

Nevada Water Rights Retirement Program FAQ

A program for willing sellers in the Humboldt River and Central Region groundwater basins

What is the Voluntary Water Rights Retirement Program?

The Nevada Legislature approved funding to purchase water rights in over-appropriated and over-pumped Nevada groundwater basins. The Humboldt River Basin Water Authority and Central Nevada Regional Water Authority received \$15 million to retire water rights in the Humboldt River Basin and Central Hydrographic Region. The Program is voluntary – for those willing to sell their groundwater rights.

Who is eligible to sell water rights?

Water right holders in the portions of the Humboldt River Basin and Central Hydrographic Region located in CNRWA and HRBWA member counties: Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Nye, Pershing, and White Pine.

What is the purchase price of water rights, and how was it established?

There are three valuations for water rights. Over-pumped basins are allocated \$900 per acre-foot, and over-appropriated basins that are not over-pumped are valued at \$350 per acre-foot. Water rights in the Diamond Valley Basin are valued at \$800 per acre-foot.

How was the price determined?

An independent economist established a methodology to determine the price based on typical costs and income from farming one acre of alfalfa. The valuations are based on the current value of farming with irrigation groundwater rights. The value depends on the number of years operations can continue, the farmer's financial obligations, and personal ties to the land.

Can I appeal the price paid for my water rights?

The price paid for water rights will not be negotiated and cannot be appealed.

What is the deadline for applying?

January 22, 2024. A list of prospective sellers must be submitted to the state by February 1, 2024.

If I don't apply by the deadline, will I be able to sell my water rights in the future?

You will not be able to sell your water rights after the application deadline for this Program. Funding for the Program was a one-time appropriation of American Rescue Plan Act dollars, which are not available for future purchases. While there is interest in establishing a permanent water rights retirement program, there would need to be another source of funding approved by the Nevada Legislature. The Program does not affect the ability to sell water rights on the open market.

Can I sell a portion of my water right?

Water right holders must sell the entire duty associated with an individual permit or certificate. However, they may be able to keep up to 2 acre-feet annually for a cover crop and/or stock water. They can also keep their existing domestic well.

Do I keep my land, home, other improvements and equipment if I sell my water rights?

Yes. This Program is only for water rights; you keep your land and any improvements and equipment.

What if the requests to purchase water rights exceed available funding?

It is anticipated that this will be the case. Funding is capped at \$15 million. Priority will be given to purchasing water rights in over-pumped basins and water rights that address conflicts with existing rights, including surface water capture or detriments to the public interest and natural resources, water rights that are in regular use and that result in a reduction of consumptive use. All things being equal, applications will be approved based on when they were submitted.

What kind of mitigation must I agree to do if I sell my water rights?

Up to an additional \$50 per acre-foot is available for eligible implementation activities, such as plugging wells, rodent and weed control, and planting cover crops. A general reclamation and mitigation plan will be developed that will guide the transition away from cultivated agriculture to a stable, nonirrigated state – or another use to establish native vegetation or cover crops such as crested wheat. Future uses of the land, including but not limited to solar, industrial, hay stackyards, and laydown areas that will mitigate impacts associated with the removal of irrigation, will be considered on a case-by-case basis.

Can I still develop my land if I sell my water rights?

Yes. However, future subdividing or parceling of previously irrigated lands will be allowed if provisions of NRS 534.120 are met. Future development requires water rights in good standing that have been purchased or are already owned by the applicant and which the Nevada State Engineer approves to cover the domestic use and dedication of those rights to the local municipality, according to local ordinance or relinquishment to the State Engineer.

When will I be paid for my water rights?

Once the applications are approved, program contractors will conduct title searches and perform due diligence to assure that water rights are in good standing and that the rightful owner of the water rights can sell the water rights free and clear. Checks will be sent when the Division of Water Resources approves the contracts, conveyances, and other documentation. All funds must be paid by September 30, 2024.

Are there other requirements for selling my water rights?

The sale does not eliminate the need to comply with any other applicable requirements of federal, state, and local agencies, including the Division of Water Resources.

Can I sell supplemental groundwater rights?

This program will only purchase primary groundwater rights, not supplemental groundwater rights.

What happens to my water right after it is purchased?

Water rights are retired and will not be available for future appropriation under this program.

When and where will applications be available?

Applications are expected to be available by the week of November 27, 2023. Applications will be available at <https://cnrwa.com/> and <https://hrbwa.com/> for completion online or download for mailing. Applications will also be available at various locations in the Humboldt and Central Region.

Who can I contact for more information?

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