

Division of
WATER RESOURCES

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State Engineer

Water Transfers



DEPARTMENT OF
CONSERVATION &
NATURAL RESOURCES



Topics of Presentation

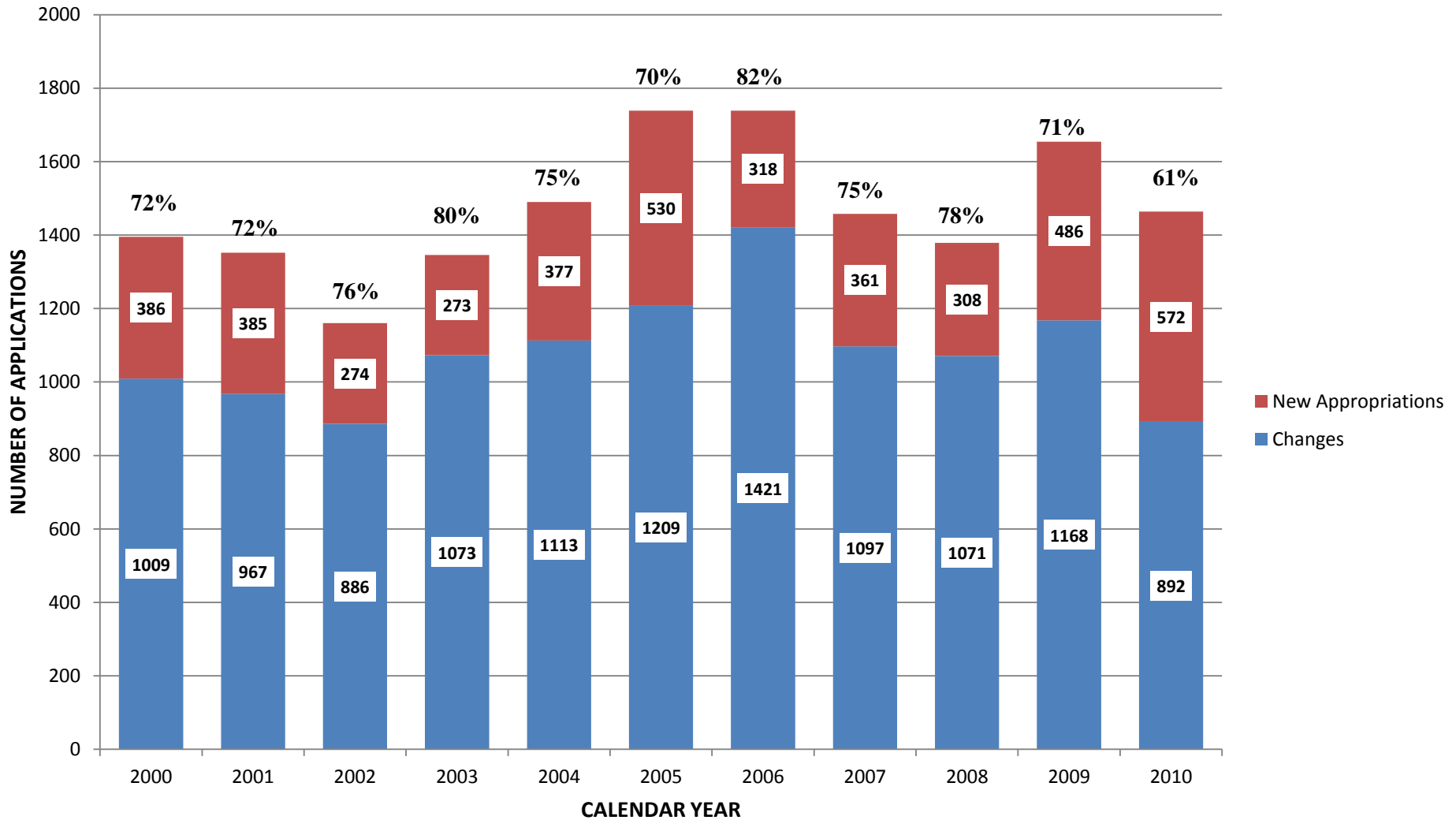
- Who has to file for water transfers
- Number of transfer applications filed
- Criteria used to issue or deny permits
- Interbasin transfers
- Changes of agricultural rights
- Statutory declaration on agriculture to wildlife transfers
- One-Year temporary transfers
- Walker River Basin Restoration Program



