

Water

General Policies

Agriculture & Other Water Uses: 297

Established agricultural water rights should be considered a priority and not be lost or diminished because of other uses which do not have a priority property right in this first-in-time-first-in-right state.

Appropriation Of Water: 298

Nevada Farm Bureau supports the strict application of the Prior Appropriation Doctrine (as opposed to riparian doctrine) for administration of Nevada's water.

Farm Bureau believes that the sole authority for the appropriation, distribution and use of water or the change in place or manner of use of water is and should be state law or applicable court decrees.

We support the prior appropriation of rights described in applicable decrees and permits.

Cloud Seeding: 299

The Nevada Farm Bureau recognizes the benefits of and encourages all local, regional and state government entities to actively participate in sound and scientific weather modification (cloud seeding) programs designed to improve annual snowpack and increased water supply.

Complete Adjudication and Inventory Of Water Basins: 300

Every basin needs a base-line inventory of springs and streams and natural sub-irrigated meadows. This study should be accomplished by money set aside over time by the Nevada Legislature and done with a peer reviewed process. The study's timing should be based on priority of risk. Each basin should go through the adjudication process and a baseline inventory be established before an out of basin transfer occurs. A decrease of a baseline level should be viewed as a taking.

Critical Management Areas: 301

We believe that Nevada Law regarding Critical Management Areas (NRS 534.037) should be amended to include additional requirements for criteria to be used by the State Engineer in evaluating when determining whether to approve a groundwater management plan, submitted by the majority of holders of permits or certificates to appropriate water in a basin that has been designated as a Critical Management Area. Criteria to be added to the list provided in NRS 534.037 sub 2. shall include:

- The principles of the Prior Appropriation Doctrine and not allowing for senior water right owners to be negatively affected by junior water right owners through implementation of the submitted plan; and,
- Upholding Nevada's Constitutional protections for unreasonable seizure of private property. (Article 1 Section 18)

Designated Basins: 302

Nevada Farm Bureau believes that agricultural water rights are a benefit for the environment is a public benefit and fulfills a valuable public purpose. There is no justifiable purpose to designate a groundwater basin with restrictions or non-preferred status for agricultural irrigation.

We support the process that the state law spells out for designation of groundwater basins, with each basin being treated individually with separate hearings and separate actions.

When determining basin designations for water allocations, the designation Order should be clearly explained with details of the criteria used to offer the proposed Order.

In a designated basin where the state engineer decides to levy an assessment, we believe that a local hearing must be held prior to the assessment to provide an explanation of what fees will be levied.

Additionally, an annual report must be provided to the water right owners who have paid assessment fees to explain how their fees have been used.

Domestic Wells: 303

When a property has a domestic well that the casing has deteriorated and a new well needs to be drilled and the old well must be abandoned and sealed according to Nevada Law and this has been complied with, the replacement well should hold the same original well's date and usage.

Domestic Wells and Connection To Existing Water Rights: 304

Nevada Farm Bureau supports legislation that would allow for coordination between a county's right to parcel land with an implied underground water right and the Nevada State Engineer's statutory obligation to manage and protect the State's water resources as well as other existing water rights.

Engagement and Interaction With Division of Water Resources 305

The Division of Water Resources needs to be more engaged with underground water right owners to assist in improving water management.

Farm Bureau Water Committee: 306

Farm Bureau realizes the importance of surface and underground water supplies to agricultural production in Nevada. We recommend the continuation of the statewide committee of Farm Bureau members from each county to discuss water-related issues. This group would also communicate with the Nevada Farm Bureau, the State Engineer and be available for working with the Nevada Legislature on as needed basis to insure the needs of production agriculture are prioritized in the legislative and administrative processes.

Federal Water Rights: 307

Federal agencies must participate in adjudications or waive their rights to making claims as consistent with the McCarran Amendment.

Nevada Farm Bureau opposes any federal funds to purchase water rights.

Nevada Farm Bureau opposes any wildlife water rights being granted to any federal land management agency, which doesn't have "ownership" or control over Nevada's wildlife.

No water rights should be granted to federal land management agencies for Wild Horses and Burros.

Humboldt River: 308

We support an active effort to have the State of Nevada reject the Federal claim over the Humboldt River Basin waters.

Leasing of Water: 309

We believe that agricultural entities should be allowed to temporarily lease their water for other uses without jeopardizing ownership of their water rights.

Mine Dewatering: 310

Farm Bureau believes that the state water engineer should monitor and record all effects of mine dewatering and make reports regarding the same for each affected area. Reports should be made public. The object of this is to protect and conserve the natural resource (water) and the rights of all property and water right owners.

