is demonstrating that there may be an effect or that an adverse impact could occur, that is when "management" steps in. Management is that you manage that project either by reducing pumping or moving the location of pumping—or any other variables—to avoid getting to "mitigation." Again, mitigation has been characterized as the last resort, or the contingency plan, and that is if all the other things occur in an unanticipated way, then you have some form of recourse. The idea is that mitigation is the last resort, and monitoring and management should be the focal point that provides protection for those senior water rights holders.

Assemblywoman Hansen:

Is it agreed that because of the state we are in, if we implement this, there could be some severe hardships to current senior water rights holders? My concern is, it is not a matter of just deepening a well, it could have some severe impact to their ability to maintain their operation. What would the remedy be for them if this bill were to pass?

Tim Wilson:

Remember, we are talking about cases in which water is available. If there is obviously not enough water and you are going to impact the senior water rights holder, we are not going to approve the application. We would never get past the denial stage. It is in cases in which there is great uncertainty whether there will be any impact, and we would like to have the ability to try to avoid that impact through monitoring and management. Even then, if we see that it is not working, we can order the pumpage to stop. We only want mitigation to hold the applicant responsible just in case.

Assemblywoman Peters:

With regard to environmental protection, we really do not talk about water quality and ecosystem management in water law. Many of those things are rather new to water law in the state of Nevada. I have concerns with that not being explicitly within the language of this mitigation, that we have to consider those issues. I think Assemblyman Watts touched on that. I also have a dilemma with the idea of the authority for conflict determination. We have an opinion from our legal counsel that due process is not impacted by this, but I just do not understand how the process of determining that a conflict is avoided takes into account the complexities of water in Nevada. We have water use, water availability, history, and culture of the water use for the impacted user. We have primary water rights and senior water rights—all of those things that have play in the idea of a conflict. Just coming up with an engineered plan will not necessarily mitigate those conflicts, those emotionally attached conflicts. How do you envision this mitigation, or even management, to do that in addition to the general management of water and beneficial use in this state?

Bradley Crowell:

With regard to appropriately taking into account environmental concerns and public interest, which in many instances is the same, I would have no problem making that more explicit in this bill because our intention is to take into account all those considerations. What we are asking for here, as I mentioned to Assemblyman Watts, is to get the green light from the Legislature to undertake a process in which we can talk to stakeholders on all sides of an issue and hopefully come to an agreed upon resolution about what degree of environmental concern should be taken into account, whether it can be mitigated, on all of those issues. I know there has been concern that past decisions have not adequately taken that into account, but in putting together new regulations with transparent data and robust stakeholder participation, I am hoping we can get to that place. In terms of conflict, I will let Ms. Fairbank describe how they identify those issues.

Micheline Fairbank:

Again, when we are talking about trying to resolve the conflict, there is no easy answer. We all know that is why water law is not the most fun topic. When we are talking about trying to resolve all of these different variable conflicts—that is part of the stakeholder general process. That is what we strive to encourage and find manners and mechanisms to utilize that stakeholder input and process to guide and direct decisions that our office is making. We do engage with the stakeholders to try to come up with different types of plans to the extent possible, but these plans also have to be guided by science and by our existing law. To the extent that there are different interests that are not necessarily represented in the four corners of our existing water law, that is what our office is confined by. The opportunity to be able to have more options and more authority to engage in these different types of issues and create solutions is what is going to resolve those conflicts and move the process forward.

Assemblyman Wheeler:

As I read this, the end of section 1, subsection 1, says that "the State Engineer may instead consider a proposal to avoid or eliminate the conflict, which may include, without limitation:" and then paragraph (c) states, "Any other plan to avoid or eliminate the conflict." Given the answers we have heard here about "existing law" and "in the appropriate manner," what I am taking away from this bill is that the State Engineer will have unlimited power to give water and take water away from someone regardless of right. I am not saying that you would do that, I am saying that this particular bill gives you that power. Then we have to wait for the appropriate manner and existing law that might be usurped by this.

Tim Wilson:

I respectfully disagree that this gives me the power to take away water rights. This section goes to NRS 533.370, which currently says that if there is any type of conflict with an existing right, the State Engineer shall deny. This conflicts with other sections that allow for a 3M plan. What we are looking at here is an applicant who comes forward and meets all of the statutory criteria and there is water available at the source, which is the first criteria for approval. If it is a possibility, should they have the ability to avoid a conflict or mitigate a conflict? Should they have that ability or should we deny their water right outright? Those are the only two options I have. I have to do one or the other. I cannot take away the

existing water user. As I said, the whole point of this process is to keep the existing user whole, to keep the senior water rights holder protected. We have to protect senior water rights, which is a basic tenet of our water law—prior appropriation, first in time, first in rights. We feel that this gives us additional abilities to protect those existing water users. They may not get their water out of a one hundred foot well, maybe they need a two hundred foot well, but it is the applicant that drills the new well.

Assemblyman Wheeler:

Again, I understand and agree with what you are saying, to a point. That is not what the bill says. I think maybe some different language needs to be used. I believe that this law would usurp the statute you stated because this would be the newer law giving you the right, or your successor twenty years from now, the right to make up his own mind. It says right in the bill, any other plan "to avoid or eliminate the conflict."

Allan Amburn:

Looking at section 1, subsection 1, paragraph (c), it is essentially a catchall provision and it is very broad, as you have pointed out. The goal of that is, we are dealing with a situation where there is not an agreement among the parties as in paragraph (a)—it is not a 3M plan as in paragraph (b), it is something else. It essentially provides flexibility. When it comes to someone who has an issue with the plan being proposed, based on section 2, he can still protest that: He can still protest whether the application is approved or denied. There are other procedures that he can also appeal this plan with.

Assemblyman Ellison:

Will this impact wildlife and the environment? Right now we are looking at some of the endangered species in the desert. The Bureau of Land Management (BLM) within the U.S. Department of the Interior, estimates 305 springs and 112 miles of streams, 8,000 acres of wetlands and 191,000 acres of shrub habitat. I am asking if this bill passes, with the BLM study, you could endanger the wild horses, sage grouse, elk, big horn sheep, tortoises, not counting 20 threatened and endangered species.

Tim Wilson:

In short, I would say no.

Assemblyman Ellison:

Have you met with the Department of Wildlife?

Tim Wilson:

I have not met with the Department of Wildlife regarding Assembly Bill 30. However, this is for instances in which there is water available at the source. We are looking at potential impact that can be mitigated. If there is an impact that cannot be mitigated, the application does not meet our threshold for approval and would be denied. This cannot be used in any way to dry up springs. Those applications would be denied. This is for very specific instances where we might be able to come to an agreement where we think monitoring and management can avoid a conflict and have mitigation as a fail-safe. That is our goal.

Assemblyman Ellison:

By the time the springs start to dry up, it will then be a little too late.

Tim Wilson:

Monitoring is key. Having an aggressive monitoring plan in place will give us early warning of any potential impact. If we see, for instance, a propagation of drawdown headed toward a sensitive area that we are monitoring, we will be able to act before that impact takes place. That is the idea behind a 3M plan.

Assemblyman Ellison:

Is A.B. 30 necessary? Most of the new language attempts to codify the Supreme Court's decision in the *Eureka Cnty v. State Engineer*, 359 P.3d 1114 (2015).

Bradley Crowell:

It is necessary because without it, we are left with two conflicting directions under statute that, no matter which one we follow, we end up in court over our decision. I personally do not think that we should be abdicating the decisions on water policy to the courts. I think we should be clarifying the law so it could be implemented appropriately. I think it can be done, but as the law stands now, there is the inevitability of litigation, which is not the scenario that any of us want.

Assemblywoman Carlton:

What has been the cost of litigation that has gone on? Will this solve any of that so things are clearer so that no matter which way you rule, you will not end up in litigation?

Micheline Fairbank:

In terms of the costs, we pay an allocation for representation by the Office of the Attorney General. This last biennium, that cost allocation has gone up substantially based upon the hours that have been spent by the attorneys representing our office. I can say, having once been the attorney representing the Division of Water Resources, that the propensity and frequency of litigation is increasing. Is this bill an absolute bar to future litigation? The answer to that is no. What this bill does do is create a consistency and it provides resolution of conflicts within the statute that has that purpose and to at least remove that particular dispute from being litigated. This allows us the authority, explicitly, that we can consider these different alternatives where there is water available to appropriate. In the scenario that was addressed earlier, if we deny an application even though there is water available to appropriate, then we are challenged on the basis that we could have allowed mitigation or an alternative plan to avoid or eliminate the conflict. On the other hand, if we approve an application, then we are again subject to litigation because we did not deny it because it conflicts with existing rights. At least this bill takes that particular issue and claim out of the arena and we can move forward on other things. I do not foresee, in the near future, litigation going down extensively, but we have to start somewhere.

Assemblywoman Carlton:

That is only if you decide there is water available. If the decision is that there is no water available, that applicant is denied?

Micheline Fairbank:

That is correct.

Chair Swank:

With that, I will give everyone the lay of the land for testimony. Just to remind everyone that we may not always agree, but we can always be civil. I will allow 30 minutes for support, 30 minutes for opposition, and 30 minutes for neutral. If we do not use all of the 30 minutes for support, then we still only have 30 minutes for opposition. Each person will get two minutes. Also, if we have any currently elected officials who have come in today, please come forward first. We are going to start in Las Vegas. Is anyone in Las Vegas in support? Seeing no one, is there anyone in Carson City who would like to speak in support? Seeing no one, is there anyone in Elko who would like to speak in support? Seeing no one, I will go to opposition.

Rupert Steele, Chairman, Confederated Tribes of the Goshute Reservation, Ibapah, Utah:

[Opening remarks were spoken in Shoshone.] I come here to stand before you with a good cause and much respect that we ask you to vote no on A.B. 30 and A.B. 51. The language in bills sounds attractive, deceptively so. But behind the language is another side that would help lay ruin to one of Nevada's great cultural and historic resources, a national historic property called Swamp Cedar Natural Area, or "Bahsahwahbee."

We have been fighting a good fight to protect this special place. The SNWA aims to drain it—and water from other senior water rights holders—in order to pipe the water 310 miles to Las Vegas. Last summer, the State Engineer denied all of SNWA's groundwater applications but approved their monitoring and mitigation plan, one that the White Pine County District Court previously rejected due to serious and deceptive flaws. It was a sham. Now in their latest plan, SNWA would not mitigate impacts on Swamp Cedars until every last cedar tree is dead. They would be the sole decision-makers as to when and how to mitigate.

We believe this is very wrong. Wrong because, as the site of the largest Indian massacre in United States history, and two more that followed, it is a place to be protected. Wrong because Swamp Cedars is holy to us. It is a place where we pay our respects to our ancestors and where we go to pray and hold spiritual gatherings. The State Engineer agreed it was wrong. He denied certain water rights because it is in the public interest to preserve Swamp Cedars in perpetuity, rather than draining its medicinal waters and killing the sacred trees, both of which we use in our traditional ceremonies.

Assembly Bill 30 and Assembly Bill 51 would undo efforts to protect Swamp Cedars. The bills would pave a new way for SNWA's groundwater project while making rural Nevadans suffer. We would be left high and dry.

Please vote no on A.B. 30 and A.B. 51. [Additional material was provided (Exhibit E).]

Robert McDougal, Commissioner, Board of Commissioners, Pershing County:

I am here to encourage you to vote no on A.B. 30. One of the problems that I see with it is that it is a top-down approach that the State Engineer would be using when, in fact, where there are conflicts existing, it should be a cooperative effort on the part of the users. We are a small rural community in Pershing County. The Lovelock Valley is dependent on the existence of the prior appropriation doctrine. The farmers in that valley hold some of the oldest water rights on the Humboldt River. They have already felt the impact of conflicts due to over-pumping in certain areas upstream of the Humboldt River that have negatively impacted flows in the river. That study is ongoing and we look forward to its completion to find out exactly how much damage that has caused.

The State Engineer's solution in our case is a conjunctive management plan that would include mitigation. In all likelihood, it would mean money, not water, to the farmers of the Lovelock Valley. We have already seen, due to the drought, the loss of hundreds of residents who used to work on the farms. They left permanently because there was no work to be done. They went to the mines and other places.

I think we would like to see 3M plans implemented where existing conflicts happen. The difficulty in two conflicting statutes that the Division of Water Resources spoke to—the solution is to remove that portion of the statute that allows 3M plans in the granting of new water rights and rather restrict that to being used as a solution to existing problems.

Norman Harry, Environmental Director, Environmental Protection Department, Washoe Tribe of Nevada and California:

I have worked with several tribes within Nevada addressing their groundwater and surface water rights negotiations. I would like to quickly state that there seems to be some major issues that could probably be clarified through language if this were to pass. What are the thresholds? Also looking at mitigations, since we are talking about mostly federal lands, does it require the U.S. Environmental Protection Agency involvement with something that is going to accompany and substantiate these concerns? I think those things should be included if this were to pass. On the other hand, the language that is being used generally is soft language. It talks about harmonizing and so forth. The bottom line is these valleys are overappropriated with groundwater. In review of the mitigation plans, what are the thresholds? Are they going to impact more than 100,000 acre-feet, or 20,000 acre-feet? There is no defined threshold. If the water right permittee is going to pay for that, I see the prospect of some industry coming, and, again, if they are impacting the senior water rights holder, the big company could throw \$1 million at you to deepen your well. According to the state, if the Division wants to appropriate almost every drop of water, there is nothing there for the future for all of us.

Chair Swank:

I would like to clarify that this does not apply to water on federal lands. The federal government does not have to tell us anything about how much water they have in Nevada.

Norman Frey, Private Citizen, Fallon, Nevada:

I am a farmer in the Fallon area. My family has been farming in this state since the mid-1850s. I was a county commissioner in Churchill County, and the president of the Nevada Association of Counties. I was embroiled in a battle over transferring water rights from one place to the other on my own property; it cost me a lot of money to do that. It gets very expensive for a senior water rights holder to be involved in the process of developing a 3M plan. We do not have the expertise; that has to be hired. For senior water rights holders, sometimes it makes the difference in making improvements to your operation or sending your kids to college, et cetera. It is very expensive and puts a hardship on the farmers that have been there. I am in opposition to the way this legislation is written; 3M plans can work. Many of the issues have been addressed by others in their testimony.

Jeff Fontaine, Executive Director, Central Nevada Regional Water Authority and Humboldt River Basin Water Authority:

Central Nevada Regional Water Authority and Humboldt River Basin Water Authority are units of local government; together they have nine Nevada counties. As members, these nine counties encompass 70 percent of the land in Nevada, including communities, agriculture, mines, and vast expanses of public lands. These authorities were formed to protect the water resources in the membered counties. These membered counties not only have an economic future, but their value of quality of life and natural environment is maintained. These authorities share Director Crowell's and Acting State Engineer Wilson's concerns and certain interests in addressing the substantial and critical water issues that are facing our state. We must oppose A.B. 30. Arguably, A.B. 30 undermines the prior appropriation doctrine and weakens protections for existing water rights. We believe A.B. 30 will create uncertainty for the future.

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

Eureka County opposes A.B. 30 for many reasons similar to what we had with Assembly Bill 298 of the 79th Session. We would like to point the Committee to our input and testimony we provided then and ask you to consider that. [Continued to read from prepared testimony, (Exhibit F)].

The language in A.B. 30 to allow plans to "avoid conflicts" is misleading and unnecessary. If a conflict is avoided, there is no conflict. Regardless of a plan or a private party agreement, the State Engineer would find that there is no conflict. Options to avoid conflicts are available today without a change in the law. These include what I consider the three best management practices of sound water policy. First, applicants need to configure their points of diversion and diversion rates to eliminate the conflict. Second, reduce the size of the project or improve water-use efficiency to eliminate the conflict. Third, work cooperatively

with existing water rights holders, including domestic well owners, to resolve conflicts by mutual agreement before an application is even considered by the State Engineer.

That is the best management practice that we follow in this state, where we put it on the applicants to do the necessary work to come forward before they ever apply for the water. This bill would bypass that process.

We do not support 3M plans in the way this bill proposes. If a conflict with existing rights is identified when the application is considered, then it is apparent that the applicant has not done the groundwork necessary. We believe this bill pays "lip service" to prior appropriation in name only.

Regarding 3M plans, the only reference to monitoring, management, and mitigation in the statute is due to a bill that Eureka County brought forward in two separate attempts in two separate sessions. In 2011 there was an extreme effort to shelve the bill and place it in the drawer and it was not even brought forward. Our second try in 2013 through Senate Bill 133 of the 77th Session resulted in the language that is in statute today. I find it a little ironic that we are now speaking about a bill that is granting authority for a 3M plan in a way that it was never intended.

Monitoring, management, and mitigation need to be part of the process. Eureka County does not disagree, but we need to look at it in a surgical manner and in a way that protects prior appropriation, or it will be prior appropriation in name only.

Vested rights are under a different statutory scheme. These are rights that were put to use prior to 1905. Much of the mitigation that we have seen is to replace vested surface water rights with groundwater. There are some major considerations that you need to take in looking at replacing water that is under a totally different statutory scheme in our water law.

Kyle Roerink, Executive Director, Great Basin Water Network:

We represent ranchers, farmers, indigenous communities, public land advocates, and businesses who call the Great Basin home. Although A.B. 30 purports to be about 3M plans, it is a bill to further empower the powerful. Simply put, the bill would give the State Engineer the unfettered discretion to skirt current laws in order to give somebody's property that is senior in right to someone who is junior in right. This bill upends Nevada water law as we know it and attacks the prior appropriations doctrine.

Essentially, all of section 1 in A.B. 30 would give the State Engineer the ability to allow applicants to spend and buy their way around the law to get permits for water, even if granting those permits harms someone else. Considering that there are no long-term protections or guidelines for public participation in this bill, it is clear what entities this bill has in mind. This bill may not explicitly say Las Vegas pipeline, but those implications are all over it. We are currently in litigation over SWNA 3M plans that were erroneously approved by the State Engineer. Clearly, this is not the time for this bill. Indigenous communities, environmentalists, farmers, ranchers, elected officials from rural counties, and

even former and current Clark County commissioners all agree with this assessment. We stand united against a bill that will harm Nevadans and the environment. We ask for bottom-up, stakeholder-driven opportunities to collectively work on water policy. This bill was written by a State Engineer who did no public outreach and who no longer serves. We want to be involved and we are ready to do the work. [A letter was also provided (Exhibit G).]

Chair Swank:

If you would like to be involved, please reach out to the Division of Water Resources.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:

The Nevada Farm Bureau Federation is opposed to A.B. 30. Simply put, our opposition is our concern over the way in which senior water rights holders will be impacted by a mitigation plan that may reduce their water availability. One of the points that we would like to make is section 1, subsection 1 where it mentions water available for appropriation. We would like to make sure there is a clarification that the water that is available matches what the application is actually calling for, versus just "having water available" that may or may not relate to that particular perspective.

The other point I would like to raise is a question. I have looked through A.B. 30, and I did not see, in my initial review, where the regulation provisions are identified for how mitigation might go forward. I think if there is going to be a promise of creating some type of a regulatory structure, that needs to be spelled out in order for stakeholders to effectively participate in that process. We are opposed to the bill and we urge that the Committee not pass it.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

We are a nationwide nonprofit that has been active in Nevada for a decade. Our No. 1 issue has been fighting against the Las Vegas pipeline, which we have successfully litigated in federal court. The SNWA's pipeline would pump billions of gallons of groundwater per year from the aquifers in eastern Nevada and ship it 300 miles to Las Vegas. The BLM's own assessment showed the widespread drying of springs, wetlands, marshes, and the dying off of groundwater-dependent vegetation. The Nevada Department of Wildlife said it would result in the wholesale localized extinction of native fishes and the drying of water sources would cause collapses in mule deer and antelope populations. In short, it would be the most destructive project in the history of the Silver State's environment.

Assembly Bill 30 would enable the Las Vegas pipeline, make no mistake. The State Department of Conservation and Natural Resources may say that is not the intent of this bill, and I think we can take them at their word on that because there are broad challenges we need to address with Nevada water law. If they are serious that this bill is not intended to authorize the Las Vegas pipeline, they can take steps in that direction, such as carving out large-scale interbasin transfers from the language of this bill. As it stands right now, our attorneys, who are the experts on this issue and have been working on it for over a decade, are very clear—this would enable the pipeline. The pipeline has lost in court repeatedly because of the inadequacy of its mitigation. Indeed, as Mr. Crowell said, there are some

things that simply cannot be mitigated. Withdrawing 100,000 acre-feet of water a year—billions of gallons—from the basins of eastern Nevada cannot be mitigated. Those losses are permanent, irreversible, and unmitigatable. This law would change the requirements of mitigation to allow the State Engineer to dictate his own terms of that mitigation. You can see how this would enable the pipeline by moving the goalposts for what is adequate mitigation. We are strongly encouraging the scrapping of this bill and starting over with a stakeholder-driven process. All the people in this room who care about water oppose this bill. Not a single person stood up to support this. The people in this room are the ones who are going to be affected, they should be the ones helping to determine the water future in Nevada. [A letter was also provided ([Exhibit H](#)).]