Who Must File A Change Application

- Any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so. **NRS 533.325**

Change Applications vs. Total Applications Filed





Criteria Used by the State Engineer When Deciding Whether to Approve or Deny a Transfer of an Existing Right



Criteria

Approval or denial of a water right based on four (4) primary criteria (533.370):

- Is there unappropriated water?
- Will it conflict with existing rights?
- Does the use of the water prove detrimental to public interest?
- Does the use conflict with existing domestic wells?



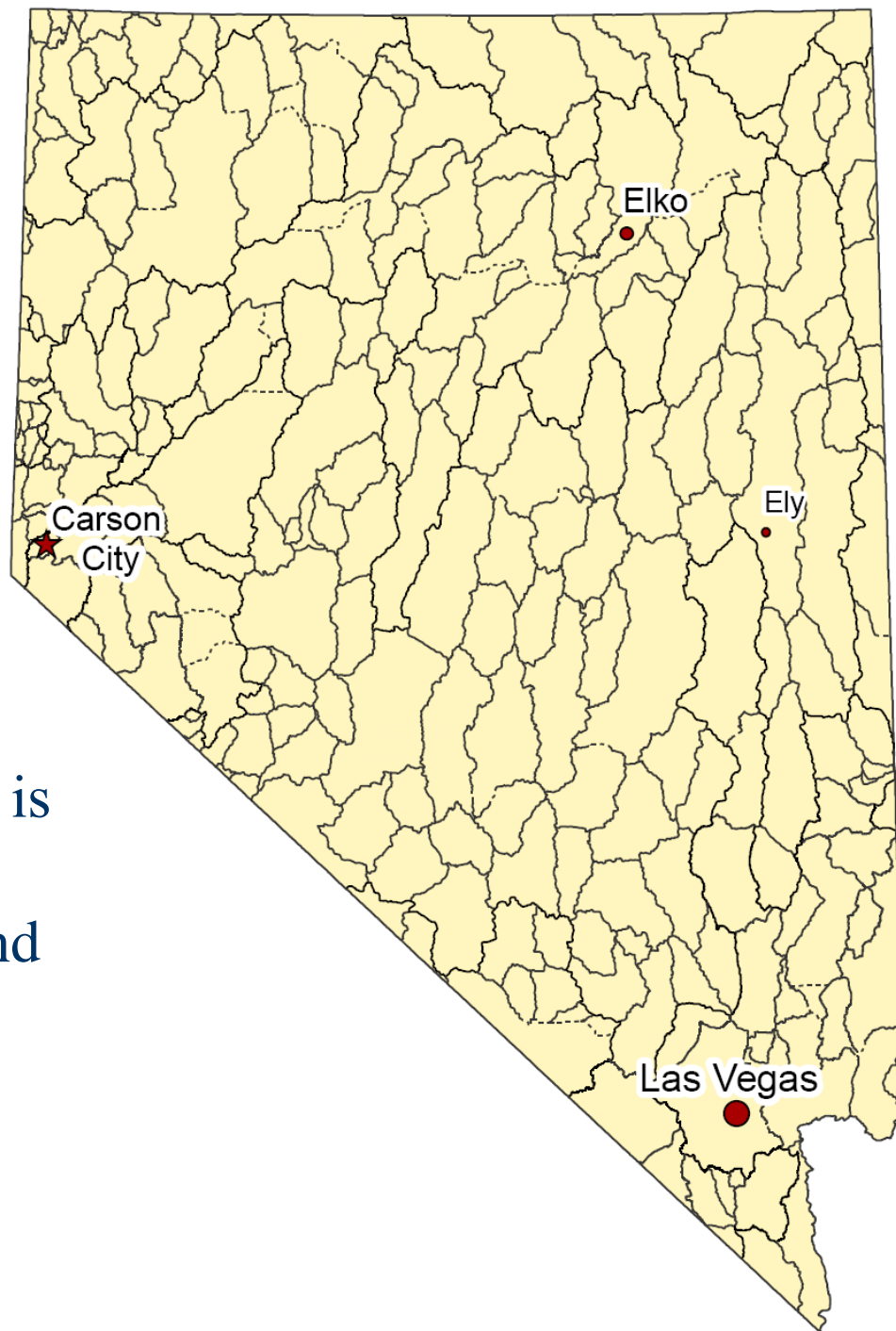
Criteria

Additional criteria for approving a water right was added in the 1993 and 1995 legislatures (533.370):

- Applicant **must show good faith** to construct the works necessary to put the water to the intended beneficial use with reasonable diligence.
- **Have financial ability** to construct the project and apply the water to beneficial use with reasonable diligence.



Approval Criteria When Dealing with Interbasin Transfers



Nevada's groundwater is divided into 256 hydrographic basins and sub-areas.



Additional Criteria When Considering Interbasin Transfers

Adopted in the 1999 legislation session **(533.370)**

- Whether the applicant has justified the need to import the water from another basin;
- If the S.E. determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;



Interbasin Transfers

- Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;
- Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported;
- Any other factor determined to be relevant



Changes of Agricultural Water Rights

Evapotranspiration and Net Irrigation Water Requirements for Nevada, January 2010

- Changes of agricultural water rights to any other use is based on the consumptive use of the base agricultural right.
 - Use alfalfa consumptive - dominant crop in NV