Mitigation of Water Right Conflicts:**311**

We strongly oppose any and all attempts to create regulations, temporary or otherwise, that are designed to mitigate any form of water dispute. We strongly support the right of the State Engineer to continue to oversee the management of Nevada's water law as defined in NRS 533. However, we do not support any attempt by the State Engineer or any other body, political or otherwise, that would intend to by-pass state law by mitigating a water dispute(s) by creating a temporary, or permanent regulation to accomplish such a goal.

We strongly support locally developed mitigation discussions by stakeholders to resolve any form of water dispute. We are not opposed to involving the State Engineer in any such discussions as an ad hoc participant, but the solution to such problems must come from the impacted stakeholders. If the parties agree to make an agreement, the agreement must be ratified by a Nevada state court and become a decree. (Note: a decree is exempt from Nevada Water Law and cannot be used to change water law.)

Nevada Water Banking Program:**312**

Nevada Farm Bureau supports a water banking system as long as it does not diminish the water right owner's water right or is used as a tool to diminish the water right owner's water right or the water right of another.

As Nevada considers the authorization and establishment of a water bank system for agricultural water rights, we maintain that these critical principles be covered:

- Prior to any formal adoption of a Nevada water bank system, local, public, in-person meetings need to be held in every local area to discuss the framework of how this proposed system would be operated, including the specific purpose for how this banking system will address area water needs. These meetings need to be provided as opportunities by water right owners to learn the possible benefits that the banking system will offer and provide water right owners to give input to the Nevada Division of Water Resources. Based on this input from water right owners throughout Nevada, the Nevada Division of Water Resources will be able to adequately present a fully-vetted proposal to the Nevada Legislature as a bill draft.
- Proposed legislative bills need to specifically identify where and under what conditions a water bank can be authorized and operate. The authorization of a water bank should also be provided first as a pilot project for a specific area and be subject to a continuation after a defined timeframe, possibly 10 years.
- All water rights enrolled in a water bank system must be maintained by the water right owner, who voluntarily participates under clearly defined terms that include the regular return of enrolled water to the agricultural property which has been temporarily idled.
- Water rights involved in a water bank system need to be verified as not causing any negative impact to any other water right owner and the water associated with the water bank will be subject to eligibility for a temporary transfer of use based on not negatively affecting other water right owners.
- No local water bank may operate with water rights that are being conjunctively managed. Surface water rights enrolled with a water bank that is operating a surface water right bank may only lease water to another surface water right user. Groundwater rights enrolled with a water bank that is operating a groundwater right bank may only lease water to another groundwater right user. The different sources of water must remain separated and not mixed.
- Local water right banks must remain local in nature and cannot be used as a tool to facilitate transfer of water outside of a basin or adjudicated river system.

Nevada Water Buyout/Retirement Program:**313**

Nevada Farm Bureau supports a water right buyout/retirement program as a means to solve over appropriation as long as it does not significantly diminish another property owner's property rights.

Nevada Water Conservation Program:**314**

Nevada Farm Bureau supports appropriate management of agricultural irrigation water and conservation measures which provide for proper management of water resources which maintain the long-term

ability of a water basin to not exceed perennial yield levels. Agricultural irrigation water use should not exceed the duties associated with a water right.

Attention needs to be directed at addressing over-appropriated groundwater basins with solutions oriented to bringing water rights and water being pumped into balance with perennial yields. Ongoing monitoring reports need to be shared with water right owners in the groundwater basin to assist in a better understanding of the conditions and status of the groundwater basin.

Conservation and irrigation efficiency by an agricultural water right owner is already addressed without government involvement because of the costs and economic self-interest of the water right owner who has significant investments associated with the infrastructure and operations of applying irrigation water for beneficial use.

Conservation through non-use should not be considered a beneficial use under State water law.

Protection of Vested Water Rights:**315**

Under the provisions of current Nevada law, NRS 533.087, a claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

We are opposed to this type of action if all parties are not bound by the deadline. We believe that vested water rights should be protected.

If the deadline for filing vested water rights is extended, the deadline extension should apply to all parties. If NRS 533.087 does not apply to all parties it should be deleted.

If the law is continued, with the extended deadline, we support persons with a claim to a vested water right the ability to supplement whatever current information they have submitted to more clearly establish the strength of their claim.

In no instance should federal agencies, making claims for federal rights of any type, be given favorable treatment over the claims made by private interest under Nevada water law.