Tobi Tyler, Executive Committee Member, Toiyabe Chapter, Sierra Club:

The Toiyabe Chapter of the Sierra Club, representing more than 30,000 members and supporters in Nevada, is strongly opposed to [A.B. 30](#). We urge the Assembly Committee on Natural Resources, Agriculture, and Mining to oppose and abandon this bill.

We oppose [A.B. 30](#) because of the impacts it will have on Nevada's environment and its ability to facilitate a pumping and piping project that will siphon 58 billion gallons of water annually from eastern Nevada near Great Basin National Park to Las Vegas.

The bill allows the Nevada State Engineer to appropriate water when a conflict exists by giving junior water rights applicants the ability to negotiate away conflicts with senior water rights holders by any means, veering far from the current law and setting a dangerous precedent for the future. In the nation's driest state, it is most important for regulators to appropriate our limited water resources wisely.

Additionally, the bill allows replacement water as an acceptable tool for mitigating a conflict created by a junior rights holder against the environment or someone with senior rights. Replacement water is not an environmentally acceptable means of conflict resolution. Neither pipelines nor trucks full of water will ever make up for what Mother Nature naturally provides, nor will it ever guarantee that senior rights holders will be made whole with water of sufficient quality or quantity.

The aforementioned provisions would give life to disastrous projects like the Las Vegas pipeline and other water grabs in our state without providing sufficient long-term due process or public input.

Nevada's current water protections are among the most progressive in the West. All committee members must ask themselves: Why are we rushing to change a good thing? [A letter was also provided ([Exhibit I](#)).]

Laurel Saito, Nevada Water Program Director, The Nature Conservancy:

Our mission is to conserve the land and waters on which all life depends, and no issue is more important to protect the ecosystems and natural resources of Nevada than effectively managing the use and conservation of the state's limited water resources. Water is the

lifeblood of Nevada's residents and communities, and it is also essential for Nevada's natural environment—all plants, fish, wildlife, and people depend on freshwater resources.

We are testifying in opposition to A.B. 30 because we have concerns about this bill enabling the granting of applications where a known conflict exists with current water rights, domestic wells, and/or environmental resources in the public interest. In addition, we do not agree with using 3M plans to address known conflicts, and we do not believe that replacement water for environmental resources is a viable approach.

In addressing conflicts, The Nature Conservancy advocates applying the mitigation hierarchy for conflicts with water for the environment and existing water rights and domestic wells. The three tiers of the mitigation hierarchy are firstly, to seek to make water management decisions that avoid impacts to the environment and conflicts with existing water rights and domestic wells; secondly, to minimize impacts; and lastly, to mitigate, offset, or compensate impacts. Current Nevada water law is consistent with this hierarchy because it requires the State Engineer to deny applications with known impacts and conflicts, thereby avoiding them in the first place, and it serves to incentivize applicants to seek points of diversion that would not conflict with existing water rights or domestic wells or impact the environment.

Regarding section 1, subsection 1, paragraph (b) of A.B. 30, well-designed 3M plans are useful tools for protecting water for the environment in cases where it is uncertain if a conflict may occur. In the case presented in A.B. 30, however, 3M plans could be used where a known conflict occurs. In our view, this would put in statute a broader and riskier use of 3M plans that would weaken the incentives to avoid conflicts in the first place.

Finally, the replacement of water to replenish the source of supply is rarely ever adequate. Nevada is the driest state in the nation, yet it ranks eleventh in biodiversity with over 170 known endemic species; these are species found nowhere else in the world. The vast majority of these endemic species are associated with natural springs and other water resources on Nevada's landscape. We believe that it is highly unlikely that the unique geochemistry and physical habitat that species and ecosystems are adapted to can be replicated with water imported from elsewhere. [A letter was also provided (Exhibit J).]

Mark Butler, Executive Council Member, The Coalition to Protect America's National Parks:

I am also here on behalf of the National Parks Conservation Association to express our opposition to two bills before the Committee, Assembly Bill 30 and Assembly Bill 51.

We oppose A.B. 30 because of the potential to enable large-scale pumping projects that could cause irreparable harm to Great Basin National Park's unique water-dependent resources. Assembly Bill 30 would also expose Lake Mead National Recreation Area to harm by facilitating groundwater extraction from nearby aquifers where testing has shown that there has already been adverse impacts to the region's water resources from pumping at only one-third of current appropriations.

In our view, A.B. 30 would codify a "trust us" attitude rather than rely on sound science. The bill would give the State Engineer an overwhelming amount of discretion to continue appropriating our groundwater basins, even when the water does not exist for the taking. Those allocations will likely come at the expense of our parklands, public lands, and families who reside in these communities and regions.

Assembly Bill 51 would also enable large-scale pumping projects because it will alleviate the requirements to prove that water applicants' wants actually exist, by potentially masking or minimizing pumping impacts by using so-called conjunctive management. Conceivably, this bill could allow any applicant to sidestep the current groundwater protections that have worked in Nevada for decades.

Thanks to ongoing leadership in this Committee and others, Nevada offers spectacular outdoor recreational opportunities at many treasured destinations, including the Sierra Nevada Mountains, Great Basin National Park, Red Rock National Conservation Area, Lake Mead, and more than two dozen Nevada State Parks. These treasured destinations provide Nevadans with places to adventure and recharge while also bringing in billions of dollars into Nevada's economy. It is absolutely in line with the current preferences expressed by Nevadans as documented in a recent 2019 study, an astounding 81 percent of Nevadans believe that the outdoor recreation economy is important to the future of the state. An equally impressive 83 percent believe it is important to protect and restore the health of the state's rivers, lakes, and streams. Preserving our precious groundwater resources from overappropriation is the key to long-term health to many of the state's most wonderful outdoor recreational locations. Therefore, we urge members of this Committee to oppose this legislation. (A letter was also provided (Exhibit K).]

Susan Juetten, Private Citizen, Reno, Nevada:

I am representing Great Basin Resource Watch (GBRW), a Nevada-based nonprofit public interest organization which has been monitoring mining and extractive industries on our public lands since 1995. I will speak about both bills. Assembly Bill 30 proposes that the State Engineer may consider a proposal to avoid or eliminate the conflicts that occur between a new appropriation and an existing water right. The bill apparently provides no constraints or clear guidance on what is an acceptable proposal for conflict resolution. As a result this bill will give the State Engineer too much power, which has proved to be problematic in the past. For example, the State Engineer first approved water applications by Eureka Moly, LLC as Kobeh Valley Ranch, LLC (KVR) for the Mt. Hope Mine, a proposed molybdenum mine in Eureka County. However, these applications were in conflict with existing senior water rights, and it was necessary for the senior water rights holders to appeal the State Engineer's decision all the way to the Nevada Supreme Court. The Supreme Court overturned the decision of the State Engineer, stating in conclusion: "In sum, substantial evidence does not support the State Engineer's finding that KVR would be able to 'adequately and fully' mitigate the fact that its groundwater appropriations will cause Kobeh Valley springs that source existing rights to cease to flow."

In conclusion, Great Basin Resource Watch opposes A.B. 30. [A letter was also provided (Exhibit L).]

Kenny Bent, Private Citizen, Pahrump, Nevada:

I have to say our Assembly members asked some excellent questions. The public has given some brilliant testimony which helps me a lot. When I came in here, I was slightly nervous about this bill; now I am downright afraid. Assembly Bill 30 seeks to give the State Engineer even more undefined powers to use at his discretion. On its face, this type of power given to an unelected bureaucrat defies the established concept that laws should be clear, defined, and unambiguous. This bill allows him to approve water use that will very likely conflict with existing uses, including domestic use. It basically allows the State Engineer to create a future problem with the high hopes that the damaged parties will have to accept the outcome. It still feels likely that this bill was intended for a specific purpose not disclosed here.

These types of bills will likely lead to unintended consequences, including the type of court battles that inevitably end with the corporations with the most money prevailing over any opposition. The individual will almost always be the casualty. As far as the applicant paying the fees, if someone like Tesla moved in next to me, I do not think money would be an issue. I think applications that are in conflict should be denied, just as they are now. I do not see a reason to do this, it gives me a feeling that this is a 3M plan with an "M" for money.

Undefined powers are a very bad idea. This is what has led to the massive over-appropriation and a lot of the problems we have instead of following clear defined laws.

"Trust us" does not work for me.

John Hiatt, Conservation Chair – Press Liaison, Red Rock Audubon Society:

I would like to speak on behalf of the public interest and groundwater-dependent ecosystems which are not addressed in this bill and have historically been given short shrift by the State Engineer. We have many significantly overappropriated basins in Nevada. My concern is that we are going to do the same with additional basins, particularly places like Spring Valley which has a very vibrant groundwater-dependent ecosystem. There is nothing in this bill, or any other bill that I see, that will address those problems. Therefore, I have to oppose A.B. 30 and I think we need a much different process for resolving some of the conflicts in the Nevada water law. Looking to the future at how we actually preserve a living environment in the state of Nevada so that we do not repeat the problems we have in both Las Vegas and Reno, where vibrant groundwater-dependent ecosystems were essentially obliterated by development and no consideration, I am opposed to the bill and strongly suggest we go back and start over and come up with some legislation which really will address the problems and lead to sustainable groundwater development in the future.

Patti Jesinoski, Private Citizen, Henderson, Nevada:

I grew up in a small rural area in Minnesota, so I feel for the 16 counties outside of Clark County. At the budget meeting of the Henderson City Council last year, they were ecstatic of the 450 current permitted building projects going on at the same time. Building takes water.

The SNWA meeting last fall spoke to us about using our reclaimed water within budget—we were only using 10 percent.

However, these major building projects are not reclaimed water. Now we have the new Las Vegas Stadium that is being built. Last month, at a Henderson City Council meeting, it was stated that we may need to start looking for some other water conservation in our homes. We are only using 10 percent of what we are allowed to use in our homes. Our conflict at this time is too much building. I support the rural areas with a no on A.B. 30.

Chair Swank:

Is there anyone else who would like to testify in opposition? [There was no one.] Would anyone like to testify in neutral?

Ed James, General Manager, Carson Water Subconservancy District:

We are a multicounty, bistate organization dealing with water resources in the Carson watershed. We have had an opportunity to meet the State Engineer's staff and also many of the people in this room to talk about these various water bills. We applaud the State Engineer for being proactive in trying to take action, but sometimes you can hear the issues that need to be vetted a little more. We believe that with opportunities with this group and working with the State Engineer, we can make some better laws than this. Nevada has some very good, strong water laws today, but there is a need to look at some of these changes. We applaud the State Engineer in trying to do that, but again, I think we need to be working cooperatively with him. You will never hear consensus and water law in the same sentence, but I think we have a chance to work together to come up with better laws. If we do not move forward, we will start falling backward.

Chair Swank:

Is there anyone in Las Vegas who is speaking in neutral?

Andrew M. Belanger, Director of Public Services, Southern Nevada Water Authority:

I wanted to testify today in a neutral capacity. We at the SNWA are focused on three main things this year, as we indicated prior to session. We are focused on completing the low lake level pumping station at Lake Mead, completing the drought contingency plan on the Colorado River, and increasing water conservation in southern Nevada. Those are our priorities. While we worked on a 3M plan bill last year, and while we agree with the State Engineer's office that these issues are complex and that they require legislative action to solve, we also recognize that there is a lot of concern about what this bill will do.

We recognized that last session when we withdrew our bill, and we recognize that today. We encourage the Legislature to address the issues of the 3M plan. We cannot support the bill in its current form, but we do not oppose the bill in its current form. We do believe that if the Legislature does not act at some point in the future, you are going to spend a lot more money in the courts than you are today. This is just a fact. Southern Nevada uses 5 percent of the state's water supply, with 70 percent of the state's population. Over the 50-year planning horizon that we look at when we consider the future, the groundwater project moves our

water demand from 5 percent to 6 percent. That is the context we are talking about here. While we appreciate some of the concern we are hearing from the opposition, there are a lot of overblown statements, distortions, and misinformation. There is a huge legislative record. The 2007 Legislature addressed staged development of water; in 2013, the Legislature addressed 3M plans. That record is there for your perusal.

Chair Swank:

Is there anyone in Elko who is speaking in neutral? Seeing no one, does the bill sponsor have closing remarks?

Bradley Crowell:

I want to say to everyone who made statements, we appreciate them. Specifically, I want to remind folks that in the context of A.B. 30, we are talking about available water and within that context, the best way to manage available water. There is obviously disagreement about the best way to manage it. I hope there is not disagreement about the need to manage available water. We do not have enough water in Nevada to let it be locked up or held hostage. We need to find a path forward if we are going to smartly and strategically use our limited water resources. I want to reference Mr. Tibbitts' remarks specifically. I appreciate his comments in that context, and I actually do not think we are that far apart. There are instances that are not being addressed or thought through. If you have a senior water rights holder with a groundwater well that has been there for 100 years and has been used—and through more contemporary science, we have learned that the aquifer is much deeper and more plentiful, and there is available water—if the senior water rights holder is unwilling to allow his well to be deepened so that others can access that water, he is holding hostage Nevada's water that belongs to everyone. It is those kinds of instances that we are trying to address with this legislation. It is clearly not perfect, but I hope the intent and understanding is common among us. There were a few folks who provided solutions, and I want to thank them. I understand criticisms, but I sure hope they come with solutions if we agree that there is a problem. As the Department, and as the Division of Water Resources, we stand ready to work with anyone and everyone in a collaborative process to understand concerns and come up with constructive solutions. I leave that as an open invitation.

Chair Swank:

I will close the hearing on A.B. 30. [Also provided but not mentioned are (Exhibit M, Exhibit N, and Exhibit O.)] We will open the hearing on Assembly Bill 51.

**Assembly Bill 51: Revises provisions governing the management of water.
(BDR 48-213)**

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources:

Assembly Bill 51 addresses the very real and prudent scenario of conjunctive management, which is recognizing that our surface waters and groundwaters are connected and we should manage them in that way. Nevada is a leader among our peers in the West in recognizing this. However, in recognizing the connectedness of water and managing it conjunctively, we

are going to have conflicts arise. We have been managing groundwater and surface water separately for over 100 years. If we now start to look at them as connected entities—which we should because the science is undisputable—we are inevitably going to have conflict among the existing right holders. We are not talking about new available water, we are talking about existing water rights holders, senior, junior, and everything in between. When we look at our waters conjunctively, we are going to have some conflict. Assembly Bill 51 is designed to recognize that and get some direction from the Legislature as to how to best manage that situation.

**Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources,
State Department of Conservation and Natural Resources:**

I am here today to present testimony in support of Assembly Bill 51, which addresses the implementation of “conjunctive management,” an important water management concept approved by the Legislature in 2017. [Continued to read from prepared testimony (Exhibit P)]. Please allow me to begin with a bit of background and context. In 2017, the Legislature amended *Nevada Revised Statutes* (NRS) 533.024, subsection 1, and added a new paragraph, (e), requiring the Division of Water Resources within the State Department of Conservation and Natural Resources “To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.” This simple amendment acknowledges that surface water sources and groundwater sources that are hydrologically connected need to be managed conjunctively.

My office has provided the members of the Committee with PowerPoint slides that I will walk through to illustrate the concept of conjunctive management and how it relates to the bill before you today (Exhibit Q). When Nevada’s foundational water statutes were adopted in 1903, the statutes focused exclusively on surface water sources and did not even consider underground sources of water. Therefore, the implementation of Nevada water law initially focused only upon the allocation and management of surface water sources. During the period of early statehood and into the 1900s, this approach was sufficient given Nevada’s small population and an economy that utilized water primarily for agricultural and mining needs. However, as groundwater well technology was developed and our economy expanded and diversified, the need to utilize and regulate additional water sources increased. In 1939, NRS Chapter 534, *Underground Water and Wells*, was adopted and specifically directed the management and administration of all groundwater sources. Because groundwater management is compartmentalized into its own chapter, since 1939 the State Engineer and the Division of Water Resources generally administered surface water and groundwater sources independently.

This practice, however, did not fully account for the fact that many surface and groundwater sources are hydrologically connected. In 2017, the Legislature took a proactive step to reconcile this disconnect. Specifically, the Legislature issued a declaration directing the Division to conjunctively manage all waters of the state, regardless of the source of water, as a necessary and appropriate first step towards harmonizing our laws with the science [Senate Bill 47 of the 79th Session].

Assembly Bill 51 is the next step to effectively and accurately implement conjunctive management practices in Nevada.

While the 2017 Legislative declaration helpfully recognizes the hydrological connection that often exists between groundwater and surface water sources, existing statute does not provide the framework necessary to effectively implement the Legislature's policy direction. Assembly Bill 51 seeks to incorporate conjunctive management into Nevada water law while balancing the interests of these formerly separately administered water sources in a legally defensible manner. This is a critical need, for unless statutes provide additional legislative direction for the manner in which the Division should implement the conjunctive management of Nevada's water resources, the ambiguity will ultimately be decided by the courts without the benefit of any substantive legislative intent to guide these inevitable judicial decisions.

As a continuation of the 2017 policy directive, Assembly Bill 51 proposes two basic first steps: First, it directs the Division of Water Resources to adopt regulations for the conjunctive management of groundwater and surface water resources. Regulations need to be specific to the affected region to account for different hydrologic settings and different manners of use. The process of developing regulations will include full public and stakeholder participation with full transparency. It is critical that any new regulations for conjunctive management have the benefit of careful consideration and a clear, understandable outcome. Second, A.B. 51 authorizes the Division of Water Resources to create the programs necessary to develop regulations and effectively implement conjunctive management of groundwater and surface water. Please allow me to walk through the language to accomplish the purposes as set forth in Assembly Bill 51.

Section 1 establishes a new section of NRS Chapter 533 with provisions allowing for the development of regulations and programs for the conjunctive management of connected surface and groundwater sources.

Section 2 incorporates domestic well owners, who are legally authorized to withdraw up to 2 acre-feet of groundwater without possessing a water right, into the definition of a "groundwater user." This does not require domestic wells to acquire a water right, but simply ensures that groundwater pumping from domestic wells is factored into overall usage when managing connected ground and surface water resources.

Section 3, subsection 1 directs the State Engineer to adopt conjunctive management regulations. This section further directs that any conjunctive management regulations must recognize existing uses of water while protecting senior water rights holders. Further, section 3, subsection 2 establishes certain elements that may be included in the adoption of conjunctive management regulations, including: (a) requirements or guidelines for establishing mitigation plans to address conflicts between groundwater and surface water users; (b) the creation of a conjunctive management program to help manage and mitigate conflicts between groundwater users and surface water users; and (c) establish additional methods as appropriate and necessary to effectively facilitate conjunctive management.

To provide some context regarding the hydrologic interaction between surface water and groundwater sources, page 2 ([Exhibit Q](#)) shows an illustration of how the Division of Water Resources historically administered surface water and groundwater sources. As illustrated, groundwater was administered as if there were an artificial barrier between appurtenant surface water sources. This was not a scientifically supported manner of administration. Today, we recognize that decisions made decades ago have incrementally led to conflict between surface water and groundwater users.

As illustrated on page 3, a groundwater source may have direct hydrological connectivity with a surface water source, such as a river or stream. When a well is first pumped, water is derived from aquifer storage. Over time, the water removed from aquifer storage may be replaced by capture from surface water. Capture can occur by reducing groundwater discharge to a stream or by inducing infiltration from the stream. Depending on the distance and hydrologic conductivity between the stream and the well, these effects may take years to manifest and many more years to recover, even after the pumping has ceased. The effects may also be muted by variability between wet and dry years.

Although groundwater pumping may capture surface water flows, this does not automatically mean there is a conflict with the surface water uses. Practically every stream and river system in Nevada is a fully appropriated system, meaning the totality of the flow of the surface water source is allocated to existing uses. The vast majority of these surface water rights are senior to all groundwater uses. Surface water rights are administered based upon “priority” and the seasonal flow of the river. If a surface water is flowing at a rate that satisfies each of the existing rights along the system, there is no harm or “conflict” to senior surface water rights, even if groundwater use has captured some of the flow, because all senior rights have been fully satisfied.

Conjunctive management is the mechanism for the Division of Water Resources to identify where, when, and how groundwater uses may cause near-term or long-term conflict with existing surface water uses. Presently, the Division has contracted with the United States Geological Survey (USGS) within the U.S. Department of the Interior and Desert Research Institute (DRI) to develop a capture model for the Humboldt River basin, depicted on page 4, which spans nearly 300 miles and includes 34 groundwater basins. Once completed early next year, this capture model will provide the best available science to accurately identify whether over a specified period of time, groundwater pumping results in capture of Humboldt River surface water. Based upon the results of the capture model, the Division will be able to determine the amount of conflict, if any, with senior surface water rights along the river system. Page 5 ([Exhibit Q](#)) demonstrates how the capture model helps identify a groundwater well location, and determine the quantity of water captured from the Humboldt River. The image on the lower right shows a hypothetical well located near the river. The different colors indicate model results of capture at any location after a certain duration of pumping. The chart on the upper left shows the percent capture of that same hypothetical well after pumping for 10 years. In this case, capture of stream flow is about 40 percent of the water pumped by that well.