- A change in use from agricultural to municipal of a 125 acre pivot (500 acre-feet) after the consumptive use “haircut” yields a 375 acre-foot net transfer.



Innovative Changes of Water Rights

Temporary conversion of agricultural water for Wildlife purposes

1. The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.
 2. If a person or entity proposes to temporarily convert agricultural water rights for wildlife purposes or to improve the quality or flow of water, such temporary conversion:
 - (a) Must not be carried out unless the person or entity first applies for and receives from the State Engineer any necessary permits or approvals required pursuant to:
 - (b) Except as otherwise provided in this paragraph, must not exceed 3 years in duration. A temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water may be extended in increments not to exceed 3 years in duration each, provided that the person or entity seeking the extension first applies for and receives from the State Engineer any necessary permits or approvals, as described in paragraph (a). **NRS 533.0243 passed in 2007**
- **To date, not one application has been filed pursuant to this provision.**



Innovative Changes of Water Rights

Temporary conversion of agricultural water for wildlife purposes

- Issued one-year, temporary permits transferring agricultural rights to wildlife purposes (instream flow).
- One-year temporary applications are not published in the newspaper for protests.
- One-year temporary applications may submit a paper map instead of a mylar map showing the point of diversion and place of use.
 - In the case of a change from agricultural to wildlife, the existing irrigated lands that will be fallowed must be shown so that we can field verify.
- One year temporary permits can be issued within one week of them being filed.
- One year temporary permits expire one year after the date of permitting and automatically revert back to the base right.