Range Livestock Water:**316**

Nevada Farm Bureau encourages actions to expand the private development and ownership of stockwater on federally-managed lands.

Nevada Farm Bureau supports the premise that all federally-managed ranges in Nevada were historically fully adjudicated.

We oppose the federal ownership or control of water on all grazing allotments.

If during the intervening years the original carrying capacities have been reduced by agency action, this cannot be construed as resulting in historically certificated waters becoming available for any other use, or available for any agency filing. If in fact agency filing were to successfully occur, this loss of water must be considered as a "Takings".

Snow Survey and Water Information:**317**

Realizing the paramount importance of water supplies to Nevada agriculture, Nevada Farm Bureau encourages the continuance of snow surveys and accurate reporting of reservoir storage amounts. Farm Bureau also urges the Natural Resources Conservation Service (NRCS) and the state engineer's office to make readily available any water survey reports applying to Nevada.

State Control:**318**

Water in Nevada belongs to the state of Nevada and its citizens. Water in Nevada is put to beneficial use for all aspects of the state and its citizens. We support the complete sovereignty of Nevada over its water. There must be no additional federal involvement in any water used for any form of agriculture. In regard to delivery systems that cross state lines we will only support the involvement of the affected states.

State Water Commission:**319**

If there were to be a Commission established that would have oversight over the State Engineer and be authorized to hear appeals for water right decisions, Nevada Farm Bureau supports multiple seats be allotted for agricultural water rights to be represented on this Commission.

Storm Water Management:**320**

We strongly encourage all entities involved in determining storm water management plans to involve Landowners prior to adoption.

We support requiring any entity allowing or causing the deterioration of water drainage systems that adversely affect any agricultural landowners to be liable for the correction of the drainage systems.

We urge changes that would require municipalities and developments to control storm water runoff to reduce the serious flooding and financial losses the water can cause to agricultural operations.

Farmland should be exempt from storm water management assessment given its permeable surface.

Treatment of Water Permits:**321**

Temporary permits were set to be for one year, so that the water could be used while the State Engineers Office issued the final. To comply with the intent of the law temporary permits need to have a time limit on them.

We urge that the Nevada State Engineer and his staff make every effort to expedite processing of agricultural water use permit applications. The State Legislature should authorize funding for staff and systems to get the job done in a timely manner.

We ask that all municipal applicants or permit holders be held to the same standard as other entities.

Treatment of Water Rights:**322**

The right to use water is a property right which should not be taken away from an owner without due process of law and just compensation at the highest valued use. Any government attempt to diminish the availability of water to serve these water rights constitutes a takings and should require just compensation.

We support the present system of appropriation of water rights through state law and oppose any federal reserve right, domination or preemption of state water resource distribution formulas.

Walker River:**323**

We support an active effort to have the State of Nevada reject the Federal claim over the Walker River waters.

Water Measurement:**324**

Nevada Farm Bureau urges establishment of a dispute resolution system regarding disagreements between water right owners and water delivery personnel over water measurements. Such a program should include delineation of standards and specifications for water measurement methods and instruments, and allow for independent review of such water measurements.

We believe in sound water management. Sound water management requires timely data collection, information access and distribution to water right owners. Training should be provided to assist with entry of water data.

Water Planning:**325**

Nevada Farm Bureau encourages county governments to develop water plans.

In anticipation of continued population growth across the Western states, Nevada Farm Bureau encourages open-source planning efforts, focused on meeting future demands through innovative infrastructure to import water from distant sources, including from desalination facilities.

Water Quality:**326**

We are concerned that agricultural lands are not receiving the same level of attention/protection from pollution of ground/surface water by point and non-point polluters.

We urge counties to develop water quality plans, locally, to address identified problems of water quality standards, and implement corrective actions.

We support the capture and use of grey-water for agricultural use in production of non-food crops.

The Nevada Farm Bureau supports the state of Nevada in establishing a short general permit process in accordance with the National Pollutant Discharge Elimination System (NPDES) permit that simplifies acquiring said permit for the use and application of aquatic weed killer in irrigation ditches, drains and canals.

The Nevada Farm Bureau fully recognizes and supports Nevada Revised Statutes in establishing water quality standards “shall recognize the historic irrigation practices in the respective river basins of this state, the economy thereof and their effects.” To the extent that water quality standards are intended to define conditions necessary to support and protect fish and to provide for recreation, they must be reasonably, scientifically and economically attainable.

Water Quality Treatment:**327**

Nevada Farm Bureau supports state and federal funding to municipalities desiring to treat drinking water.