Availing ourselves of the best available science is imperative when considering the development of conjunctive management programs. As illustrated on page 6 (Exhibit Q), unlike other states, Nevada is attempting to “sharpen the pencil” and identify with particularity whether a specific groundwater use is actually resulting in capture of surface water. Based upon that data, the Division has the ability to calculate the amount of conflict. Identifying a conflict using best available data is only the first step. Resolving conflicts based on sound management practices is equally important.

Each basin dominated by surface water in Nevada is hydrologically unique. The science and response in one region may not be appropriate in another region. Accordingly, the ability to develop regulations to address these unique areas is critical to assuring that the Division applies the best available science and avails itself of the best available management approaches.

Section 4 addresses the proposed scope of conjunctive management programs administered by the Division of Water Resources. Specifically, subsection 1, paragraph (a) provides that if the Division of Water Resources adopts a conjunctive management program, it is not required to curtail a conflicting groundwater use if it can be demonstrated that curtailment or the cessation of pumping will not result in the delivery of water to the conflicted surface water right. This is often referred to as the “futile call doctrine” because curtailment of a particular junior use is futile and will not result in an actual delivery of water to the senior use. In such instance, the junior use is not required to cease its use.

Section 4, subsection 1 paragraph (b) allows the Division to require a groundwater user, who is capturing surface water flow that results in conflict to senior users, to provide replacement water. It also requires the replacement water to be of sufficient quality to satisfy the use of the senior user. In essence, this provides the opportunity for a groundwater user to replace conflicted water rights by providing its own surface water rights or acquiring them from another surface water user. However, many groundwater users found to cause some conflict with surface water uses may not have substitute surface water available to use or offer to an impacted senior water rights holder.

Unfortunately, in these instances, curtailment of such uses may take years, if not longer, to reverse the surface water depletions and eliminate any conflict, with the very real potential to cause significant economic injury to those curtailed users and the communities in which they live. Therefore, section 4, subsection 1, paragraph (c) provides the Division of Water Resources authority to levy a special assessment for the purpose of creating a fund that would provide financial mitigation to senior surface water users in cases where replacement water is not immediately available. The mitigation fund would allow certainty for groundwater users and would provide a mechanism to make senior surface water users economically whole. It could also incentivize conservation, by exempting groundwater right holders from assessments if they choose not to pump. Subsection 1 paragraph (d) also allows the assessment of fees to pay the expenses of administering the conjunctive management program. It is important to emphasize that these assessments are not ad valorem taxes.

Section 4, subsection 2 addresses the mechanism for the collection of the assessments. Section 5 allows the Division of Water Resources to suspend the “use it or lose it” provision in law to help promote conservation over excessive use or waste as well as the unfair forfeiture of a water right when a conjunctive management plan is adopted. If a conjunctive management program is adopted, the best practice is to encourage water conservation. Accordingly, it is imperative that voluntary conservation, or mandated nonuse, of water does not subject the water rights holder to a claim of abandonment or forfeiture while the conjunctive management program is in effect. The goal of conjunctive management should be for the benefit of all users within the bounds of what the water resources in question can support over the short, medium, and long term.

Sections 6 through 9 contain conforming and clarifying language regarding existing law and establish that this bill would become effective upon approval. At this time, I am happy to take any questions from the members of the Committee.

Assemblywoman Peters:

My question is dependent on federal decisions and implications that they have on the idea of conjunctive management and how we manage it in the state of Nevada. What would it mean to be in the middle passing a law like this or even conducting management on the existing statutes? We have two situations, one is the *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water Dist.*, 849 F.3d 1262 (C.A.9 (Cal.), 2017). That confirmed jurisdiction to tribal governments to an aquifer for which they pull water from. That is for managing water quality, in particular. The other is that the Supreme Court has agreed to review whether the Clean Water Act can regulate groundwater, which also has to do with water quality. If we are addressing conjunctive management, and we get to the point where we address water quality in conjunctive management, how would those impact how we address conjunctive management?

Tim Wilson:

I would like to bring our attorney, Micheline Fairbank back. She is more familiar with those cases.

Micheline Fairbank, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

When we talk about conjunctive management in the context of the *Agua Caliente* case, or some of the other pieces of litigation, this really establishes the framework for which our office can go ahead and address those particular issues. The *Agua Caliente* case is an extension of the analysis and potential application of a Federal Reserved Right Doctrine, otherwise known as the *Winters* doctrine, and that extension to groundwater. There are still a lot of questions and undecidedness in terms of how that is going to actually interplay in Nevada with respect to our water laws and the application.

Without a framework and guidance in terms of how we establish these management programs, we are stuck with competing interests. This is a mechanism to pave the way of how we can go ahead, within the statutory framework and through regulatory process,

provide that management solution, so that any potential conflict that may arise with regards to those differing and conflicting interests, can then have a mechanism in state law to be resolved. Again, the public owns the water, and we have to operate within those confines. With respect to water quality issues, obviously there is a little bit of an overlap with regards to water management and water quality, but that is a different agency that has the integral association with respect to the management of water quality. Obviously, we look at water quality issues when we are addressing issues of appropriation, but in terms of long-term management, that is more of a collaborative process within our agencies.

Assemblywoman Peters:

Is there is a way in this language that we could include our relationship with tribal governments and their right to the water, their ownership of the water in these aquifers, as the *Agua Caliente* case rolls out? I believe there are appeals happening around that, but perhaps we can make it clear in this bill that we consider the tribes in the decision making and build our framework for conjunctive management around, or at least with that in mind?

Micheline Fairbank:

I think that is part of the dialogue when it comes down to the regulations in terms of stakeholder involvement. Certainly, the regulations are intended to build upon stakeholder involvement, making sure we have all of the appropriate stakeholders involved is part of that dialogue. Whether that is a statutory amendment to the bill is certainly open for discussion. With regards to how that rolls out, I think that is part of not being overly specific while still allowing the regulatory process to ensure that we are doing our role, fulfilling our duty in terms of making sure we have that stakeholder and collaborative process as part of the program.

Bradley Crowell:

This should be duly considered as appropriate and we can discuss and figure out how to incorporate it. This also reminds me, as a point of clarification, during the comments on the last bill, there was discussion about federal land and federal ownership of water. While we do have approximately 86 percent of land in Nevada under federal control, all of the water in Nevada belongs to the people of Nevada. We want to be careful as we change our laws and do not subvert any of our water rights to the federal government.

Another point of emphasis, before we get to implementing conjunctive management in a way that meets everyone's concerns, there is a lot of analysis and data that needs to be done. The example of the Humboldt River and what we are doing with DRI, and the USGS, we need contemporary, best science like that in many other places in Nevada. We have it in some places, but not everywhere. There is a lot of hydrologically connected systems that would benefit from understanding their function and connectivity as a first step to implementing any plans that balance interest within conjunctive management.

Assemblywoman Titus:

Getting back to the language in the bill, section 4, subsection 1 states, "If the State Engineer creates a program for the conjunctive management of groundwater and surface water in a

hydrographic basin, the State Engineer . . . " and then it goes on about being required to curtail groundwater use, does not have to deal with the conflict, et cetera. Does this totally upend the prior appropriation concept in our laws? Also, it seems to me, this would actually strip seniors of property rights, their priority date, and therefore a taking. Would you clarify that?

Tim Wilson:

In the past when we administered surface water and groundwater separately, surface water priority has never been used against groundwater priority and vice versa. By eliminating that artificial brick wall, if we are going to look at both of those priorities together, the senior rights are almost always going to be senior to the groundwater rights. When people first came here, they obviously used surface water; we did not have good well technology to drill deep wells and tap our aquifers. We see this as protecting those senior surface water rights against groundwater depletion.

That is what the groundwater models are doing—they are telling us, first, is there an issue. Groundwater can be very compartmentalized, there can be lots of faulting. What is under the ground is very difficult to determine. We believe we have the technology to use groundwater models to determine an impact to the river. We have a well that is pumping near the Humboldt River. We do not know what that impact is today, but we think we will know what that impact is. If it is having a conflict with senior water rights holders on the Humboldt River, we want to make those senior water rights holders whole. We want to find a method to compensate them for the amount of water being taken out by that well. That is the goal of this legislation. Deputy Administrator Sullivan is intimately familiar with this subject and might be able to elaborate.

Adam Sullivan, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

I think there is an additional point that will help clarify the answers. We need to work within the prior appropriations system, and in order to address existing conflicts, we have very limited tools within statute. Simply put, until the senior water user gets 100 percent of their water, the junior water user does not get any. The response to that would be to entirely curtail a groundwater user. In this example of the Humboldt River, we could entirely curtail groundwater users, but because of the hydrogeology of the system, that still would not result in a full delivery of water to the senior surface water users. This is a problem that has developed over many decades, and it would take many decades to solve it in that manner. What we need is to have some flexibility to work with the stakeholders in the affected region to fully satisfy the senior users but also allow junior users at least a portion of their water to the extent that it does not conflict.

Assemblywoman Titus:

Acting State Engineer Wilson, you stated that the senior water rights holders will always have priority in "most" cases. Will you clarify that statement?

Tim Wilson:

If I did state that, I did not intend it. If you are a senior water rights holder, you are a senior water rights holder. Our state is a prior appropriation state; it is based on the date when your water right came into fruition, either through a permit or through decree, and that sets your priority date. If we are going to balance surface water priorities to groundwater priorities, as I mentioned, the surface water is going to be senior in almost every case. There could be a very old well, maybe someone hand dug a well in the 1800s and they have a vested claim on it. That vested claim has an earlier priority date, and as a groundwater rights holder, he could have a senior right to a surface water holder later in time. That is almost never the case.

Assemblywoman Titus:

I have water rights on my property in Smith Valley. I understand if there is a drought year, we only get 10 percent, even though I have so many acre-feet, I may only get 10 percent of that due to the curtailment. I understand that. There are folks downstream from me, especially the Indian reservation in Schurz, who have much older rights than I have. We have to make sure they get their water, and I do understand all of that. I just want to make sure that we are managing the water with due process. I am concerned that, with this wording, there is potential for a loss of rights.

Assemblyman Wheeler:

Section 4, subsection 1, paragraph (c), says, "Any such special assessment must be proportionate to the amount of conflict caused by the groundwater user to the surface water user whose water right is senior in priority." The State Engineer can levy a special assessment annually. How much is a domestic well user going to be charged? How is the usage actually going to be measured? Are you going to put meters on wells? We went through that last session, and it was not good. I am trying to figure out what the "special assessment" really is.

Adam Sullivan:

For the specific example of the Humboldt River, the assessment would be based on the value of the portion of water that is not delivered. This is a concept that has been developed through working group negotiations with stakeholders as a potential mechanism for making surface water users whole. The assessment would be specific to that area for a given period of time. In this particular case, we have engaged with agricultural economists at the University of Nevada, Reno to make that determination. To address the point about domestic wells, in recent negotiations with the stakeholder working group, domestic well owners would be excluded from the mitigation program.

Assemblyman Wheeler:

What you are telling me is that you cannot put a figure on the assessment. It will just be something that is studied and we will define it later? This does not say anything about measurement. That is why I am asking about the meters on wells, how do you measure it? How do you know how much is being taken out, et cetera?

Adam Sullivan:

In the Humboldt region, all permitted water rights have meters on their wells and report monthly data to our office. To the first part of your question, the answer is, yes, specific for a region, we would directly study the value of water and make that determination with the assistance of a neutral third party.

Assemblywoman Hansen:

Section 4, subsection 1, paragraph (b) states, "May require a groundwater user to furnish replacement water to a surface water user so long as the replacement water is of sufficient quality." When there is a loss and the senior user has to be compensated, do you have any projections of how much water would need to be replaced? I am trying to envision what that looks like. How is the water getting there? Where is the water coming from? What kind of quantities are we talking about?

Adam Sullivan:

You are absolutely right, these are very difficult things to quantify. It is what we have to do because there is no fixed direction within our legislative prerogative to give us a more direct approach to resolve the existing conflict to the extent that it exists. The first point that you brought up was how to determine how much water is not being delivered. In the case of the Humboldt River, we have over 100 years of delivery records, an understanding of the system, and how much water is available to deliver to each user in priority based on flow at a given measuring point. Where those delivery schedules are not met, the challenge is in fractioning out exactly how much was deserved to be delivered to that user, how much was due to drought, for instance, versus how much was due to capture from surface water by groundwater pumping. These are all the difficult questions that we are trying to resolve through groundwater modeling and with the assistance of the USGS and DRI, and with abundant stakeholder engagement and negotiations on regional solutions.

Assemblywoman Hansen:

If there is a determination of water that needs to be supplied, how does the water get there? Where is the water coming from? If it is not going to come from the Humboldt River, where is the supply of water coming from?

Adam Sullivan:

Preferably, in that situation, the water would come from the Humboldt River. It would be an exchange or agreement to not divert an upstream users' rights so that it can be delivered as wet water to a downstream user.

Assemblywoman Hansen:

Section 5 states, "If the State Engineer creates a program for the conjunctive management of groundwater and surface water in a hydrographic basin, a right to groundwater or surface water that is not being used because of the program is not subject to a determination of abandonment or forfeiture for as long as the program is in effect." The discomfort I have with that is it is essentially giving all the authority to the State Engineer, someone who is not an elected official. This does not have a lot of input from the elected body, per se. During

Mr. Wilson's presentation he said ambiguity would be decided by the courts. To me, this shows that ambiguity will be decided by the State Engineer. Are we giving a lot of power to the State Engineer that does not reside there now?

Tim Wilson:

Section 5 goes a little bit to my very first presentation that I gave on water law. One of our concepts is that if you are not beneficially using the water, you could be subject to cancellation, forfeiture, or abandonment. In this case, if this program is in effect, we do not necessarily want the groundwater user to pump. That may be his solution, he does not want to pay for the interference of the surface water, so he is just not going to pump his well. That is a good thing. That is essentially like a voluntary curtailment. We do not want to take away his right through abandonment or forfeiture. Forfeiture works after five years of nonuse on a groundwater right, so we want to toll that provision while this program is in effect, so that people who choose to turn off their wells as their mitigation, they will not lose their water rights certificate. They can hold their water rights certificate so if they choose to participate in the program at a later date, they can pump their well and either supply the extra surface water to make up for their impact or have a financial obligation.

Assemblyman Watts:

I need some clarification around judicial review and how that might work through this process. I know in this bill, part of the framework is the development of regulations. I assume that as long as those are constitutional, they are set in terms of framework. When it comes to individual plans, I am wondering what that process would look like. Who would be able to initiate judicial review of a conjunctive management plan once it was approved? If it would only be the affected water rights holders, or if others would be able to participate in that process.

Bradley Crowell:

It is nearly impossible to predict the outcome of judicial review, especially in water cases. We get quite a range of outcomes from judicial review. If the regulations on conjunctive management conform to all of the rules, laws, and regulations, and the data and science underpinning the decisions related to conjunctive management are sound and defensible, I would hope that would guide any judicial review to the correct outcome. We cannot predict that, we can just set the table as appropriately as possible for that review.

Assemblyman Watts:

When a water rights application comes in, people have the ability to protest. Those protestants can participate in judicial review after an order is released. Outside of the regulations, when a conjunctive management is approved, who do you envision would be able to challenge the findings in that plan?

Bradley Crowell:

In the instance of judicial review for conjunctive management, we are not talking about new water right applicants, we are talking about all of the existing water rights. It is a matter of

the balancing of priority of different rights, based on different situations and hydrological scenarios.

Chair Swank:

I would like Mr. Amburn to answer that.

Allan Amburn:

When looking at NRS 533.450, which is what we are addressing with the new language, it addresses the judicial review of orders and decisions of the State Engineer. It states that any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants, they have the ability to have that reviewed by a court.

Micheline Fairbank:

To build upon that response, any decision or order is subject to judicial review. The implementation of regulations are subject to one component of judicial review, not necessarily under NRS 533.450, but if the State Engineer were to adopt a conjunctive management program, if that adoption were to come through an order or other form of decision, then it is subject to the NRS 533.450 judicial review process. As already stated, any person feeling aggrieved by a decision or order is available to bring that action.

Assemblyman Ellison:

We have had hundreds of letters in opposition. Out of all of them, I have not seen one that says please adopt A.B. 51. These hundreds include letters from ranchers, farmers, businesses, The Nature Conservancy, et cetera. All of these letters show concern about this bill. I have a concern about this bill. I also have a concern about the lost value and collateral items. If you look at ranching and agriculture, and the impact, and the ecosystem, also, with the Southern Nevada Water Authority and what they have to say—I think you need to go back and take a look at this and maybe look at some other way to come up with a different approach. Assembly Bill 51 is totally against the reins of the people. I hope you will take that into consideration.

Chair Swank:

Are there any more questions? Seeing none, we will go back to the same process for testimony. Thirty minutes for support, 30 minutes for opposition, and 30 minutes for neutral. Each person gets two minutes. I will start with support in Carson City, Elko, or Las Vegas. Seeing no one, we will start with opposition in Las Vegas.

Kenny Bent, Private Citizen, Pahrump, Nevada:

Assembly Bill 51 strikes me as a kitchen sink concept. It is highly relying on what we heard before with Assembly Bill 30 for the mitigation aspect of it. I think this bill could easily change the balance and control of water in this state. In something like this, there are a lot of unintended consequences. I think we should be very cautious approaching this. It makes more sense to try this on a per-basin approach, rather than statewide, and do a test run on it. Largely, I am having a little trouble with the whole domestic well issue. I appreciate what Assemblyman Wheeler said, but I am going to address the domestic well issue here because

this seems to keep dragging around in the shadows, pretending that the State Engineer has authority to regulate. I think I heard that we are not going to regulate domestic wells, just their water. Domestic use was purposely exempted from 17 of the 18 western states. That was for both moral and legal reasons. What seems to be lacking here is anyone coming up and saying, From this day forward, we are going to deal with new domestic wells. There seems to be an intent here to take the water, at least 75 percent of it, from the existing domestic wells. I think it is very important that all of you on this Committee understand that the domestic use is exempt purposely out of water law.

Chair Swank:

Is there anyone in Carson City in opposition?

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:

The Nevada Farm Bureau Federation is opposed to A.B. 51. One of the complicating factors in considering perennial yield assessments involves a way in which groundwater and surface water provide their respective and relative contributions to the basins. In the reach of the Humboldt River, and I think a lot of this bill is focused on that specific area, there are 32 basins that interact with groundwater and surface water. There are variations and complexities that I think some of this fails to recognize. Modeling is being carried out to attempt to capture a scientific perspective, but at this point, that is still a work in progress.

One of the things I would like to point out is in the discussions for this bill, much of this mirrors what was proposed as possible regulations during the interim process. Those proposed regulations never went anywhere, but they had a lot of components that were outlined here. There was mention made of stakeholders being involved in the construction of that. There were six or eight people who were involved representing different areas, but it did not involve stakeholders as a whole. I think that is part of our concern, there needs to be a greater level of input from the local stakeholders in order to facilitate meaningful solutions.

David G. Hillis, Jr., Principal Engineer, Turnipseed Engineering, LTD, Carson City, Nevada:

I work and deal exclusively with Nevada water rights. I have had the privilege of working with hundreds of Nevada ranchers, farmers, municipalities, and miners all across our state. I commend the State Engineer's proactive approach with both bills. We have heard tonight that the State Engineer's office wishes to collaborate with experts and stakeholders; however, to my knowledge, no collaboration has taken place in the drafting of the actual bills that are before you. Assembly Bill 51 promotes the concept of conjunctive management. This concept is not new; however, it is new within our state. I feel that this bill would rush forward legislation which has had no input from experts and stakeholders across our state. I would suggest the State Engineer's office collaborate and revise the bill for resubmission to the Committee. In addition, Director Crowell stated that it is beneficial to rely on the best and current science available; however, within our state, within some basins, we still rely on a perennial yield estimate, which was estimated from Hardman precipitation maps from 1936. That is a little outdated when it comes to establishing our most sacred concept when it comes to perennial yield. The newest, latest, and greatest science needs to apply to first

establish accurate perennial yields before we can begin management, especially across many basin lines. In addition, under A.B. 51 it is possible when implementing this legislation that a senior groundwater rights holder could be curtailed while a junior groundwater rights holder may not be affected based on his geographic proximity to the Humboldt River, for example.

Steve Walker, representing Douglas County; and Storey County:

Statewide application of conjunctive use methodology being developed on the Humboldt River is premature. The rulemaking process needs to be accepted, completed, and implemented before making a blanket state law or methodology that could affect other river systems. Each river system is unique both hydrologically and also have different decrees. Conjunctive use plans should be adapted on a case-by-case basis to recognize its uniqueness. We inherently know there is a relationship between surface water and groundwater, and our existing law could be used to deal with the current and future conflicts.

