

Division of
WATER RESOURCES

Jason King, P.E.
State Engineer

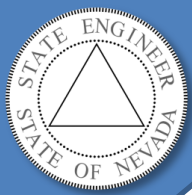
NWRA

Annual Conference
Las Vegas, Nevada
February 3-6, 2014

DEPARTMENT OF
**CONSERVATION &
NATURAL RESOURCES**

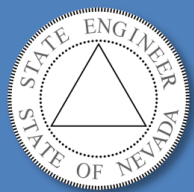
2013 Legislative Update: What Happened, What Didn't and What's Next





Some Facts

- Nevada's Legislature meets every two years
 - One of only 4 states
 - 2013 was our 77th session
- Sessions last 120 days (unless a special session is called) and begins the first Monday of February
- In 2013
 - Over 1200 bill drafts introduced
 - 558 became law and 17 were vetoed



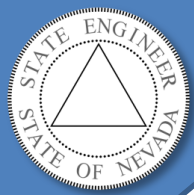
What Happened?

Bills that Passed



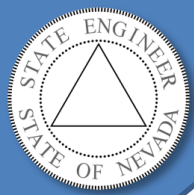
Bills Passed – Not a Whole Lot!

- SB 133 County Participation in Monitoring, Mitigation and Management (3M) Plans
- SB 134 Temporary Drought Protection Well for Stockwatering
- SB 390 Fracking
- SB 468 State Engineer's Fees
- SB 505 Abolishes Columbia Basin Interstate Compact Committee
- AB 483 NDOW Permit Fees for drain and flood waters of the Humboldt



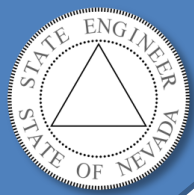
2013 Legislation – SB 133

- Eureka County introduced the bill
- Only applies to apps filed after January 1, 2012
- If our office requires a Monitoring, Management and Mitigation (3M) Plan as a condition of approval
 - ...the State Engineer shall, within 30 days after requiring the plan and if requested by the county where the S.E. has approved the point of diversion, allow the county to participate in an advisory capacity in the development and implementation of the plan.*
- The S.E. shall consider any comment by the county but is not required to include the comment in the 3M Plan.



2013 Legislation – SB 133

- The decision by our office whether or not to include the comments in the plan is **NOT** subject to judicial review.
- Effective on passage

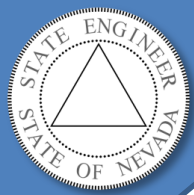


2013 Legislation – SB 134

- Emergency drought relief well for stock water
- In a county where a declaration of drought has occurred OR in a county contiguous to a county under such a declaration
 - A person may apply for a temporary permit for stockwatering
 - The temporary application is not published in the newspaper
 - Can submit a paper support map
 - If approved, the permit expires in 1 year and well must be plugged and abandoned

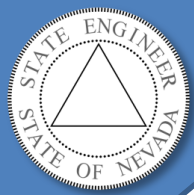
What didn't happen:

- The bill started out as requiring our office taking over the oversight of guzzlers statewide to include permitting the water use, and issuing fines and penalties to Nevada Division of Wildlife for those in disrepair. A second component of the bill was to allow for the appropriation of snow as a separate water source



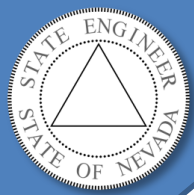
2013 Legislation – SB 390

- Bill related to hydro fracturing or “fracking” for oil and gas exploration
- The Division of Minerals and Nevada Division of Environmental Protection (NDEP) shall jointly develop a hydraulic fracturing program to:
 - Assess the effect of fracking on the waters of the State
 - Require a person engaging in fracking to disclose each chemical used
 - Provide notice to the public concerning the fracking activities
- The Commission on Mineral Resources shall adopt regulations to implement the fracking program required above by January 1, 2015



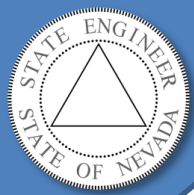
2013 Legislation – SB 505

- Abolishes Columbia Basin Interstate Compact Committee
- Specifically, repeals NRS 538.420, 538.430, 538.450, 538.460, 538.470, 538.480, 538.490, 538.500, 538.510, 538.520, 538.530, 538.540, 538.550, 538.560 and 538.570.
- The Columbia Basin Interstate Compact Commission was created in 1951. Nevada was included in this compact process because the Owyhee River, a tributary of the Snake River, flows through a portion of northern Nevada. The compact never actually functioned; Oregon and Washington did not adopt similar statutes, and Idaho and Utah repealed their provisions years ago. The compact was never agreed to by the two primary states, Oregon and Washington, nor was the compact ever approved by the United States Congress.



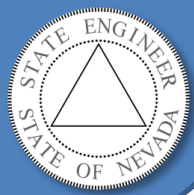
2013 Legislation – AB 483

- Approves permit fees for four (4) NDOW water right applications filed in 1975 to appropriate drain and flood waters in the Humboldt Sink for the purpose of maintaining the wildlife and wetlands in the Humboldt Wildlife Management Area.
- Fees would've been \$100 in 1975, today they would be \$387,500.
- We agreed to charge \$1000 per permit.