Innovative Changes of Water Rights

Other Changes

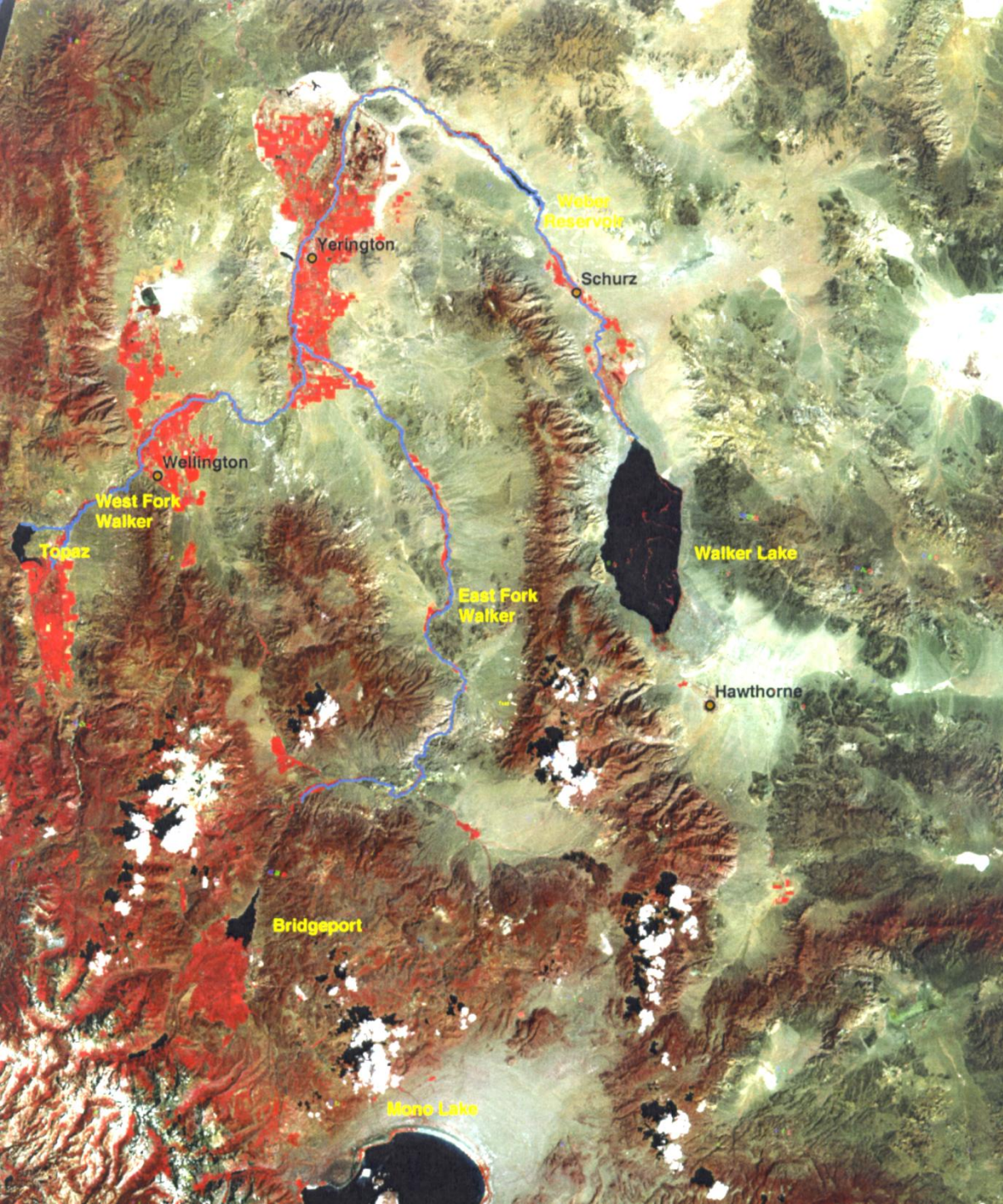
- Water purveyors purchase and transfer agricultural rights to municipal use for future growth and then lease back to the farmer who then files temporary changes for seasonal irrigation use.



Innovative Changes of Water Rights

Walker River Basin Restoration (Public Law 111-85)

- Restoring and Maintaining Walker Lake (TDS =17,000 ppm) through the purchase and/or lease of Walker River water rights.
- National Fish and Wildlife Foundation (NFWF) oversees the program
 - Up to \$75 million for water purchasing
 - Up to \$25 million of water leasing
- Permanent change applications will be filed for the purchase program
- Temporary change applications will be filed for the leasing program
- Ground will be fallowed and water delivered



**Satellite
Photo of
Walker River
Basin**



Questions?