Bennie B. Hodges, Manager, Pershing County Water Conservation District:

I am here to speak in opposition to Assembly Bill 51. The Pershing County Water Conservation District (PCWCD) is a surface water irrigation district. Our reservoir is Rye Patch Reservoir. The main source of our water is the Humboldt River. We have an irrigation district 40,000 acres in size, and we are the largest surface water holders in the Humboldt River system. However, the downfall is that we are at the bottom of the system. The prior appropriation doctrine, "first in time, first in right," has been the cornerstone of Nevada water law for over 100 years. If it is not broken, please do not try to fix it.

Assembly Bill 51 would allow for the creation of a monetary assessment for conjunctive management of groundwater and surface water within the Humboldt River drainage. This mitigation program would allow junior underground water users to cause an injurious depletion of senior surface water users.

Water rights for the PCWCD constituents range from 1862 to 1921. These water rights are senior to all groundwater rights in the Humboldt River drainage.

Under this mitigation program, PCWCD constituents would receive monetary compensation from junior groundwater pumpers for causing injurious depletion and affecting base flows of the Humboldt River. The PCWCD constituents do not want money, they want their water. If they are compensated with money, the water table will drop and drastically affect current and future irrigation with less water.

Passage of A.B. 51 will slowly lead to the demise of a rural way of life in the Humboldt River drainage basin, namely the communities of Lovelock, Winnemucca, Battle Mountain, Carlin, and Elko.

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

Eureka County does not support A.B. 51 as drafted. Again, we stand ready to continue our involvement in trying to find a good solution. I was happy to hear Director Crowell speak that this was intended to address existing appropriations in which there are conflicts. The bill as drafted does not make that clear. It seems that this bill could be used again, similar to our concerns with A.B. 30, where you could, under a conjunctive management rule, potentially appropriate new water that would be in conflict with existing rights. If the intent is truly to address conflicts that exist from rights that were already appropriated, I think there is some room to potentially find a solution. We have had this situation occur in Diamond Valley where we have had prestatutory vested rights affected and we feel that some rules to define situations like that are good to pursue. We do support localized approaches rather than a blanket conjunctive management rule for all of the state. We would support more localized rulemaking rather than blanket regulations. Again, we stand ready to assist in trying to find a common solution for this problem.

Kyle Roerink, Executive Director, Great Basin Water Network:

We oppose A.B. 51. We believe that A.B. 51 masquerades as conjunctive management, but the bill, in truth, intends to roll back existing laws and gives the State Engineer greater authority. State Engineers have the toughest job in the nation's driest state. I respect their service to Nevada, but over the years, State Engineers have overappropriated our basins and have lost many cases in court because the office mismanages its authority. We have to ask, why do we want to give him more power?

As written, A.B. 51 is a violation of constitutional rights under the Takings Clause. Section 4, subsection 1, paragraph (a) is a clear and explicit attempt to say that the "first in time, first in rights" doctrine no longer matters. Next, the bill sanctions unsound and unsustainable replacement water schemes. If someone takes your water, under A.B. 51 he can replenish it with something else—you could be getting your water from a pumper truck. Lastly, the bill sanctions monetary compensation as a means of repaying a harmed senior water rights holder. Assembly Bill 51 is giving the wealthy and powerful the upper hand with no recourse for the little guy. We envision scenarios where a powerful junior rights holder says, Take the money or take us to court. Money does not solve all problems in water policy, but A.B. 51 erroneously relies on that mantra and paves the way for powerful entities like the Southern Nevada Water Authority to build their disastrous 300-mile pipeline at the expense of hardworking families whose rights deserve protection. [A letter was also provided (Exhibit R).]

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

I think, with A.B. 51, what we have is an example of bad process leading to a bad outcome. This is really a top-down, heavy-handed approach with the State Engineer asking for almost unfettered discretion to pick winners and losers in our water system. We had Assembly Bill 298 of the 79th Session, which was an excruciating process involving the stakeholder negotiation in the committee room immediately before committee hearings. That was not the way to craft good water policy. In the interim, there have been no stakeholder processes on

this legislation. There are individual conjunctive management processes going on, some of which may result in good outcomes, but as far as addressing an overall framework, that has not happened. As a result, again, all of the people who would be affected by this legislation oppose it, even though I believe we all recognize groundwater and surface water are a single resource. I think there is widespread agreement that some form of conjunctive management is a good thing, and there is room for these parties to come together, but no effort has been made to do that. Instead, this seems like an attempt to railroad everyone who has an interest in rural water. Meanwhile, we have the ghost of former State Engineer, Jason King, looming over this process—these are Jason King's bills. These are not the current administration's bills. They are constituency lists. Nobody supports them, everyone who is affected opposes them, and we do not even have their progenitor in the room with us to defend them. These bills are a bad process leading to a bad outcome. They need to be scrapped and start over with a genuine bottom-up process to involve stakeholders to come up with something we can all at least live with, if not agree with. (A letter was also provided (Exhibit S).]

Tobi Tyler, Executive Committee Member, Toiyabe Chapter, Sierra Club:

The Toiyabe Chapter of the Sierra Club, representing more than 30,000 members and supporters in Nevada, is strongly opposed to A.B. 51. We urge the Committee to oppose and abandon this bill.

We oppose A.B. 51 because of the harm it will inflict on the people, wildlife, and scarce water resources of this state. It will encourage the overappropriation of our limited water resources and facilitate projects like the disastrous pumping and piping plan to siphon 58 billion gallons of water annually from eastern Nevada near Great Basin National Park to Las Vegas.

While the bill sets forth a path for outlining conjunctive management policies, the bill fails to mention any actual conjunctive management policies, only mitigation policies. The bill sanctions replacement water schemes, monetary compensation, and other unsound and inadequate gambits as a means for resolving conflicts when a junior rights holder harms a senior rights holder. This creates a situation where the powerful and wealthy will have the ability to push out anyone they like. That is not acceptable.

Most importantly, the bill completely upends Nevada water law's prior appropriations doctrine. The provision threatens the due process rights and constitutional rights of Nevadans by stripping senior water rights holders of a property right and their priority date, which results in a taking. After a permit is granted, an affected party would have only 30 days to file an appeal in district court. What about three months after? What about three years? Where is the recourse?

Progressive water policy ensures that a permit cannot be granted if conflicts exist between senior water rights holders, domestic well owners, and the environment. Nevada already has that enshrined in law. Our problem is not with the law. Our problem is with overappropriation of our scarce water resources. [A letter was also provided (Exhibit T).]

Laurel Saito, Nevada Water Program Director, The Nature Conservancy:

A goal of our Nevada water program is to ensure that there is water for people and nature for future generations. Dating back to the 2017 Legislative Session, The Nature Conservancy has consistently recognized conjunctive management as essential to the appropriate management of Nevada's scarce water resources. We commend the State Engineer's office for introducing A.B. 51 to address this topic.

However, we have some concerns with some areas of the bill and cannot support A.B. 51 in its current form. The bill should require conjunctive management to be environmentally sound. Most groundwater dependent ecosystems in Nevada are sensitive to the interaction of surface water and groundwater and could benefit from proper conjunctive management. Despite the importance of conjunctive management to the environment, the proposed legislation does not include any consideration of how conjunctive management regulations would influence or change the amount of water available for the environment. The Nature Conservancy recommends that the legislation be amended to direct the State Engineer's office, when adopting conjunctive management regulations, to recognize among existing uses of water not only water rights that are senior to priority, but also water that is being used by, and is necessary for, the environment. We believe this can be achieved by requiring that conjunctive management of groundwater and surface water be done in a manner that is environmentally sound.

As I said earlier, we support applying the mitigation hierarchy to avoid, minimize, and then mitigate. The language in A.B. 51 specifically mentions mitigation several times but does not acknowledge or require the need to avoid and minimize effects first. The Nature Conservancy recommends including such language to ensure that mitigation is not applied before all opportunities are explored to avoid and minimize conflicts first.

Finally, replacement water provisions are not appropriate for conjunctive management for environmental resources.

In summary, we are interested in working with interested parties to improve the legislation and hope that amendments can be made along the lines of our recommendations. Thank you for the opportunity to speak. [A letter was also provided (Exhibit U).]

Jeff Fontaine, Executive Director, Central Nevada Regional Water Authority and Humboldt River Basin Water Authority:

We are opposed to A.B. 51. That said, both authorities do support conjunctive management and certainly recognize the need to work within that arena. We also agree with Director Crowell's comments regarding the need for more detailed studies to determine the interaction between groundwater and surface water. We also agree very strongly with the previous speakers regarding the need for additional stakeholder input. The State Engineer has been working on promulgating regulations for conjunctive management in the Humboldt River Basin for about 18 months, and commented about the Humboldt River Basin working group to help craft those regulations. I have been a member of that group for a short period of time. There are not a lot of members, but to the extent that conjunctive management may, or can,

work out in a river basin, that may be the test case, or it may not. At this point we believe that the proposed legislation is probably not necessary and certainly premature.

Rebekah Stetson, Private Citizen, Reno, Nevada:

I am here representing our communities and specifically our children. Assembly Bill 51 is simply the destruction of Nevada's landscape history and future. Sustainability is most commonly defined as a way of meeting our needs while not limiting the ability of future generations to meet their needs. This legislation seriously puts in question the ability of our children to meet their needs in future generations. As written, A.B. 51 seems to encourage mismanagement of our most precious and already overappropriated resources in the nation's driest state. While we are looking at the effects of climate change, we are still uncertain of how severe that will be. Voting yes would be a modern day repeat of the Owens Valley disaster. Let us choose not to consciously and intentionally destroy our resources for our children. Please vote no on A.B. 51.

Anthony Sampson, Tribal Chairman, Pyramid Lake Paiute Tribe:

We oppose A.B. 51 for the simple fact that we have been through so much with water wars for over 100 years. We are dealing with water quality and the amount of water that is being flowed. We even have problems with our domestic wells in our area, to where we are looking at critical components of our groundwater in the Wadsworth area. When it comes down to it, you give the State Engineer all the power. He can do anything he wants. We were having problems with water recruitment; when it is going to happen, we do not know. That is something that is a reality. In opposing this bill, I hope that you will listen to what other people have to say about this. Some oppose it, some are for it. It is not about one group of people, it is about sharing it. We are a major stakeholder, one of the oldest in the state of Nevada. Thank you for your time. I hope you make the right decision.

Will Adler, representing Pyramid Lake Paiute Tribe:

I would like to ditto Mr. Sampson's comments and get a loud opposition to A.B. 51 on the record.

Chair Swank:

Is there anyone in Elko who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral? Seeing no one, are there any closing remarks?

Bradley Crowell:

I would like to thank the Committee's indulgence and everyone in the room for some very good discussion. In the 2017 Legislative Session, this body approved the language in NRS 533.024 subsection 1, paragraph (e), that says, "To manage conjunctively the appropriation, use, and administration of all waters of this State, regardless of the source of water." That is what we are attempting to do. We do not have any further direction or guidance on how to do that. Assembly Bill 51 is our best attempt to untangle and address a very complex problem. If there is the sentiment and the will to not look at our waters conjunctively, then we can choose to do that. If we are going to move forward and manage

our waters conjunctively, then we need guidance to implement that. I hope that at the end of this hearing there is at least a sentiment of continuing constructive dialogue.

To folks who mentioned domestic wells, I understand the sensitivity, but if we ignore the fact that domestic wells in certain places can affect groundwater and surface water users, we are pretending and are not playing in the realm of reality. We have to recognize that.

To the comments regarding the accuracy of perennial yield, we fully agree. We would love to have the resources to do that on as quick a basis as we can. Data is essential for anything we do here, no matter what we come up with.

To comments regarding localized solutions, that is absolutely our goal and intention. That is what we are doing in the Humboldt River; that is what we are doing on the Lower White River Flow System and the Muddy River in Clark and Lincoln Counties, which we are happy to discuss further if folks are interested.

To comments regarding keeping the status quo, I would ask if that means you do not see any problems now or in the future with how our water laws allow us to administer and manage water.

I appreciate the comments regarding the importance of conjunctive management as the proper approach that reflects science and data, and I also appreciate the comments regarding the fact that more upfront work is needed. We agree. The system is not always designed to allow us to do that, but going forward, we certainly have no opposition and hope we have the support and participation of everyone in doing that.

To comments regarding monitoring, management, and mitigation as a last resort, that is absolutely our intention. Mitigation is not the preferred outcome, nor is it the first solution. Through monitoring and management we hope to never have to do mitigation, but if you simply want to ignore the need for mitigation after monitoring and management has not shown to be able to manage the situation, then what are we left to do?

This is a long way of saying I appreciate everyone's comments and hope we can have some additional guidance from this body as well as the stakeholders in the room.

Micheline Fairbank:

I want to build upon one of the elements that was discussed—that is that there is a desire and emphasis for a localized solution. That is absolutely what the structure of this bill is intended to do. The first part of A.B. 51 allows and directs our office to establish conjunctive management regulations and to allow for the authorization to adopt conjunctive management programs. The second part of the bill references what a conjunctive management program may or may not include. The reality is, the Humboldt River situation and process has been partly instructive and guiding with regards to the language, but the Humboldt River is not the only system that we are actively engaged in with this process. It certainly is not representative of the state. We understand that each system is unique and has to have its own

independent and individualized regulation and program. That is what this bill is conceptualized to do. What is going to work on the Humboldt River, ultimately, is not going to be appropriate for the Lower White River Flow System and the management of that interconnected water system. That is the idea; we need the ability, we need direction, and we need to have that from this body because right now we are left with very little.

Chair Swank:

Thank you for all the work done this evening. I will close the hearing on Assembly Bill 51. [Also provided and not mentioned were (Exhibit V and Exhibit W).] I will open it up for public comment. Seeing no one, we are adjourned [at 7:20 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a copy of a PowerPoint presentation titled "Division of Water Resources Overview," dated February 27, 2019, presented by Tim Wilson, P.E., Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources.

Exhibit D is written testimony dated February 27, 2019, presented by Tim Wilson, P.E., Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources regarding Assembly Bill 30.

Exhibit E material submitted by Rupert Steele, Chairman, Confederated Tribes of the Goshute Reservation, Iapah, Utah, consisting of the following:

1. A letter to Assemblyman Ellison, dated February 26, 2019, in opposition to Assembly Bill 30 and Assembly Bill 51.
2. A document titled "Talking Points on Water."
3. A document titled "Swamp Cedars Massacre Site," dated September 19, 2016, offered by the Confederated Tribes of the Goshute Reservation.

Exhibit F is written testimony dated February 27, 2019, presented by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, in opposition to Assembly Bill 30 and Assembly Bill 51.

Exhibit G is a letter dated February 25, 2018, to Chair Swank, authored by Kyle Roerink, Executive Director, Great Basin Water Network, in opposition to Assembly Bill 30.

Exhibit H is a letter dated February 26, 2019, to Chair Swank, authored by Patrick Donnelly, Nevada State Director, Center for Biological Diversity, in opposition to Assembly Bill 30.

Exhibit I is a letter dated February 27, 2019, to the Assembly Committee on Natural Resources, Agriculture and Mining, authored by Tobi Tyler, Executive Committee Member, Toiyabe Chapter, Sierra Club, in opposition to Assembly Bill 30.

Exhibit J is a letter dated February 26, 2019, to Chair Swank, authored by Juan Palma, Nevada State Director, The Nature Conservancy, presented by Laurel Saito, Nevada Water Program Director, The Nature Conservancy in opposition to Assembly Bill 30.

Exhibit K is a letter dated February 26, 2019, to Chair Swank and Members of the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by Mark Butler, Executive Council Member, Coalition to Protect America's National Parks, et al., in opposition to Assembly Bill 30.

Exhibit L is a letter dated February 27, 2019, to the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by John Hadder, Director, Great Basin Resource Watch, presented by Susan Juetten, Private Citizen, Reno, Nevada, in opposition to Assembly Bill 30.

Exhibit M is a letter dated February 26, 2019, to Chair Swank, authored by Richard Howe, Chairman, White Pine County Commission, in opposition to Assembly Bill 30 and Assembly Bill 51.

Exhibit N is a letter dated February 26, 2019, to the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by Simeon Herskovits and Iris Thornton on behalf of Great Basin Water Network, submitted by Advocates for Community and Environment, in opposition to Assembly Bill 30 and Assembly Bill 51.

Exhibit O is a compilation of material in opposition to Assembly Bill 30, consisting of the following:

1. A letter to Members of the Assembly Committee on Natural Resources, Agriculture, and Mining, written by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada.
2. A letter dated February 25, 2018, to Chair Swank, authored by Tick Segerblom, Commissioner, Board of County Commissioners, Clark County.
3. A letter dated February 25, 2018, to Chair Swank, authored by Meghan Wolf, Environmental Activism Manager, Patagonia.
4. A letter dated February 26, 2019, to Nevada State Assembly, written by Dave Mendiola, Humboldt County Manager on behalf of the Humboldt County Commission.
5. A statement written by Delaine Spilsbury, Private Citizen, McGill, Nevada.

Exhibit P is written testimony dated February 27, 2019, presented by Tim Wilson, P.E., Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources, regarding Assembly Bill 51.

Exhibit Q is a copy of a PowerPoint presentation titled "Assembly Bill 51" dated February 27, 2019, presented by Tim Wilson, P.E., Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources.

Exhibit R is a letter dated February 25, 2018, to Chair Swank, authored by Kyle Roerink, Executive Director, Great Basin Water Network, in opposition to Assembly Bill 51.

Exhibit S is a letter dated February 26, 2019, to Chair Swank, authored by Patrick Donnelly, Nevada State Director, Center for Biological Diversity, in opposition to Assembly Bill 51.

Exhibit T is a letter dated February 27, 2019, to Assembly Committee on Natural Resources, Agriculture, and Mining, authored by Tobi Tyler, Executive Committee Member, Toiyabe Chapter, Sierra Club, in opposition to Assembly Bill 51.

Assembly Committee on Natural Resources, Agriculture, and Mining
February 27, 2019
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Exhibit U is a letter dated February 26, 2019, to Chair Swank, authored by Juan Palma, Nevada State Director, The Nature Conservancy, presented by Laurel Saito, Nevada Water Program Director, The Nature Conservancy, in opposition to Assembly Bill 51.

Exhibit V is a letter dated February 26, 2019, to Chair Swank and Members of the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by Mark Butler, Executive Council Member, Coalition to Protect America's National Parks, et al., in opposition to Assembly Bill 51.

Exhibit W is a compilation of letters in opposition to Assembly Bill 51, consisting of the following:

1. A letter to Members of the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada.
2. A letter dated February 25, 2018, to Chair Swank, authored by Tick Segerblom, Commissioner, Board of County Commissioners, Clark County.
3. A letter dated February 25, 2018, to Chair Swank, authored by Meghan Wolf, Environmental Activism Manager, Patagonia.
4. A letter dated February 27, 2019, to the Assembly Committee on Natural Resources, Agriculture, and Mining, authored by John Hadder, Director, Great Basin Resource Watch.

**PROPOSED REGULATION OF THE
DIVISION OF WATER RESOURCES**

LCB FILE NO. R027-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 02/05/2018**

Preliminary Draft Regulations for the Mitigation of Surface Water Conflicts in the Humboldt River Basin

GENERAL PROVISIONS

1. **Definitions.** (NRS 532.120) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 533.xxx to 533.xxx, inclusive, have the meanings ascribed to them in those sections.
2. **“Capture” defined.** (NRS 532.120) “Capture” means a depletion of surface water caused by groundwater diversions.
3. **“Conflict” defined.** (NRS 532.120) “Conflict” means the inability of a holder of a water right to fully exercise that right due to diversions of groundwater by junior-priority water rights.
4. **“Consumptive use” defined.** (NRS 532.120) “Consumptive use” means that portion of a water diversion is removed from the source of supply through evapotranspiration or other means.
5. **“Duty” defined.** (NRS 532.120) “Duty” means the maximum amount of water authorized for diversion under a water right for a specified period of use.
6. **“Groundwater” defined.** (NRS 532.120) “Groundwater” means water below the surface of the land that is in a zone of saturation.
7. **“Humboldt River Basin” defined.** (NRS 532.120) “Humboldt River Basin” means the surface water drainage basin of the Humboldt River identified as the Humboldt River Basin – Region 4, in: Water for Nevada, 1971, State of Nevada Water Planning Report 3.
8. **“Humboldt River Decree” defined.** (NRS 532.120) “Humboldt River Decree” means the Humboldt River Adjudication 1923 - 1938, including The Bartlett Decree, the Intervening Orders, the Edwards Decree, the Later Orders, the Alternative Writ of Prohibition in Carpenter V. District Court, and Decision of the Supreme Court. Compiled by Mashburn, G., and Mathews, W.T., State of Nevada publication, 1943.
9. **“Injurious depletion” defined.** (NRS 532.120) “Injurious depletion” means the reduction in surface water flow due to a groundwater diversion that results in a conflict to a senior surface water right.
10. **“Mitigation plan” defined.** (NRS 532.120) “Mitigation plan” identifies actions to be taken that will prevent, replace, or compensate senior surface water right holders for injurious depletions caused by diversions by junior groundwater right holders.
11. **“Surface water” defined.** (NRS 532.120) “Surface water” means rivers, streams, springs and reservoirs.