2013 Legislation – SB 468

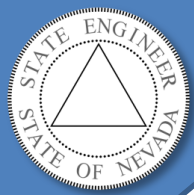
- Our Fee Bill – tied directly to our budget proposal
- Most of the existing fees increased by 20% plus five (5) new fees added
- We get to keep the fees generated
- Effective July 1, 2013



2013 Legislation – SB 468

Funding Shift

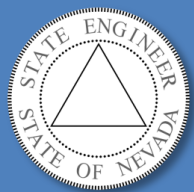
- This budget takes the first step in a planned process to transition the Division to increased levels of non-general fund support.
- Moving to a more fee-funded agency will help provide stability to staff levels that have fluctuated severely due to the state's economic health.



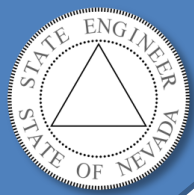
2013 Legislation – SB 468

Budget BDR - “Cost of Doing Business” Fee Increases

- The increase to our fees was based on a detailed analysis that shows our current fees do not cover the actual agency cost of performing that service.
- Additionally, five new fees for currently uncharged services are included based on the concept of *beneficiary pays principle*.
- Together these increases will help fund our agency, including the addition of critical adjudication staff.



What Didn't Happen? Bills that Died

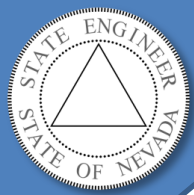


Bills That Died

AB 157 – Allowed a person on a municipal water system to drill a domestic well if they're paying too much for their water.

AB 215 – Multiple components to the bill dealing with the collection and reuse of gray water in single family residences.

AB 396 – Allowed people access to lands adjacent to rivers and lakes for the purposes of portage. Tried to use the Public Trust Doctrine as the vehicle to do so.

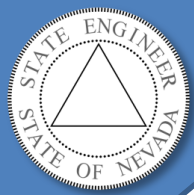


Bills That Died

AB 301

Directed the Public Lands Committee during the interim to study, without limitation, a comprehensive review of all of the following:

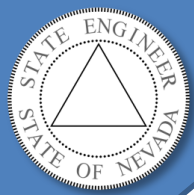
- Issues relating to water resources in this State;
- Studies quantifying water use, surface water resources and groundwater resources, including, without limitation, increased water supply through conservation;
- The total consumptive use of water in this State, calculated on the basis of gallons per capita per day.



Bills That Died

AB 301 (continued)

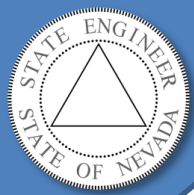
- Alternative sources of water, including, without limitation, desalination of water, interbasin transfers of groundwater, conservation of water used for agricultural purposes, water conservation in urban areas and cloud seeding, and the reuse of water, including, without limitation, reclaiming wastewater, using graywater and capturing rainwater; and
- Efforts that may be taken by the State of Nevada to ensure the equitable apportionment of groundwater in basins that have boundaries which extend outside the borders of the State of Nevada.
- Report was to be due on or before February 1, 2015



Bills That Died

SB 271 – Cloud Seeding in the Ruby Mountain Range. Died due to \$540k fiscal note.

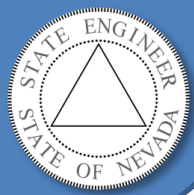
SB 341 – A bill dealing with how our office confirms water right ownership. It proposed to do the things we already do.



Bills That Died

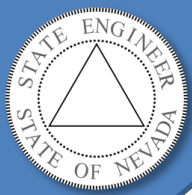
SB 499 – Created a Legislative Committee on Water Issues. Would take the place of the Public Lands Committee and would be made up of senate and assembly members who have an interest and expertise (when possible) to address water issues.

- Would review the programs and activities of the CRC, SNWA, TMWA, VVWD, CWSD, HRBWA, TCID plus other public and private entities involved in the development or distribution of waters
- Broad, overreaching powers e.g. conduct investigations, hold hearings, take depositions, issue subpoenas and more.



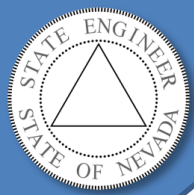
What's Next?

1. Pending Court Cases
2. Other Important Issues
3. Looking Ahead to the 2015 Legislative Session



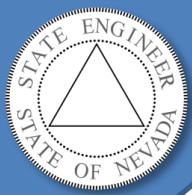
Pending Court Cases

- SNWA's Groundwater Development Project
 - Interbasin Transfer Criteria
 - Conflicts vs. impacts
 - Unappropriated water available
 - Use of Monitoring, Management and Mitigation (3M) Plans
- General Molybdenum Mine in Kobeh Valley
 - Interbasin Transfer Criteria
 - Conflicts vs. impacts
 - Unappropriated water available
 - Use of Monitoring, Management and Mitigation (3M) Plans
- Owyhee Adjudication
 - Federal reserved right assertions
- Truckee River Operating Agreement
 - Culmination of decades of negotiations with California, the United States, Pyramid Lake Paiute Tribe, TMWA and others.



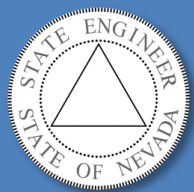
Other Important Issues

- Critical Management Areas and Groundwater Management Plans
- Surface Water / Ground Water Interaction
- Protection of Unadjudicated Water Rights (vested claims) i.e. mitigating water rights
- Native American Reserved Rights
 - Quantification
- Drought
- Sage Grouse



Looking Ahead to the 2015 Legislative Session

- Potential bill draft from our office:
 - Significant statutory “clean up” language
 - Antiquated adjudication statutes
 - Add language to the Critical Management Area statute that better defines what our office can do
 - Clarify under what conditions must a domestic well owner hook-up to a municipal water system.
 - Extension of time limitations
 - Better define the abandonment process



Questions & Discussion