Affected parties. (NRS 532.120) These rules and definitions apply to holders of surface water rights under the Humboldt River Decree and to holders of groundwater rights within the Humboldt River Basin, and include the following:

1. Any holder of a water right under the Humboldt River Decree.
2. Holders of storage rights in Rye Patch Reservoir.
3. Any holder of a groundwater right whose pumping after fifty years would capture one percent or more of the amount pumped from any of the waters identified in the Humboldt River Decree.
4. Responsible parties for mining sites with mine pit lakes that capture through evaporation one percent or more of that evaporative loss from any of the waters identified in the Humboldt River Decree after fifty years, whether the pit lake evaporation is authorized by a water right or exempted by the State Engineer.
5. Owners of domestic wells, as defined by NRS 534.013 and 534.180, are exempt from these regulations.

Determination of Capture. (NRS 532.120) Capture amount for a groundwater diversion is calculated as the product of percent capture and the consumptive use amount. The calculation of percent capture is to be initially determined using U.S. Geological Survey and Desert Research Institute Humboldt River Basin groundwater flow models specifically constructed for determination of capture, and thereafter by any suitable study found acceptable by the State Engineer. Capture at a specific location is calculated as follows:

1. The capture amount will be calculated as the product of the percentage of capture that would occur in the number of years since the Proof of Completion was filed at the Division of Water Resources and the consumptive use in acre-feet annually.
2. If the groundwater use is for irrigation, the consumptive use portion is as follows:
 - a. If the irrigation method is by a center pivot, the consumptive use portion is 95% of the amount pumped.
 - b. If the irrigation method is by wheel lines or other hand mover sprinklers, the consumptive use portion is 85% of the amount pumped.
 - c. If the irrigation method is flood irrigation, the consumptive use portion is 65% of the amount pumped.
3. If the manner of use is other than irrigation, the consumptive use is the amount pumped less the amount of measured return to the groundwater source.
4. If a groundwater diversion is not metered, the capture amount will be calculated as the product of the percentage of capture that would occur in the number of years since the Proof of Completion was filed at the Division of Water Resources and the consumptive use portion of the duty of the water right.

5. For mine pit lakes, the groundwater diversion is the annual evaporation from the pit lake. The capture amount will be calculated as the product of percentage of capture that would occur since the pit lake started filling and the annual evaporation in acre-feet.

Determination of conflict. (NRS 532.120, 533.030, 533.085) For each surface water right subject to these regulations, the Office of State Engineer shall determine the amount of conflict annually, measured in acre-feet. Conflict is calculated as the difference between the actual water delivery and the scheduled delivery after accounting for capture due to groundwater diversions. A determination of conflict includes consideration of the following:

1. The priority date of the surface water right.
2. Whether a suitable flow-measuring device exists.
3. The amount of water scheduled to be delivered based on priority and approved delivery tables, and
4. The actual amount of water delivered.
5. Conflicts to a water right downstream of the Palisade gage will account for capture by upper basin pumpage by adding upper basin capture to the measured Humboldt River flow at the Palisade gage.
6. The sum of the conflict amounts of each of the individual surface water rights is the total surface water conflict for the Humboldt River Basin.
7. If actual delivery is equal to or greater than scheduled delivery, then no conflict has occurred.

Determination of injurious depletion. (NRS 532.120, 534.020) For each groundwater use subject to these regulations, the Office of the State Engineer will determine the amount of injurious depletion annually, measured in acre-feet.

1. Injurious depletion amount is to be calculated as follows :
 - a. Each groundwater diversion's injurious depletion amount is equal to the amount of its capture multiplied by the ratio of total amount of basin conflict to total amount of basin capture.
 - b. The sum of the injurious depletion amounts is equal to the sum of the conflict amounts in the basin.
2. An injurious depletion mitigated through a water replacement mitigation plan will reduce the total remaining conflict in the basin by an equal amount.

Humboldt Basin Mitigation Program (NRS 532.120, 533.024(1)(e), 533.030, 533.085, 534.020)

1. The Humboldt Basin Mitigation Program will mitigate, through financial compensation or mitigation plan, conflicts to surface water rights caused by diversions under junior-priority groundwater rights and shall be administered by the Office of the State Engineer.
2. Participation in the Humboldt Basin Mitigation Program shall be mandatory for all groundwater users determined to be subject to these regulations.

3. For groundwater right holders determined to be subject to these regulations, failure to participate in the Humboldt Basin Mitigation Program is determined to be a violation of NRS 533.030(1), 533.085, or 534.020(1). The water right holder is prohibited from diverting any groundwater until the injurious depletion is mitigated and may be subject to additional penalties or injunctive relief pursuant to NRS 533.481, 533.482, 534.193, and 534.195.
4. All holders of surface-water rights under the Humboldt River Decree are eligible to receive mitigation pursuant to these regulations.
5. The holder of the water right issued by the State of Nevada for Rye Patch Reservoir is eligible to receive mitigation pursuant to these regulations.
6. Administrative expenses of the program shall be funded through existing groundwater assessments (NRS 534.040) and surface-water assessments (NRS 533.285 and 533.290) from hydrographic basins located within the Humboldt River Basin.
7. Groundwater diversions subject to these regulations that are in full compliance with this Mitigation Program are deemed to have fully mitigated any conflict to senior surface water rights.
8. Surface water right holders eligible to participate in this Mitigation Program and to receive water or financial compensation for conflicts to their water rights, but who choose not to participate in the Mitigation Program, are deemed to have waived any claim of conflict.

Mitigation Plan. (NRS 532.120, 533.024(1)(e), 534.020) A groundwater user subject to these regulations may file a mitigation plan with the Office of the State Engineer to mitigate their injurious depletions.

1. All mitigation plans must be written and, if required, accompanied by temporary or permanent applications to change the point of diversion, place of use, and/or manner of use of the replacement water right.
2. Mitigation plans must be submitted to the State Engineer by January 15th of the year for which the plan is to be in effect. The State Engineer will approve or deny the plan by March 15th.
3. Any surface-water source may be used in a mitigation plan.
4. Groundwater sources whose diversion would capture less than one percent after fifty years from any of the waters identified in the Humboldt River Decree may be used as replacement water in a mitigation plan.
5. For replacement water made available in locations other than the location of the injurious depletion, normal flow losses must be considered in the change application.
6. Mitigation plans will utilize the groundwater user's ten-year average of injurious depletion to establish replacement water amounts.

Financial Mitigation. (NRS 532.120, 533.024(1)(e), 534.020)

1. Groundwater users determined to be subject to these regulations who have not filed and had approved a mitigation plan with the State Engineer shall be required to financially mitigate their injurious depletions.
2. When groundwater users are required to financially mitigate their injurious depletions, the Office of the State Engineer shall levy an annual mitigation assessment to groundwater rights holders, responsible parties for mining pit lakes, and domestic well owners who are subject to these regulations.
3. The mitigation assessment levied against groundwater users shall be based upon their ten-year average injurious depletions. The total of the mitigation assessments levied annually shall be sufficient to compensate all holders of surface-water rights for the conflicts caused by the groundwater diversions.
4. A mitigation assessment account shall be established within the Office of the State Engineer. All mitigation assessments paid by groundwater users shall be deposited into the account, which shall be used solely for mitigation of conflicts to holders of surface-water rights.
5. The program will utilize ten-year averages of conflict for assessment purposes. The ten-year average conflict will be recalculated every five years. Ten-year average conflicts will be determined by January 31 of the year in which they are recalculated.
6. Assessments to groundwater users will be based on their ten-year average pumping and consumptive use. Groundwater users who fail to provide pumpage information pursuant to State Engineer Orders No. 1251, 1253, 1254A, 1255, 1256, 1257, 1258, 1259, 1260, and 1261 shall have their assessment calculated using their water right duty.
7. A groundwater user who wishes to reduce their annual assessment for the present year by reducing their groundwater diversion may do so by requesting the State Engineer in writing to evaluate how a reduction in diversion would affect their capture, injurious depletion and financial assessment. Such requests must be submitted to the State Engineer by January 15th. Replies to these requests will be provided by March 15th.
8. Assessments will be computed and levied by the State Engineer by February 28th.

Mitigation Compensation (NRS 532.120, 533.024(1)(e), 534.020) Compensation will be made to eligible surface water users.

1. Mitigation funds will be disbursed by July 1 of each year to all eligible holders of surface-water rights based on their ten-year average conflict, and will be recalculated every five years.
2. The amount of compensation for each acre-foot of conflict will be determined by an agricultural economist or other expert retained by the Office of the State Engineer.
3. Water valuation will be based on ten-year averages, recalculated every 5 years.



**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>

**NOTICE OF HEARING ON PROPOSED INTERIM ORDER
WITHIN THE HUMBOLDT RIVER REGION**

The Nevada Division of Water Resources will hold a public hearing on a proposed interim order within the Humboldt River Region. The hearing is open to the public and will convene at 9:30 a.m., Friday, April 2, 2021. Due to restrictions on the operation of the State of Nevada office buildings and limitations on public gatherings established under the state of emergency declared by Governor Sisolak on March 12, 2020, the Nevada Division of Water Resources will conduct the hearing through a video conference link.

WHO: Nevada Division of Water Resources

WHAT: Hearing on Proposed Interim Order

WHERE: Videoconference link, <https://call.lifesizecloud.com/7315362> and via telephone at (877) 422-8614, meeting code 7315362.

Pursuant to Governor Steve Sisolak's Emergency Directive 006 and as extended by Emergency Directive 21, section 37, there will be no physical location for this hearing. The hearing can be viewed or listened to live over the Internet or through the telephone. Any person planning to participate in the hearing must participate either by using the videoconference link or teleconference number.

WHEN: 9:30 a.m., Friday, April 2, 2021

WHY: The public hearing will be held to provide notice and to take public comment on the proposed interim order to establish procedures for the review of applications to appropriate groundwater in the Humboldt River Region with regard to the potential for capture of and conflict with decreed rights to the waters of the Humboldt River and tributaries, in Marys River Area (042), Starr Valley Area (043), North Fork Area (044), Lamoille Valley (045), South Fork Area (046), Huntington Valley (047), Dixie Creek-Tenmile Creek Area (048), Elko Segment (049), Susie Creek Area (050), Maggie Creek Area (051), Marys Creek Area (052), Pine Valley (053), Crescent Valley (054), Carico Lake Valley (055), Upper Reese River Valley (056), Antelope Valley (057), Middle Reese River Valley (058), Lower Reese River Valley (059), Whirlwind Valley (060), Boulder Flat (061), Rock Creek Valley

(062), Willow Creek Valley (063), Clovers Area (064), Pumpnickel Valley (065), Kelly Creek Area (066), Little Humboldt Valley (067), Hardscrabble Area (068), Paradise Valley (069), Winnemucca Segment (070), Grass Valley (071), Imlay Area (072), Lovelock Valley (073), Lovelock Valley-Oreana Subarea (073A), and White Plains (074), located in Elko, White Pine, Eureka, Lander, Nye, Humboldt, Pershing, and Churchill counties.

COMMENT: Oral public comment will be accepted during the hearing; a sign-in sheet will be posted the week before the hearing and you can indicate whether you would like to make public comment. Written public comments will be accepted until Friday, April 9, 2021, and may be mailed to the Nevada Division of Water Resources at the above address.

The Nevada Division of Water Resources is pleased to make reasonable accommodations for members of the public who are disabled and wish to participate in the hearing. If special arrangements for the hearing are necessary, please call (775) 684-2800.

Notice of this hearing was provided via electronic means as follows:
To all persons on the NDWR e-mail list for the Humboldt River
Division of Water Resources website: <http://water.nv.gov>

And via publication in Lahontan Valley News (Churchill County), Battle Mountain Bugle (Lander County), Humboldt Sun (Humboldt County), Lovelock Review Miner (Pershing County), Elko Daily Free Press (Elko County), Ely Times/Eureka Sentinel (Eureka and White Pine Counties), and Tonopah Times- Bonanza & Goldfield News (Nye County).

And via e-mail to participants in *Pershing County Water District v. State Engineer*, Eleventh Judicial District, CV15-12019.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

DRAFT INTERIM ORDER

**ESTABLISHING PROCEDURES FOR REVIEW OF APPLICATIONS TO
APPROPRIATE GROUNDWATER IN THE HUMBOLDT RIVER
REGION WITH REGARD TO THE POTENTIAL FOR CAPTURE OF
AND CONFLICT WITH DECREED RIGHTS TO THE WATERS OF THE
HUMBOLDT RIVER AND TRIBUTARIES**

I. BACKGROUND OF THE HUMBOLDT RIVER REGION

WHEREAS, the Humboldt River Region is delineated by the topographic boundary of the Humboldt River watershed, extending over 11,000 square miles, including 34 hydrographic basins in eight Counties. Hydrographic basins within the Humboldt River Region are Marys River Area (042), Starr Valley Area (043), North Fork Area (044), Lamoille Valley (045), South Fork Area (046), Huntington Valley (047), Dixie Creek-Tenmile Creek Area (048), Elko Segment (049), Susie Creek Area (050), Maggie Creek Area (051), Marys Creek Area (052), Pine Valley (053), Crescent Valley (054), Carico Lake Valley (055), Upper Reese River Valley (056), Antelope Valley (057), Middle Reese River Valley (058), Lower Reese River Valley (059), Whirlwind Valley (060), Boulder Flat (061), Rock Creek Valley (062), Willow Creek Valley (063), Clovers Area (064), Pumpnickel Valley (065), Kelly Creek Area (066), Little Humboldt Valley (067), Hardscrabble Area (068), Paradise Valley (069), Winnemucca Segment (070), Grass Valley (071), Imlay Area (072), Lovelock Valley (073), Lovelock Valley-Oreana Subarea (073A), and White Plains (074).

WHEREAS, the Bartlett Decree was filed on October 20, 1931, in the Sixth Judicial Court of the State of Nevada, establishing relative rights to the use of the waters of the Humboldt River and setting forth the dates of priority and duty of water for existing claims. The Bartlett Decree determined the waters of the stream system to be fully appropriated, and that in an average year there existed no surplus water for irrigation. Subsequent decrees, orders and writs made corrections to the Bartlett Decree, and collectively form the Humboldt River Adjudication. This process was complete by 1938. The most senior decreed surface water right in the Humboldt River system has a priority date of 1861 and the most junior right has a priority date of 1921.¹

WHEREAS, Humboldt River flow measured at the Palisade gage is the primary tool utilized for determining and scheduling delivery amounts of Humboldt River decreed rights.²

¹ *In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and Tributaries*, Case No. 2804, Sixth Judicial District Court of the State of Nevada, In and For the County of Humboldt (October 20, 1931).

² United States Geological Survey (USGS) Gage 10322500, Humboldt River at Palisade.

Deliveries are scheduled during the irrigation season based on the daily flow measurement at the gage.³ When daily flows at the Palisade gage are sufficient to deliver all decreed rights on the Humboldt River and its tributaries, all water rights irrespective of location above or below the gage are scheduled to receive their full duty of water. When flows are not sufficient to deliver all decreed rights, those rights with senior priority dates are served first. In practice, actual deliveries over the expanse of the Humboldt River Region may be different than exact scheduled deliveries due to a wide range of variables including water distribution and management practices, and climatic variations that affect riparian evapotranspiration rates, streambank storage, and baseflow. Figure 1 shows the ratio of actual deliveries to scheduled deliveries at the Imlay gage, which is the furthest downstream point of diversion.⁴ The ratio is generally higher in wet years and lower in dry years. Scheduled deliveries for the irrigation seasons were exceeded in all but six years since 1936.

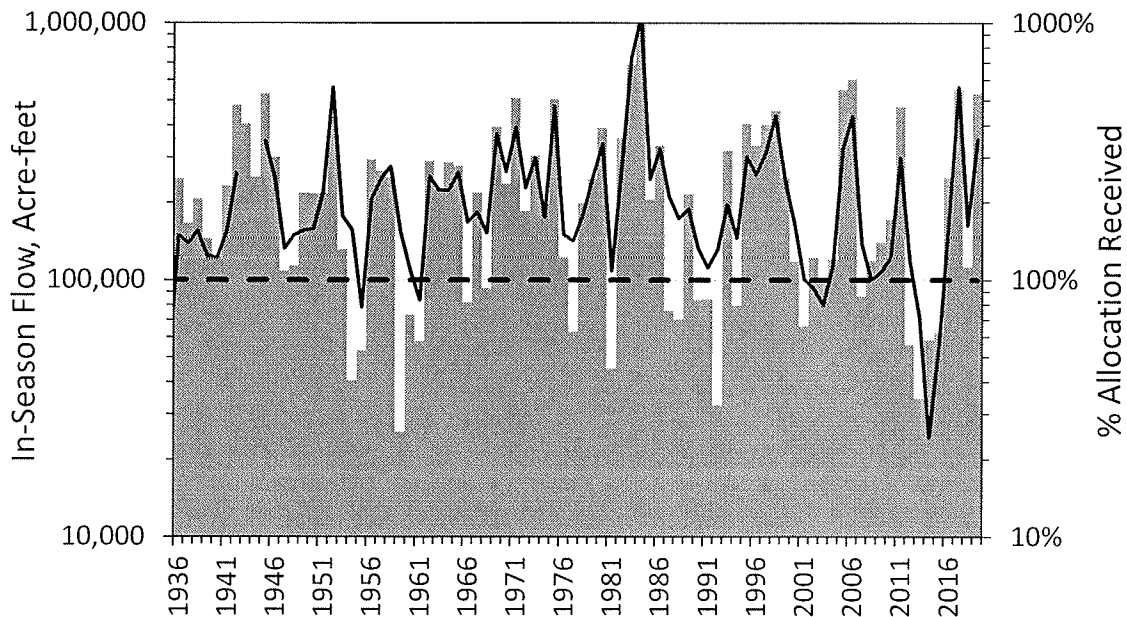


Figure 1. Humboldt River in-season flow volume (bars corresponding to left axis) at the Palisade gage and water delivery ratio of actual to scheduled (solid line corresponding to right axis) at Imlay from 1936 to 2019. Scheduled deliveries for the irrigation seasons that exceeded allocations occur when black line is above the 100% allocation line (dashed line corresponding to right axis). Conversely, years that did not meet allocations occur below the 100% allocation line (dashed line).⁵

³ Barlett Decree, the decreed irrigation season begins March 15th downstream of Palisade and April 15th upstream of Palisade, and ends on varying dates depending on location and culture.

⁴ USGS Gage 10333000, Humboldt River Near Imlay.

⁵ USGS Gage 10322500, Humboldt River at Palisade; Annual Tabulation of Delivery Records for the Humboldt River Decree, official records in the Office of the State Engineer.

WHEREAS, during the 2012-2015 period the Humboldt River Region experienced one of the worst droughts since 1902.⁶ Annual flow at the Palisade gage for that 4-year period averaged 82,871 acre-feet, which is 30% of the historical average annual flow of 287,846 acre-feet for the period of record spanning the 112 years.⁷ At the headwaters of the Humboldt River system during 2012-2015, upstream of any significant groundwater pumping, Lamoille Creek also experienced its lowest 4-year flow since at least 1944 when continuous flow measurements on Lamoille Creek started.⁸ By the end of the irrigation seasons in 2014 and 2015 the Humboldt River at Imlay was dry and water was unavailable to allocate to downstream surface water users in the Lovelock area. While this occurred during the unprecedented drought, decreed water right holders alleged that junior groundwater appropriators were capturing surface flows of the Humboldt River and that groundwater use conflicts with the senior surface water rights. In a writ filed in Pershing County District Court in 2015, Pershing County Water Conservation District requested that the Court require the State Engineer to take action within his statutory authority to address the alleged conflict.⁹

WHEREAS, nearly all groundwater vested claims and appropriations within the Humboldt River Region are junior to decreed surface water rights in the Humboldt River and its tributaries. The most senior groundwater permit has a priority date of 1912.¹⁰ Groundwater development began to increase more substantially in the 1960s and has gradually increased in the decades since. Groundwater is now extensively relied upon for all manners of use supporting communities and industry throughout the Region. Groundwater rights were approved over the years by the State Engineer upon findings that unappropriated water was available and its use would not conflict with existing rights or the public interest, given the best data available to the State Engineer at the time.

WHEREAS, it is scientifically understood that groundwater pumping has the potential to capture stream flow in a hydraulically connected system, either by inducing greater infiltration losses from the stream channel or by reducing the amount of groundwater that would otherwise discharge as baseflow to the stream.¹¹ Although this principle has factored into numerous State Engineer decisions, site-specific capture data is generally not available to accurately quantify potential conflict pursuant to Nevada Revised Statute (NRS) § 533.370.¹² The potential for hydraulic connectivity and capture by itself does not demonstrate that conflict is occurring or will

⁶ Period of record for the Palisade gage begins in 1902.

⁷ For water years between 1902-1906 and 1912-2019.

⁸ USGS Gage 10316500, Lamoille Creek Near Lamoille.

⁹ *Petition for Writ of Mandamus, or in the Alternative, Writ of Prohibition*, In the Eleventh Judicial District Court of the State of Nevada In and For the County of Pershing, (Case No. CV 15-12019), Pershing County Conservation District V. Jason King, P.E., State Engineer of the State of Nevada, Division of Water Resources, Department of Conservation and Natural Resources.

¹⁰ Nevada Division of Water Resources' Water Rights Database, official records in the Office of the State Engineer, available at <http://water.nv.gov/hydrographicabstract.aspx>.

¹¹ Charles V. Theis, 1940, *The Source of Water Derived from Wells -Essential factors controlling the response of an aquifer to development*, Civil Engineering, v. 10, no. 5, p. 277-280.

¹² See e.g., State Engineer's Ruling 55, Ruling 790, Ruling 2197, Ruling 2593, Ruling 4036.

occur in the future, unless it is shown that scheduled surface water deliveries cannot be met, and those unmet deliveries are caused by groundwater pumping.

WHEREAS, since the end of the 2012-2015 drought, all scheduled deliveries at Imlay were fully served through the 2020 irrigation season. However, with climate models forecasting a continuing pattern of increasing frequency and intensity of droughts and flood events,¹³ drought-accentuated natural losses from the river, combined with greater drawdown due to increased reliance on groundwater during drought, may increase the future potential for insufficient surface flow to fully serve decreed rights. Conversely, larger or more frequent flood events may episodically replenish the groundwater system, helping to offset any natural or pumping-induced depletion during drought periods. These long-term hydrologic uncertainties were not explicitly foreseen in the Barlett Decree and underscore the difficulty in developing and implementing management strategies for future administration of groundwater and surface water in the Humboldt River Region.

II. ACTIONS TAKEN SINCE THE DROUGHT

WHEREAS, a basic tenet of prior appropriation is that if there is not enough water to serve all users then senior right holders are entitled to water before junior right holders. This principle originated at a time when surface water was the only significant source of supply, but it has been preserved in water law to also apply to groundwater. NRS 534.110 provides that where groundwater supply is not adequate for the needs of all permittees and vested-right holders, the State Engineer may order that withdrawals be restricted to conform to priority rights. This is the regulatory mechanism established in statute for the State Engineer to address conflict due to inadequate supply of groundwater or unreasonable lowering of the water table. During the drought period of 2012-2015 there were insufficient data to identify to what extent groundwater pumping was causing the inadequacy of water supply for Humboldt River senior decreed right holders, and to what extent it was the result of natural low flow because of drought. Analysis of the data at the time indicated that curtailing junior groundwater pumping to protect senior decreed rights would result in a nominal addition to flow in the River, but would have had devastating and severe impacts to the communities and economies throughout the Region that rely on groundwater.¹⁴ Consequently, no curtailment was imposed.

WHEREAS, in the years since the end of the 2012-2015 drought, the State Engineer initiated several measures to improve the available data in the Region and thus provide a sound basis to render defensible decisions with regard to avoiding potential conflict. Among these measures: all non-designated basins within the Region were designated pursuant to NRS 534.030; totalizing meter installation and reporting were required by State Engineer's Order 1251; field

¹³ USGCRP, 2017, Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 470 pp., *See* Chapter 8, page 237.

¹⁴ Nevada Division of Water Resources, public presentations on the Humboldt River in Lovelock, Winnemucca, and Elko, February 12-13, 2015.

investigations were completed to verify the meter data; the State Engineer enhanced its database capacity to maintain and manage the pumping data in a publicly accessible manner; the State Engineer established a policy requiring water rights for pit lake evaporation; and applications to appropriate groundwater or to change the point of diversion were denied if granting the application would result in an increase in capture that conflicts with existing rights.

WHEREAS, in 2016, the Humboldt Working Group was assembled to assist in developing draft regulations to resolve future conflict. The working group members included both surface water and groundwater users representing municipalities, agriculture, mining, and other community interests across the Humboldt River Region. Over the course of the next three years, the group developed a conjunctive management approach whose objective was to protect senior water rights while at the same time maximizing beneficial use of surface water and groundwater. This effort culminated in a set of draft regulations that relied on a combination of augmentation and mitigation through financial compensation to avoid future conflict. However, in the 2019 Legislative session, the supporting statutory revisions lacked unanimous support and failed. Surface water users expressed no interest in financial mitigation in lieu of water. Groundwater users express no interest in being assessed fees for capture that had yet to be quantified by best available science.

WHEREAS, in 2016, the State Engineer initiated work with the United States Geological Survey (USGS) and the Desert Research Institute (DRI) to develop improved groundwater budgets at the basin scale and to develop numerical groundwater capture models for the Humboldt River Region. These efforts are intended to serve as a basis for determining the effect of groundwater pumping on flows in the Humboldt River and its tributaries. This work will also serve to review the perennial yield values for the Region, first estimated from the early USGS Reconnaissance Series Reports and Water Resource Bulletins, which are the primary guideline used by the State Engineer to determine the availability of groundwater in any particular basin.

WHEREAS, while the completion of the Humboldt River Region groundwater model study is expected in 2021, preliminary findings from that effort provide insight into the dynamics of surface water capture by groundwater pumping. These findings indicate that there may be important non-linear, climate-driven behaviors that influence interactions between the surface water and groundwater systems. These behaviors suggest that pumping-related capture of surface water tends to increase during wet years when excess water is available and decrease during dry years when the potential for conflict is greater. Understanding these phenomena is necessary to accurately define both the timing and distribution of capture so that conflict attributable to groundwater pumping can be characterized and quantified. Long-term management will rely on completion of the modeling effort and a process of public review and deliberation to determine best practices that satisfy legislative directives of prior appropriation, beneficial use and the public interest. Until then, interim management described herein must focus on avoiding increased capture caused by new appropriations or changes to existing groundwater permits.

III. AUTHORITY AND NECESSITY

WHEREAS, NRS 533.024 directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”¹⁵

WHEREAS, NRS 533.024 was amended in 2017 adding a new subsection declaring that it is the policy of Nevada “[t]o manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.”¹⁶

WHEREAS, NRS 534.020 provides that all underground waters of the State belong to the public and are subject to all existing rights.

WHEREAS, NRS 533.370 requires that, in review of an application to appropriate water or to change water already appropriated, the State Engineer must consider whether there is unappropriated water in the source of supply, whether the uncommitted groundwater has been reserved pursuant to NRS 533.0241, whether the proposed use or change conflicts with existing rights or protectable interests in existing domestic wells, and whether it threatens to prove detrimental to the public interest.

WHEREAS, the State Engineer’s procedures to evaluate applications to appropriate groundwater or to change existing appropriations must be applied in a manner that is consistent and understandable to water right holders and their representatives, and that provide clarity to water users about how to meet the needs of communities and local economies while avoiding conflict with senior decreed water rights.

WHEREAS, procedures established herein allow for efficient administration of groundwater rights, with provisions for in-stream replacement water and withdrawal of groundwater permits, when necessary. The intent is to provide the needed flexibility for water right holders without adding to any capture impacts above what is predicted for the existing base right. Over time these procedures will result in a reduction in total groundwater commitments, an increase in availability of surface water in the Humboldt River Region to serve senior priority rights, and a reduced potential for conflict between groundwater use and Humboldt River decreed rights.

WHEREAS, these procedures do not restrict the State Engineer from adopting further conjunctive management measures necessary to address capture impacts.

IV. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that the following considerations will be implemented by the State Engineer for the review of applications for groundwater rights in the Humboldt River Region, in addition to those considerations required by NRS 533.370 and

¹⁵ NRS 533.024(1)(c).

¹⁶ NRS 533.024(1)(e).

established by previous State Engineer's Orders.¹⁷ As used herein, "capture" refers to modeled capture of surface water of the Humboldt River and its tributaries by groundwater pumping, as simulated by USGS and DRI groundwater models.

1. Applications for New Groundwater Appropriations

Applications for new appropriations of groundwater where capture, as a percentage of pumping rate, exceeds 10% after 50 years of continual pumping, may be considered if capture is offset by providing in-stream replacement water or withdrawing a portion of an existing groundwater right. Applications for new appropriations of groundwater where capture is less than 10% after 50-years of continual pumping may be evaluated without the requirement to offset capture.

A. If in-stream replacement is used to offset capture:

- i. Replacement water using a senior decreed water right shall be for a crop-type, duty amount, and priority date that is sufficient to equal or exceed the predicted cumulative capture amount of the new appropriation over a 50-year period of use, as determined by the State Engineer;¹⁸
- ii. Replacement water shall be sufficient to equal or exceed the predicted annual capture amount of the new appropriation during 80% of the years over a 50-year period, as determined by the State Engineer; and,
- iii. Replacement water shall be demonstrated to have an existing place of use that can and will be stripped of use. Water used in areas of flooding or other areas that cannot be isolated from the natural or man-caused application of that water will not be considered for replacement water.

B. If withdrawal of an existing groundwater right is used to offset capture:

- i. The amount of the withdrawn right shall be sufficient to equal or exceed the predicted cumulative capture amount of the new appropriation over a 50-year period of use, as determined by the State Engineer; and
- ii. The amount shall be sufficient to equal or exceed the predicted annual capture amount of the new appropriation during 90% of the years over a 50-year period, as determined by the State Engineer.

2. Applications to Change Existing Groundwater Appropriations

Applications to change the point of diversion (POD) of an existing groundwater right will be considered based on net capture, defined as the difference between capture at the

¹⁷ Nevada Division of Water Resources' Orders Database, official records in the Office of the State Engineer, available at <http://water.nv.gov/StateEngineersOrdersList.aspx>.

¹⁸ For the purposes of this draft interim order, the mechanism to be used by the State Engineer to make this determination will be demonstrated in public workshops and available for public review.

proposed POD and capture at the existing POD. Net capture is commonly described either in terms of a percentage of the pumping rate, or as a volume of captured water, after a specified period of continuous pumping.

Change applications where capture at the proposed POD is greater than capture at the existing POD may be considered if the net capture is offset by providing replacement water or withdrawing a portion of an existing groundwater right. Change applications where capture at the proposed POD is less than or equal to capture at the existing POD may be considered on their merits without the requirement to offset capture.

If either replacement water or withdrawn groundwater rights are used they shall be subject to the same conditions as for new appropriations (as described in Section 1) but the amount shall correspond to the net capture.

In instances where a change application moves an existing POD either to a new location that is upstream of its existing location or nearer to a different tributary, the reach-specific capture impacts to senior decreed water rights who divert their water from those reaches will be determinative irrespective of the net capture.

3. Addressing Future Conflict Between Existing Valid Groundwater Rights and Decreed Humboldt River Surface Water Rights

The principle statutory mechanism available to the State Engineer to address conflict among water users is curtailment of junior-priority water use pursuant to NRS 534.110. The State Engineer finds that the data currently available do not demonstrate that curtailment of junior rights could be implemented in a manner that would eliminate potential future conflict without unduly restricting valid existing groundwater rights.

This Order provides mechanisms to prevent the increased potential for conflict over time in an effort to avoid the severe and devastating potential effects of curtailment of groundwater rights that support communities and economies throughout the Region. However, the State Engineer is not precluded from ordering that withdrawals be restricted to conform to priority rights when necessary: if conflict due to inadequate water supply is determined to be imminent, and prevention or avoidance cannot be accomplished.

The State Engineer may consider the following factors before making any decision regarding curtailment pursuant to NRS 534.110:

- A. Statutory protections:
 - i. Domestic well protections under NRS 533.024(b).
 - ii. Preferred uses of water in the interest of public welfare per NRS 534.120(2).
- B. Hydrologic conditions:
 - i. Effectiveness of any curtailment to increase actual flow in the decreed source and thereby avoid conflict caused by non-delivery of senior rights.
 - ii. Drought conditions as measured by available snowpack data, runoff forecast for the season, prior years' condition and cumulative water deficit.
 - iii. Well location and potential for capture as demonstrated by USGS and DRI models

- a. Capture as a percent of pumping rate within the time frame of potential conflict
- b. Hydraulic connectivity between a decreed surface water source and a specific well location and screen depth.
- iv. Storage in surface water reservoirs or aquifer storage and recovery projects and the capacity for this storage to meet scheduled deliveries.
- C. Active management measures:
 - i. Implementation of Water Conservation Plans developed in accordance with NRS 540.131.
 - ii. Active water replacement plans carried out by groundwater right holders.

ADAM SULLIVAN, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

_____ day of _____, _____.

Great Basin Water Company – Cold Springs Division (Volume IV)

NDWR Hydrographic Basin Data & Water Rights

Cold Springs Basin Summary

Long Valley Basin Summary

Order 606

Order 787

Order 826

Order 1206

Order 1206A



Order 1277

Order 1278

Order 1307

Order 1333

Hydrographic Area Summary

Hydrographic Area No. 100 **Hydrographic Area Name** COLD SPRING VALLEY
Subarea Name
Hydrographic Region No. 07 **Hydrographic Region Name** WESTERN
Area (sq. mi.) 30
Counties within the hydrographic area Washoe
Nearest Communities to Hydrographic Area Bordertown, Lemmon Valley
Designated (Y/N, Order No.) Y, O-606 **For All or Portion of Basin:** All
Preferred Use (Order No., Description) None **For All or Portion of Basin:**
State Engineer's Orders:  **For All or Portion of Basin:**
State Engineer's Rulings: 
Pumpage Inventory Status none **Crop Inventory Status** None
Water Level Measurement? Y

Yield Values

Perennial Yield (AFY) 1500
System Yield (AFY)
Yield Reference(s) State Engineer Order 1333
Yield Remarks

Source of Committed Data: NDWR Database **Supplementally Adjusted?** Y

Manner of Use	Underground	Geothermal	Other Ground Water
Commercial	0.77	0.00	0.00
Construction	0.00	0.00	0.00
Domestic	0.00	0.00	0.00
Environmental	40.20	0.00	0.00
Industrial	0.00	0.00	0.00
Irrigation	312.70	0.00	0.00
Mining, Milling & Dewatering	0.00	0.00	0.00
Municipal	0.00	0.00	0.00
Power	0.00	0.00	0.00
Quasi-Municipal	1,707.96	0.00	0.00
Recreation	0.00	0.00	0.00
Stockwater	2.71	0.00	0.00
Storage	0.00	0.00	0.00
Wildlife	0.00	0.00	0.00
Other	0.00	0.00	0.00
Totals	2,064.34	0.00	0.00



Related Reports

USGS Reconnaissance 43 **USGS Bulletin** None

Other References

Comments Basin is Shared in Common with California

Hydrographic Area Summary

Hydrographic Area No. 100A **Hydrographic Area Name** LONG VALLEY
Subarea Name Long Valley
Hydrographic Region No. 07 **Hydrographic Region Name** WESTERN
Area (sq. mi.) 25
Counties within the hydrographic area Washoe
Nearest Communities to Hydrographic Area Bordertown
Designated (Y/N, Order No.) Y, O-826 **For All or Portion of Basin:** All
Preferred Use (Order No., Description) O-787, O-826 IRR Denied **For All or Portion of Basin:** All
State Engineer's Orders:  **For All or Portion of Basin:** All
State Engineer's Rulings: 
Pumpage Inventory Status None **Crop Inventory Status** None
Water Level Measurement? None

Yield Values

Perennial Yield (AFY) 500 - 900
System Yield (AFY)
Yield Reference(s) State Engineer Ruling 4673
Yield Remarks

Source of Committed Data: NDWR Database **Supplementally Adjusted?** Y

Manner of Use	Underground	Geothermal	Other Ground Water
Commercial	0.00	0.00	0.00
Construction	0.00	0.00	0.00
Domestic	0.00	0.00	0.00
Environmental	0.00	0.00	0.00
Industrial	0.00	0.00	0.00
Irrigation	0.00	0.00	0.00
Mining, Milling & Dewatering	0.00	0.00	0.00
Municipal	0.00	0.00	0.00
Power	0.00	0.00	0.00
Quasi-Municipal	1,906.90	0.00	0.00
Recreation	0.00	0.00	0.00
Stockwater	0.00	0.00	0.00
Storage	0.00	0.00	0.00
Wildlife	0.00	0.00	0.00
Other	0.00	0.00	0.00
Totals	1,906.90	0.00	0.00

Related Reports

USGS Reconnaissance None **USGS Bulletin** None

Other References

Comments Basin is Shared in Common with California

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

DESIGNATING AND DESCRIBING
THE COLD SPRINGS VALLEY GROUND WATER BASIN
WASHOE COUNTY, NEVADA

The State Engineer finds that conditions warrant the designation of the Cold Springs Valley Ground Water Basin, Washoe County, Nevada, and by this Order designates the following described area of land as a ground water basin coming under the provisions of Chapter 534 NRS (Conservation and Distribution of Underground Waters).

T.20N., R.18E.


$W\frac{1}{2}$, $W\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, All of Section 4, $W\frac{1}{2}$ $W\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, and that portion of Sections 5, 8, 9 and 16 within the Cold Springs Valley Drainage Basin.

T.21N., R.18E.

$W\frac{1}{2}$ $W\frac{1}{2}$ Section 2, All of Sections 3, 4, 5, 8, 9, 10, $W\frac{1}{2}$ $W\frac{1}{2}$ Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, N $\frac{1}{2}$, SW $\frac{1}{4}$ Section 15, All of Sections 16, 17, 20 and 21, $W\frac{1}{2}$ of Section 22, $W\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, All of Sections 28, 29, 33 and 34, $W\frac{1}{2}$ $W\frac{1}{2}$ Section 35, and that portion within Sections 6, 7, 18, 19, 30 and 32 within the natural Drainage Basin of Cold Springs Valley and also within the confines of the State of Nevada.

T.22N., R.18E.

$W\frac{1}{2}$ $W\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, $W\frac{1}{2}$ SE $\frac{1}{4}$, Section 22, $W\frac{1}{2}$, $W\frac{1}{2}$ SE $\frac{1}{4}$, Section 27, All of Sections 28, 33, 34, $W\frac{1}{2}$ $W\frac{1}{2}$, Section 35 and that portion of Sections 15, 16, 21, 29, 31 and 32 within the natural Drainage Basin of Cold Springs Valley.


Roland D. Westergard
State Engineer

Dated at Carson City, Nevada,
this 18 day of January, 1977.

IN THE OFFICE OF THE STATE ENGINEER

O R D E R

DESIGNATING AND DESCRIBING THE LONG VALLEY
GROUND WATER BASIN NEAR BORDERTOWN,
WASHOE COUNTY, NEVADA, AND
DECLARING IRRIGATION TO BE A NON-PREFERRED
USE OF THE LIMITED GROUND WATER RESOURCE

The State Engineer finds that conditions warrant the designation of the Long Valley Ground Water Basin near Bordertown, Washoe County, Nevada, and by this Order, designates the following described area of land as a ground water basin coming under the provisions of Chapter 534 NRS (Conservation and Distribution of Underground Waters).

T.20N., R.18E., M.D.B. & M.

All of the Nevada portion of Sections 6, 7, 17 and 18, and that portion of Sections 5, 8, 9, 14, 15, 16, 19, 20, 21, 22, 23, 29 and 30 lying within Nevada and within the natural drainage of Long Valley.


T.21N., R.18E., M.D.B. & M.

All of the Nevada portion of Section 31 and that portion of Sections 19, 29, 30 and 32 lying within Nevada and within the natural drainage of Long Valley.

In accordance with NRS 534.120, subsection 2, the irrigation of land using underground water is not considered to be a preferred use of the limited underground water resource.

NOW THEREFORE, it is ordered that:

All applications filed after June 3, 1982 to appropriate underground water to irrigate land within the Designated Long Valley Ground Water Basin will be denied.


Peter G. Morros
State Engineer

Dated at Carson City, Nevada, this

3rd day of JUNE, 1982.

IN THE OFFICE OF THE STATE ENGINEER

O R D E R

DESIGNATING AND DESCRIBING THE REMAINING PORTION
OF LONG VALLEY GROUND WATER BASIN NEAR BORDERTOWN,
WASHOE COUNTY, NEVADA, AND
DECLARING IRRIGATION TO BE A NON-PREFERRED USE
OF THE LIMITED GROUND WATER RESOURCE

The State Engineer finds that conditions warrant the designation of the Long Valley Ground Water Basin near Bordertown, Washoe County, Nevada, and by this Order, designates the following described area of land as a ground water basin coming under the provisions of Chapter 534 NRS (Conservation and Distribution of Underground Waters). This area is not covered under previous Order No. 787 dated June 3, 1982.

T.24N., R.18E., M.D.B.&M.

Those portions of Sections 19, 20, 29, 30, 31 and 32 lying within Nevada and within the natural drainage basin of Long Valley.

T.23N., R.18E., M.D.B.&M.

Those portions of Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 and 33 lying within Nevada and within the natural drainage basin of Long Valley.

T.22N., R.18E., M.D.B.&M.

Those portions of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, 31 and 32 lying within Nevada and within the natural drainage basin of Long Valley.

T.21N., R.18E., M.D.B.&M.

Those portions of Sections 6 and 18 lying within Nevada and within the natural drainage basin of Long Valley.

In accordance with NRS 534.120, subsection 2, the irrigation of land using underground water is not considered to be a preferred use of the limited underground water resource.

NOW THEREFORE, it is ordered that:

All applications filed after October 12, 1983 to appropriate underground water to irrigate land within the Designated Long Valley Ground Water Basin will be denied.


Peter G. Morros
State Engineer

Dated at Carson City, Nevada, this
12th day of OCTOBER, 1983.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

1206

ORDER

**FOR DOMESTIC WELL CREDIT WITHIN THE
COLD SPRINGS VALLEY HYDROGRAPHIC BASIN (100)**

WHEREAS, this order is adopted under the procedure set forth in chapter 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system;

WHEREAS, this order covers the Cold Springs Hydrographic Basin as described and designated by State Engineer's Order No. 606 more specifically described as being:

T.20N., R.18E., M.D.B.&M.

W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, All of Section 4, W $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, and that portion of Sections 5, 8, 9 and 16 within the Natural Drainage Basin of the Cold Springs Valley Hydrographic Basin.

T.21N., R.18E., M.D.B.&M.

W $\frac{1}{2}$ W $\frac{1}{2}$ Section 2, All of Sections 3, 4, 5, 8, 9, 10, W $\frac{1}{2}$ W $\frac{1}{2}$ Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, N $\frac{1}{2}$, SW $\frac{1}{4}$ Section 15, All of Sections 16, 17, 20 and 21, W $\frac{1}{2}$ of Section 22, W $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, All of Sections 28, 29, 33 and 34, W $\frac{1}{2}$ W $\frac{1}{2}$ Section 35, and that portion of Sections 6, 7, 18, 19, 30 and 32 within the Natural Drainage Basin of the Cold Springs Valley Hydrographic Basin and also within the confines of the State of Nevada.

T.22N., R.18E., M.D.B.&M.

W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 27, All of Sections 28, 33, 34, W $\frac{1}{2}$ W $\frac{1}{2}$ Section 35 and that portion of Sections 15, 16, 21, 29, 31 and 32 within the Natural Drainage Basin of the Cold Springs Valley Hydrographic Basin.

WHEREAS, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

- a. A single family dwelling which is presently utilizing a domestic well on a lot established as a separate lot before July 1, 1993, and voluntarily ceases to draw water from that well located within the described area; or
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:

- (1) That the described lot is located within the area described; and
- (2) That the lot was established as a separate lot before July 1, 1993; and
- (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
- (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.

WHEREAS, if a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water and if an owner of such a parcel of land becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to NRS § 534.350.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS § 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

WHEREAS, this order does not:

- a. Require any public water system to extend its service area unless approved by the Nevada Public Utilities Commission, if applicable.
- b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Cold Springs Hydrographic Basin.

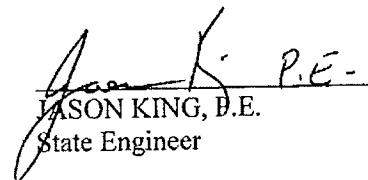
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes in:
 - (1) A single-family dwelling; and
 - (2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including the watering of a garden, lawn and domestic animals where the draught does not exceed 2 acre-feet per year.
- b. "Lot" has the meaning ascribed to it in NRS § 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS § 445A.840.

WHEREAS, a public hearing, as required under NRS § 534.350(2), in the matter of whether to establish a domestic well credit program within the designated Cold Springs Valley Hydrographic Basin was held in Reno, Nevada, on April 15, 2010. Based on information received at the hearing and records available in the Office of the State Engineer, it is determined that this basin meets the statutory criteria for a domestic well credit order.

NOW THEREFORE, pursuant to the authority in NRS § 534.350, the State Engineer hereby establishes a domestic well credit program in the Cold Springs Valley Hydrographic Basin, as heretofore described.


JASON KING, D.E.
State Engineer

Dated at Carson City, Nevada this

22 day of April, 2010.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1206A

AMENDED ORDER

**FOR DOMESTIC WELL CREDIT WITHIN THE COLD SPRING
VALLEY HYDROGRAPHIC BASIN (100), WASHOE COUNTY**

WHEREAS, this order is adopted under the procedure set forth in NRS 534.350 for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

WHEREAS, this order covers the Cold Spring Valley Hydrographic Basin (100) within Washoe County, and more specifically described as being located within the following area:

T.20N., R.18E., MOUNT DIABLO BASE AND MERIDIAN (M.D.B.&M.)

The $W\frac{1}{2}$, $W\frac{1}{2}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Section 4, the $W\frac{1}{2}$ $W\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, and those portions of Sections 5, 8, 9, and 16 lying within the natural drainage basin of Cold Spring Valley.

T.21N., R.18E., M.D.B.&M.

The $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 2, Sections 3, 4, 5, 8, 9, 10, the $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 11, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, the N $\frac{1}{2}$ and SW $\frac{1}{4}$ of Section 15, Sections 16, 17, 20, and 21, the $W\frac{1}{2}$ of Section 22, the $W\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Sections 28, 29, 33, and 34, and the $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 35 and those portions of Sections 6, 7, 18, 19, 30, and 32 lying within the natural drainage basin of Cold Spring Valley and within the boundaries of the State of Nevada.

T.22N., R.18E., M.D.B.&M.

The $W\frac{1}{2}$ $W\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and $W\frac{1}{2}$ SE $\frac{1}{4}$ of Section 22, the $W\frac{1}{2}$ and $W\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27, Sections 28, 33, and 34, and the $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 35 and those portions of Sections 15, 16, 21, 29, 31, and 32 lying within the natural drainage basin of Cold Spring Valley.

WHEREAS, this order provides that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided one of the following conditions is met:

- a. The owner of a single family dwelling that is presently utilizing a domestic well voluntarily ceases to draw water from that well located within the described area; or,
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and
 - (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

- (4) That a written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps groundwater within the same groundwater basin as covered by this order.

WHEREAS, this order does not:

- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of groundwater pumped in the Cold Spring Valley Hydrographic Basin.
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.


WHEREAS, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in the Cold Spring Valley Hydrographic Basin (100) as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.

IT IS FURTHER ORDERED that this order supersedes State Engineer's Order 1206, dated April 22, 2010.



TIM WILSON, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

21st day of October, 2019.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1277

ORDER GRANTING PETITION FOR ADJUDICATION OF WATER RIGHTS IN THE
MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO ALL
WATERS OF COLD SPRING VALLEY, HYDROGRAPHIC BASIN NUMBER 07-100,
WASHOE COUNTY, STATE OF NEVADA.

TO WHOM IT MAY CONCERN:

On February 3, 2016, the Heinz Ranch Land Company, LLC, a Nevada limited liability company, successor in interest to an appropriator to the waters of Cold Spring Valley, petitioned the State Engineer for the adjudication of water rights in the Cold Spring Valley. The State Engineer, after due consideration and investigation, has decided that facts and conditions warrant the initiation of proceedings for Determination of the Relative Rights in and to all Waters of Cold Spring Valley (Hydrographic Basin No. 07-100) located in Washoe County, Nevada.

By virtue of authority granted him in NRS § 533.090, the State Engineer enters this ORDER to proceed with the determination in question.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

1ST day of JUNE, 2016.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1278

NOTICE AND ORDER FOR TAKING PROOFS IN THE MATTER OF THE
DETERMINATION OF THE RELATIVE RIGHTS IN AND TO ALL WATERS
OF COLD SPRING VALLEY, HYDROGRAPHIC BASIN NUMBER 07-100,
WASHOE COUNTY, STATE OF NEVADA.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the State Engineer will commence taking Proofs of Appropriation for the Determination of the Relative Rights in and to All Waters of Cold Spring Valley (Hydrographic Basin No. 07-100) located in Washoe County, State of Nevada, on the 1st day of August, 2016.

All claimants to the waters of said Cold Spring Valley and tributaries must file their Proofs of Appropriation in the Office of the State Engineer on or before the 1st day of August, 2017, as provided for under NRS § 533.110.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this
1st day of August, 2016.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1307

INTERIM ORDER

**ESTABLISHING A TEMPORARY MORATORIUM ON THE REVIEW OF, AND
ACTION ON, SUBDIVISION MAPS OR OTHER SUBMISSIONS CONCERNING
DEVELOPMENT AND CONSTRUCTION SUBMITTED TO THE STATE ENGINEER
IN THE COLD SPRING VALLEY HYDROGRAPHIC BASIN (100)**

I. BASIN DESIGNATION AND ORDERS

WHEREAS, the Cold Spring Valley Hydrographic Basin was designated pursuant to Nevada Revised Statute (NRS) Chapter 534 by Order 606 dated January 18, 1977.

WHEREAS, on April 22, 2010, by Order 1206, the State Engineer established a program pursuant to NRS 534.350 allowing a public water system to receive credits for the addition of new customers to its system served by a domestic well or eligible to drill a domestic well prior to July 1, 1993.

II. COLD SPRING VALLEY ADJUDICATION

WHEREAS, on February 3, 2016, the Heinz Ranch Land Company, LLC, petitioned the State Engineer to adjudicate the water rights of Cold Spring Valley. The State Engineer issued Order 1277 on June 1, 2016, commencing the adjudication of the Cold Spring Valley Hydrographic Basin, pursuant to NRS 533.090.

WHEREAS, on August 1, 2016, by Order 1278 the State Engineer commenced the taking of Proofs of Appropriation as provided for under NRS 533.110.

WHEREAS, on February 27, 2019, the State Engineer issued the Preliminary Order of Determination in the Matter of the Determination of the Relative Rights in and to the Waters of Cold Spring Valley, Hydrographic Basin No. 100, Washoe County Nevada (hereafter "Preliminary Order of Determination").

WHEREAS, the hearing on Objections to the Preliminary Order of Determination is scheduled for January 14, 2020.¹

III. COLD SPRING VALLEY RULINGS

WHEREAS, the State Engineer has received and considered multiple applications seeking to appropriate groundwater in Cold Spring Valley.² However, the State Engineer has consistently found that the available perennial yield of Cold Spring Valley is 500 acre-feet and that the groundwater commitments exceed the available water supply.³

IV. COLD SPRING VALLEY HYDROGRAPHIC BASIN

WHEREAS, the State Engineer estimates the perennial yield of the Cold Spring Valley Hydrographic Basin is 500 acre-feet.⁴

WHEREAS, as of December 17, 2019, approximately 1,755 acre-feet of appropriated groundwater rights are committed from the Cold Spring Valley Hydrographic Basin.⁵

WHEREAS, of the 1,755 acre-feet of appropriated groundwater rights located within Cold Spring Valley, approximately 1,708 acre-feet are permitted and certificated for quasi-municipal manner of use.⁶

WHEREAS, the Preliminary Order of Determination identified 1,099.10 acre-feet of valid supplemental vested groundwater irrigation claims and 4.93 acre-feet of valid vested stockwater claims for a total of 1,104 acre-feet in the Cold Spring Valley Hydrographic Basin.⁷

¹ Notice of Hearing, September 11, 2019.

² See State Engineer Rulings 1429, 1430, 2038, 2141, 2042, 2142, 2157, 2227, 2265, 2300, 2387, 2420, 3062, 4560, 4561, 4567, 4568, 4569, 4570, 4766, and 4880, official records in the Office of the State Engineer.

³ *Id.*

⁴ F.E. Rush and P.A. Glancy, *Water-Resources Appraisal of the Warm Springs-Lemmon Valley Area, Washoe County, Nevada*, Water Resources Bulletin No. 43, (Department of Conservation and Natural Resources, Division of Water Resources and U.S. Department of the Interior, Geological Survey), 1967.

⁵ Nevada Division of Water Resources' Water Rights Database, Hydrographic Area Summary, Cold Spring Valley Basin (100), accessed December 17, 2019, official records in the Office of the State Engineer, available at <http://water.nv.gov/DisplayHydrographicGeneralReport.aspx?basin=100>.

⁶ *Id.*

⁷ See Preliminary Order of Determination, Exhibit A.

WHEREAS, the total groundwater commitments, including existing appropriations and vested claims determined to be valid in the Preliminary Order of Determination total approximately 2,859 acre-feet.

WHEREAS, supplemental groundwater rights are water rights that are available to fulfill the difference between a water right holder's surface water right delivery and the full duty of water the holder of the water right is authorized to divert under the terms of their right. In years where a surface water supply is sufficient to fulfill the total water right, no groundwater use is permitted; however, in extremely dry years, a water right holder may be authorized to divert as much as 100 percent of the supplemental groundwater right if there is no surface water to satisfy the water right.

WHEREAS, there remains great uncertainty as the total groundwater commitments within Cold Spring Valley resulting from the Cold Spring Valley adjudication proceedings, which are not yet determined.

WHEREAS, until such time as the adjudication proceedings are concluded and a final determination is made as to the quantification of the vested groundwater claims, there remains the potential for an additional 1,104 acre-feet of groundwater, or more, of additional claims to use of the groundwater within Cold Spring Valley.⁸

WHEREAS, the State Engineer has not determined, and cannot until the conclusion of the adjudication, the quantity of vested supplemental groundwater rights that will, on average, be relied upon to satisfy the totality of the surface water right(s). This quantity of water will have to be considered as a component of the total committed groundwater rights within Cold Spring Valley.⁹

⁸ The Objections to the Preliminary Order of Determination submitted by Heinz Holdco LLC submitted on May 3, 2019, seeks an expansion of the vested claims, including vested groundwater claims, based upon the State Engineer's calculations, which if accepted may increase the vested groundwater claims and associated commitments in the Cold Spring Valley Hydrographic Basin.

⁹ The historic average of necessary groundwater needed to make-up the difference between the surface water deliveries and the historic water rights has not been determined, and that calculation is necessary to determine what additional groundwater commitments exist within Cold Spring Valley Hydrographic Basin.

WHEREAS, the State Engineer does not conduct annual groundwater pumpage inventories in Cold Spring Valley; however, groundwater pumpage for quasi-municipal use within the basin for calendar year 2017 equals 1,313.16 acre-feet of groundwater use.¹⁰

WHEREAS, the predominate manner of use of water within the Cold Spring Valley being quasi-municipal use is utilized for the purpose of serving the residential population of the basin, which in 2010 was 8,544 persons.¹¹

WHEREAS, within the Cold Spring Valley, there are approximately 3,110 individual households, and of those, 83.8-percent of those households are owner occupied.¹²

V. AUTHORITY AND NECESSITY

WHEREAS, NRS 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

WHEREAS, given that the State Engineer must use the best available science and manage the water resources in the Cold Spring Valley Hydrographic Basin, consideration of any development of long-term, permanent, uses that could ultimately be curtailed due to lack of water availability must be examined with great caution.

WHEREAS, the perennial yield of the Cold Spring Valley Hydrographic Basin is 500 acre-feet, and existing water rights within the basin exceed the perennial yield of the basin.

WHEREAS, the urbanization and development in the basin continues and uncertainty as to the quantity of water under vested groundwater claims before the State Engineer cannot be determined with finality until the conclusion of the Cold Spring Valley adjudication proceedings.

¹⁰ As reported by Great Basin Water Company, who is the holder of all quasi-municipal rights in the basin, official records in the Office of the State Engineer.

¹¹ See United States Census Data available at <https://www.census.gov/quickfacts/fact/table/coldspringscdpnevada/PST045218> (last accessed December 10, 2019).

¹² *Id.*

WHEREAS, existing groundwater pumping within the Cold Spring Valley Hydrographic Basin is documented to be at least 1,313.16 acre-feet in 2017, with the majority of that water serving residential developments within the Basin.

WHEREAS, the State Engineer has a duty to exercise caution where there is uncertainty and that the exercise of such caution is particularly prudent where the existing reliance on a water resource is by households where mismanagement may subject such communities to curtailment or regulation of water rights by priority of rights.

WHEREAS, the State Engineer must consider that any new development will be reliant on the groundwater supply for innumerable years to come.

WHEREAS, the State Engineer finds that he has a duty to take proactive steps to assure the best management practices exist in a basin so as to prevent against perpetuating or imposing an avoidable problem.

WHEREAS, there is great uncertainty as to the precise extent of the development of existing appropriations of groundwater within Cold Spring Valley that may occur without conflicting with existing senior rights.

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.¹³

WHEREAS, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.¹⁴

¹³ NRS 532.120.


¹⁴ NRS 534.120(1).

VI. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. During the pendency of this Interim Order:
 - a. A temporary moratorium is issued holding in abeyance decisions on any subdivision or other submission concerning development and construction (hereafter “project”) submitted to the State Engineer after December 18, 2019, for review, pending a Decree in the Cold Spring Valley adjudication to allow the State Engineer to determine the quantity of groundwater available without conflicting with senior rights and assuring an available water supply exists to serve the needs for the anticipated life of the project.
 - b. The State Engineer may review and grant approval if a showing can be made to the State Engineer’s satisfaction that an adequate and sustainable supply of water, other than groundwater within the Cold Spring Valley Hydrographic Basin, is available to meet the needs and anticipated life of the project.
2. Any stakeholder with interests that may be affected by water right development within the Cold Spring Valley Hydrographic Basin may file a report in the Office of the State Engineer in Carson City, Nevada, no later than the close of business on Tuesday, March 31, 2020. Reports filed with the Office of the State Engineer should address:
 - a. The perennial yield of the Cold Spring Valley Hydrographic Basin, defined as the quantity of groundwater that may be withdrawn from the Basin each year over the long-term without depleting the groundwater reservoir;
 - b. Whether the quantity of groundwater that may be withdrawn each year over the long-term is sufficient to meet the needs of the current commitments within the Cold Spring Valley Hydrographic Basin; and,

- c. Whether the location of groundwater withdrawals and recharge within the Cold Spring Valley Hydrographic Basin impact the quantity of water that may be sustainably developed within the Basin.
3. The State Engineer may, in his discretion, schedule an administrative hearing no later than the month of May 2020 to take comment on the submitted reports.


TIM WILSON, P.E.
State Engineer

Dated at Carson City, Nevada this

20th day of December, 2019.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1333

ESTABLISHING THE PERENNIAL YIELD FOR THE COLD SPRING VALLEY
HYDROGRAPHIC BASIN (100) WITHIN WASHOE COUNTY, NEVADA, AND
RESCINDING INTERIM ORDER 1307.

I. AUTHORITY AND NECESSITY

WHEREAS, the State Engineer is designated by the Nevada Legislature to perform the duties related to the management of the water resources belonging to the people of the state of Nevada.¹

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.²

WHEREAS, for each administratively delineated hydrographic basin located in whole or in part in the State, the State Engineer shall prepare a water budget and calculate and maintain an inventory of water, which includes an estimate of the amount of all groundwater that is available for appropriation in the basin.³

WHEREAS, the State Engineer is encouraged to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.⁴

WHEREAS, the State Engineer finds that he has a duty to apply the best available science to inform decisions and to ensure the best management practices are applied so as to prevent avoidable problems associated with over-appropriation and overuse of the waters of the State, regardless of the source. This duty extends to actions and decisions in the Cold Spring Valley

¹ NRS 232.100(2); NRS Title 48.

² NRS 532.120.

³ NRS 532.167(3).

⁴ NRS 533.024(1)(c).

Hydrographic Basin required to fulfill the State Engineer's statutory responsibilities to support current and future uses of water for innumerable years to come.

WHEREAS, the State Engineer previously estimated the perennial yield of the Cold Spring Valley to be 500 acre-feet, based on the 1967 investigation by Rush and Glancy, and supported by the 1981 investigation by Van Denburgh.⁵ The sum of all permitted, certificated and decreed groundwater rights is about 2,069 afa.⁶ Domestic wells that are exempt from the permitting process represent an additional commitment of 350 afa.⁷

WHEREAS, the State Engineer has the authority to hold a hearing to take evidence and hear testimony on the interpretation of the evidence with respect to his responsibility to manage Nevada's water resources.⁸

WHEREAS, Interim Order 1307, issued December 20, 2019, established a temporary moratorium on the review of, and action on, submissions concerning development and construction in the Cold Spring Valley while investigating water availability.⁹ Interim Order 1307

⁵ NSE Ex. 45, F. Eugene Rush and Patrick A. Glancy, *Water-Resources Appraisal of the Warm Springs-Lemmon Valley Area, Washoe County, Nevada* (Rush and Glancy), Water Resources—Reconnaissance Series Report 43, (Department of Conservation and Natural Resources, Division of Water Resources and U.S. Department of the Interior, Geological Survey), 1967; NSE Ex. 46, A. S. Van Denburgh, *Water Resources of Cold Spring Valley, A Growing Urban Area Northwest of Reno, NV* (Van Denburgh), USGS Open-File Report 80-1287, (U.S. Department of the Interior, U.S. Geological Survey and Department of Conservation and Natural Resources, Division of Water Resources and), 1981, both exhibits to the Hearing on Interim Order 1307, official records in the Division of Water Resources.

⁶ Corrected Findings of Fact, Conclusions of Law, Judgment, and Decree, *In the Matter of the Determination of the Relative Rights In and To all Waters of Cold Spring Valley, Hydrographic Basin No. 07-100, Washoe County, Nevada*, Case No. CV21-01532, Second Judicial District Court of Nevada, In and For the County of Washoe (November 21, 2022), (“the Cold Spring Valley Decree”); Nevada Division of Water Resources’ Water Rights Database, Hydrographic Basin Summary, Cold Spring Valley Hydrographic Basin (100), accessed January 7, 2023, official records in the Division of Water Resources, available at <http://water.nv.gov/undergroundactive.aspx> (not updated to reflect the rights set forth in the Cold Spring Valley Decree). See also NSE Ex. 3, Hydrographic Area Summary, Hearing on Interim Order 1307, official records in the Division of Water Resources. NSE Ex. 3 predates the Cold Spring Valley Decree.

⁷ *Id.*, NRS 534.080(4); NRS 534.180.

⁸ NRS 532.110.

⁹ See NSE Ex. 9, State Engineer’s Interim Order 1307, dated December 20, 2019, Hearing on Interim Order 1307, official records in the Division of Water Resources.

invited stakeholders with interests in water rights development within Cold Spring Valley Hydrographic Basin to file a report with the Office of the State Engineer addressing three specific matters: 1) the perennial yield of the Cold Spring Valley, defined as the quantity of groundwater that may be withdrawn from the basin each year over the long-term without depleting the groundwater reservoir; 2) whether the quantity of groundwater that may be withdrawn each year over the long-term is sufficient to meet the needs of the current commitments within the Basin; and, 3) whether the location of groundwater withdrawals and recharge within the Basin impact the quantity of water that may be sustainably developed within the Basin.¹⁰ Reports in response to the Interim Order 1307 solicitation were filed by Heinz Holdco, LLC (Heinz) and by Michael DeMartini, P.E. on behalf of Renate DeMartini, Matthew DeMartini, and himself (collectively, the DeMartini family).¹¹

WHEREAS, a public hearing was held on May 28, 2020, via video and teleconference. The purposes of this hearing were to afford stakeholder participants who submitted reports pursuant to the solicitation in Interim Order 1307 an opportunity to present the salient conclusions of their reports and to direct the State Engineer to the evidence that supports those conclusions for the purpose of making decisions regarding the future management of the Cold Spring Valley basin.¹² Following the conclusion of the hearing, the State Engineer accepted public comment until June 29, 2020.¹³

WHEREAS, during the Interim Order 1307 hearing, testimony was provided by witnesses for Heinz and by the DeMartini family. On behalf of Heinz, Justin Huntington provided testimony on his report and technical memorandum seeking to review and reassess water resources of the Cold Spring Valley.¹⁴ His work focused on assessing the components of perennial yield and system

¹⁰ *Id.*, pp. 6-7.

¹¹ Some reports and data were provided by Heinz Holdco, LLC at the hearing on the proposed Interim Order 1307, held on September 11, 2019. The exhibits are contained within the official records in the Division of Water Resources.

¹² *Notice of Hearing Procedures Regarding Order 1307*, dated May 22, 2020, Hearing on Interim Order 1307, official records in the Division of Water Resources.

¹³ The State Engineer received no public comment.

¹⁴ Heinz Ex. 16, Water Resource Assessment for the Cold Spring Valley Hydrographic Area, Northwestern Nevada, by Justin Huntington, PhD, dated March 2020; Heinz Ex. 17, Technical Memorandum 03-2020, "Estimating the maximum sustainable rate of groundwater pumping

yield using new methods and statistical models. Also on behalf of Heinz, John Rupp provided testimony regarding Cold Spring Groundwater Contour Maps that he prepared and the model he used to generate the maps and their updates.¹⁵ Finally, on behalf of Heinz, Garrett Frey and Mike Hardy testified regarding the geology and hydrogeology of the Heinz Ranch property that gave rise to the assumptions regarding hydraulic conductivity and storage used in the Groundwater Contour Maps.¹⁶ On behalf of the DeMartini family, Michael DeMartini testified regarding the potential water availability from water that collects in White Lake and detention basins in Cold Spring Valley.¹⁷

WHEREAS, the State Engineer has reviewed and evaluated the already existing body of research, in addition to the evidence and testimony provided by the participants as it pertained to the understanding of the perennial yield in Cold Spring Valley and the calculation of water available for appropriation. The result of that technical review and analysis is documented in the "Evaluation of Best Estimates of Water Budget Components and Review of Hearing Questions for the Cold Spring Valley Hydrographic Basin (HA 100)."¹⁸

considering water reuse and importation, by Justin Huntington, dated March 25, 2020; Heinz Ex. 21, C.V. for Justin Huntington; Heinz Ex. 24, demonstrative exhibit, slides to accompany presentation by Justin Huntington, PhD, all Hearing on Interim Order 1307, official records in the Division of Water Resources.

¹⁵ Heinz Ex. 15, Cold Spring Groundwater Contour Maps, dated "Aug 18"; Heinz Ex. 22, C.V. for John Rupp; Heinz Ex. 25, demonstrative exhibit, slides to accompany presentation by John Rupp, all Hearing on Interim Order 1307, official records in the Division of Water Resources.

¹⁶ Heinz Ex. 15; Heinz Ex. 19, C.V. of Michael Hardy; Heinz Ex. 23, C.V. of Garrett Frey; Heinz Ex. 26, demonstrative exhibit, slides to accompany presentation by Michael Hardy and Garret Frey, all Hearing on Interim Order 1307, official records in the Division of Water Resources.

¹⁷ DeMartini Ex. 5, C.V. of Michael DeMartini, attached to Evidentiary Disclosure, dated May 26, 2020; DeMartini Ex. 6, Report in Response to Order 1307 Regarding a Temporary Moratorium in Cold Spring Valley Hydrographic Basin (100), Washoe County, Nevada, dated March 31, 2020, both Hearing on Interim Order 1307, official records in the Division of Water Resources.

¹⁸ "Evaluation of Best Estimates of Water Budget Components and Review of Hearing Questions for the Cold Spring Valley Hydrographic Basin (HA 100)," dated January 24, 2023, Hearing on Interim Order 1307, available in the official records in the Division of Water Resources ("Technical Memorandum").

II. CALCULATION OF WATER BUDGET

WHEREAS, the State Engineer must determine the water budget of a groundwater basin or an interconnected source of water to support decisions regarding the amount of groundwater available for withdrawal.¹⁹ Water budgets are comprised of two main components, inflows and outflows. Natural groundwater inflow components can include recharge directly from precipitation, recharge indirectly from downward percolation of surface water runoff and subsurface inflow. Natural groundwater outflow components can include discharge from evapotranspiration (ET); discharge to surface water features including springs, streams, or lakes; and subsurface outflow.²⁰ These water budget components are used to account for the rates or amounts of water that move into and out of a saturated system. In a natural system, where climatic conditions are reasonably stable, the long-term mean annual recharge and discharge of an aquifer are equal.²¹ However, recharge and discharge estimates can be made independently using different methods and often do not match. Discharge is generally a more reliable measure of the groundwater budget than recharge because discharge can commonly be observed and measured where it occurs.

WHEREAS, the State Engineer has reviewed the ranges of estimates for each component of the water budget, and based on considerations of the best available science, level of uncertainty, and methodology used to make the estimate, the State Engineer finds that 1,515 acre-feet annually is the most appropriate estimate of groundwater discharge from Cold Spring Valley.²² This is derived from the average of two viable estimates of pre-development ET (1,510 acre-feet per year and 1,920 acre-feet per year) which is 1,715 acre-feet per year, minus ET in uplands areas (140 acre-feet per year) and ET from surface water irrigated areas (60 acre-feet per year) which totals 1,515 acre-feet per year.

¹⁹ See, e.g., NRS 533.024(1)(e).

²⁰ See, Technical Memorandum, p. 4.

²¹ Office of the State Engineer, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 12, Oct. 1971.

²² Technical Memorandum, pp. 11-13.

III. PERENNIAL YIELD

WHEREAS, 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. The perennial yield is a single value that represents the groundwater budget for the general purpose of determining long-term water availability and whether new appropriations may be granted in accordance with NRS 533.370.

WHEREAS, the State Engineer finds that based on the consideration of testimony and evidence regarding the accuracy and precision of existing Cold Spring Valley water budget estimates, the Cold Spring Valley perennial yield is best determined as 1,500 acre-feet annually.

IV. SUSTAINABLE GROUNDWATER DEVELOPMENT

WHEREAS, Interim Order 1307 posed two additional questions to hearing participants that went beyond the perennial yield. First, the State Engineer asked whether the perennial yield is sufficient to meet the commitments within the basin.²³

WHEREAS, there are other measurements of available water, or “yields,” such as system yield which includes both surface water and groundwater, and a term called Qmax which includes water reuse.²⁴ Both system yield, and Qmax, have been described and estimated in existing reports covering Cold Spring Valley.²⁵

WHEREAS, system yield as estimated for Cold Spring Valley relies upon surface water capture by groundwater pumping. For basins like Cold Spring Valley where runoff may only occur seasonally and some surface water sources are fully appropriated in an average year,²⁶ this approach has a high probability to cause conflict with surface water users. As a result, surface water, and especially surface water that has intermittent or unpredictable flow, is not typically

²³ NSE Ex. 9.

²⁴ Technical Memorandum, pp. 15-17, for definitions and discussion of system yield and Qmax.

²⁵ See NSE Ex. 46; Heinz Ex. 16 and 17.

²⁶ See the Cold Spring Valley Decree.

administered as available to new groundwater appropriations. For these reasons, system yield is a perilous management technique for appropriation of groundwater in Cold Spring Valley.

WHEREAS, relying upon treated wastewater infiltration, discussed as Q_{max} or return flow, as additional water available for appropriation is problematic to include in an administrative plan because it is not a natural source of water and can be subject to decisions and dynamics outside the purview of the State Engineer. Other mechanisms exist for beneficially reusing water consistent with the existing water rights permits and management policy without conflating this source with the naturally occurring available groundwater.

WHEREAS, the State Engineer finds that system yield and the Q_{max} may represent opportunities for efficient water use in distinct circumstances, but they are not replacements for the natural groundwater budget as defined by the basin-scale perennial yield in Cold Spring Valley. The State Engineer will evaluate any additional source of water that is or may become available based on the best available science and a demonstration that there is no conflict with existing rights.

V. SPATIAL LIMITATIONS ON GROUNDWATER DEVELOPMENT

WHEREAS, the second additional question posed by Interim Order 1307 concerned whether the location of groundwater pumping and recharge within the basin affected available groundwater.²⁷ The degree to which unreasonable lowering of the aquifer's water levels can be prevented depends not only on perennial yield, but also on the location of groundwater pumping, locations of recharge and natural discharge, and aquifer properties.²⁸

WHEREAS, the evidence presented on this question by the hearing participants was inconclusive.²⁹ The location of groundwater pumping and recharge may play a role in how efficiently water can be developed and the effects of that pumping on the surrounding aquifer, however these relationships are not sufficiently defined in Cold Spring Valley to assert a new regional management scheme. The State Engineer will continue to consider local conditions as part of the water rights application process.

²⁷ NSE Ex. 9.

²⁸ Technical Memorandum, p. 18.

²⁹ *Id.*, pp. 18-34.

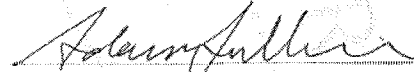
VI. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that the perennial yield of the Cold Spring Valley Hydrographic Basin (100) is **1,500 acre-feet annually**.

Moreover, current groundwater commitments exceed the perennial yield, however the consumptive use of current pumping does not exceed the amount that can be supported for the long term in Cold Spring Valley.

Finally, the locations of pumping and recharge will continue to be considered along with other available data in the evaluation of applications before the State Engineer.

ADDITIONALLY, IT IS HEREBY ORDERED that the moratorium imposed by Interim Order 1307 is hereby **RESCINDED**.


ADAM SULLIVAN, P.E.
State Engineer

Dated at Carson City, Nevada this



24th day of January, 2023.

Great Basin Water Company – Spanish Springs Division (Volume V)
NDWR Hydrographic Basin Data & Water Rights

Hydrographic Basin Summary

Order 533
Order 1185
Order 1185A

Hydrographic Area Summary

Hydrographic Area No. 085 **Hydrographic Area Name** SPANISH SPRINGS VALLEY
Subarea Name
Hydrographic Region No. 06 **Hydrographic Region Name** TRUCKEE RIVER BASIN
Area (sq. mi.) 76
Counties within the hydrographic area Washoe
Nearest Communities to Hydrographic Area Sparks, Reno
Designated (Y/N, Order No.) Y, O-533 **For All or Portion of Basin:** All
Preferred Use (Order No., Description) None **For All or Portion of Basin:**
State Engineer's Orders:  **For All or Portion of Basin:**
State Engineer's Rulings: 
Pumpage Inventory Status None **Crop Inventory Status** None
Water Level Measurement? Y

Yield Values
Perennial Yield (AFY) 1000
System Yield (AFY)
Yield Reference(s) USGS Recon. 43
Yield Remarks

Source of Committed Data: NDWR Database **Supplementally Adjusted?** Y

Manner of Use	Underground	Geothermal	Other Ground Water
Commercial	173.64	0.00	0.00
Construction	22.00	0.00	0.00
Domestic	216.31	0.00	0.00
Environmental	72.30	0.00	0.00
Industrial	0.00	0.00	0.00
Irrigation	597.53	0.00	0.00
Mining and Milling	0.00	0.00	0.00
Municipal	3,845.70	0.00	0.00
Power	0.00	0.00	0.00
Quasi-Municipal	716.06	0.00	0.00
Recreation	609.34	0.00	0.00
Stockwater	22.79	0.00	0.00
Storage	0.00	0.00	0.00
Wildlife	0.00	0.00	0.00
Other	0.00	0.00	0.00
Totals	6,275.67	0.00	0.00

Related Reports

USGS Reconnaissance 43 **USGS Bulletin** None

Other References

Comments

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

DESIGNATING AND DESCRIBING

THE SPANISH SPRINGS VALLEY GROUND WATER BASIN,
WASHOE COUNTY, NEVADA

The State Engineer finds that conditions warrant the designation of the Spanish Springs Valley Ground Water Basin, Washoe County, Nevada, and by this Order designates the following described area of land as a ground water basin coming under the provisions of Chapter 534 NRS (Conservation and Distribution of Underground Waters).

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, T.20N., R.19E., M.D.B.&M.

Sections 1, 2, 3, 4, 5, 6, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, Sections 9, 10, 11, 12, 13, 14, 15, 16, E $\frac{1}{2}$ E $\frac{1}{2}$ Section 20, Sections 21, 22, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$, SW $\frac{1}{4}$ Section 27, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T.20N., R.20E., M.D.B.&M.,

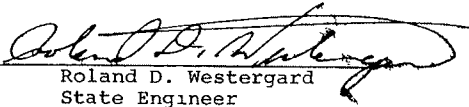
N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Sections 4, 5, 6, 7, 8, 9, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 16, Sections 17, 18, 19, W $\frac{1}{2}$ Section 20, W $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T.20N., R.21E., M.D.B.&M.,

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, T.21N., R.19E., M.D.B.&M.,

W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 1, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 2, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 10, Sections 11, 12, 13, 14, 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 16, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17, E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, Sections 21, 22, 23, 24, 25, 26, 27, 28, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 29, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ Section 31, Sections 32, 33, 34, 35, 36, T.21N., R.20E., M.D.B.&M.

W $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 8, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ Section 9, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ Section 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 11, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 14, Sections 15, 16, 17, 18, 19, 20, 21, 22, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Sections 27, 28, 29, 30, 31, 32, 33, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, T.21N., R.21E., M.D.B.&M.

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T.22N., R.20E., M.D.B.&M.


Roland D. Westergard
State Engineer

Dated at Carson City, Nevada,

this 10th day of March, 1975.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

1185

ORDER
**FOR DOMESTIC WELL CREDIT WITHIN THE SPANISH SPRINGS
VALLEY HYDROGRAPHIC BASIN (85)**

WHEREAS, this order is adopted under the procedure set forth in Chapter 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

WHEREAS, this order covers the Spanish Springs Valley Hydrographic Basin (85) within Washoe County and more specifically described as being:

T.20N., R.19E. (MDB&M)

That portion of Section 1 within the Spanish Springs Valley Drainage Basin.

T.20N., R.20E. (MDB&M)

All of Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 21, and 22, and those portions of Sections 8, 20, 23, 24, 26, 27, and 28 within the Spanish Springs Valley Drainage Basin.

T.20N., R.21E. (MDB&M)

All of Sections 4, 5, 6, 7, 8, 9, 17, 18, and 19, and those portions of Sections 3, 16, 20, 29, 30, and 32 within the Spanish Springs Valley Drainage Basin.

T.21N., R.19E. (MDB&M)

That portion of Section 36 within the Spanish Springs Valley Drainage Basin.

T.21N., R.20E. (MDB&M)

All of Sections 11, 12, 13, 14, 15, 21, 22, 23, 24, 26, 27, 28, 32, 33, 34, 35, and 36 and those portions of Sections 1, 2, 3, 10, 16, 17, 20, 29, and 31 within the Spanish Springs Valley Drainage Basin.

T.21N., R.21E. (MDB&M)

All of Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, and 33, and those portions of Sections 7, 8, 9, 10, 11, 14, 23, 26, 34, and 35 within the Spanish Springs Valley Drainage Basin.

T.22N., R.20E. (MDB&M)

That portion of Section 35 within the Spanish Springs Valley Drainage Basin.

WHEREAS, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

- a. A single family dwelling which is presently utilizing a domestic well on a lot established as a separate lot before July 1, 1993, and voluntarily ceases to draw water from that well located within the described area; or
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and

- (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
- (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 1,800 gallons per day, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

WHEREAS, this order does not:

- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Spanish Springs Valley Hydrographic Basin (85).
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

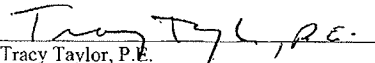
WHEREAS, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 1,800 gallons per day (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.

c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in the Spanish Springs Valley Hydrographic Basin (85), as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.


Tracy Taylor, P.E.
State Engineer

Dated at Carson City, Nevada this
19th day of April, 2007.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1185A

AMENDED ORDER

**FOR DOMESTIC WELL CREDIT WITHIN THE SPANISH SPRINGS
VALLEY HYDROGRAPHIC BASIN (85), WASHOE COUNTY**

WHEREAS, this order is adopted under the procedure set forth in NRS 534.350 for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

WHEREAS, this order covers the Spanish Springs Valley Hydrographic Basin (85) within Washoe County, and more specifically described as being located within the following area:

T.20N., R.19E., MOUNT DIABLO BASE AND MERIDIAN (M.D.B.&M.)

That portion of Section 1 lying within the natural drainage basin of the Spanish Springs Valley.

T.20N., R.20E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 21, and 22 and those portions of Sections 8, 20, 23, 24, 26, 27, and 28 lying within the natural drainage basin of the Spanish Springs Valley.

T.20N., R.21E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 17, 18, and 19 and those portions of Sections 3, 16, 20, 29, 30, and 32 lying within the natural drainage basin of the Spanish Springs Valley.

T.21N., R.19E., M.D.B.&M.

That portion of Section 36 lying within the natural drainage basin of the Spanish Springs Valley.

T.21N., R.20E., M.D.B.&M.

All of Sections 11, 12, 13, 14, 15, 21, 22, 23, 24, 26, 27, 28, 32, 33, 34, 35, and 36 and those portions of Sections 1, 2, 3, 10, 16, 17, 20, 29, and 31 lying within the natural drainage basin of the Spanish Springs Valley.

T.21N., R.21E., M.D.B.&M.

All of Sections 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, and 33 and those portions of Sections 7, 8, 9, 10, 11, 14, 23, 26, 34, and 35 lying within the natural drainage basin of the Spanish Springs Valley.

T.22N., R.20E., M.D.B.&M.

That portion of Section 35 lying within the natural drainage basin of the Spanish Springs Valley.

WHEREAS, this order provides that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided one of the following conditions is met:

- a. The owner of a single family dwelling that is presently utilizing a domestic well voluntarily ceases to draw water from that well located within the described area; or,
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
 - (1) That the described lot is located within the area described; and
 - (2) That the lot was established as a separate lot before July 1, 1993; and
 - (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
 - (4) That a written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps groundwater within the same groundwater basin as covered by this order.

WHEREAS, this order does not:

- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of groundwater pumped in the Spanish Springs Valley Hydrographic Basin.
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

WHEREAS, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

WHEREAS, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 2 acre-feet per year (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

NOW THEREFORE, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in the Spanish Springs Valley Hydrographic Basin (85) as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.

IT IS FURTHER ORDERED that this order supersedes State Engineer's Order 1185, dated April 19, 2007.



TIM WILSON, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

21st day of October, 2019.