



November 27, 2019

Department of Conservation and Natural Resources  
Division of Water Resources  
Attn: Micheline Fairbank, Deputy Administrator  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250

**Re: CNRWA Comments on Proposed Revisions to NAC 533**

Dear Deputy Administrator Fairbank:

Thank you for the opportunity to provide comments on proposed changes to NAC 533 following the passage of AB62. These comments are submitted by the Central Nevada Regional Water Authority (“CNRWA”). The CNRWA is a nine-county unit of local government that collaboratively and proactively addresses water resource issues common to all member Counties (Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Nye, Pershing and White Pine), and whose mission is to protect the water resources in member counties so these counties will not only have an economic future, but their valued quality of life and natural environment is maintained.

In the recent public workshops, NDWR proposed to promulgate regulations related to extensions of time for filing a completion of construction of the works necessary to put water to beneficial use and proof of beneficial use pursuant to AB62, as well as regulations related to NDWR Administrative Hearings and the licensing of State Water Right Surveyors. CNRWA provides comments relevant to the first of those topics below. CNRWA does not take a position on proposed revisions to NAC 533, Administrative Hearings, or new regulations related to the licensing of State Water Right Surveyors at this time but may provide comment once draft regulations are proposed.

Despite progress in diversifying Nevada’s economy rural portions of our state are still prone to “boom and bust” cycles and lack the resources and expertise to develop cost-effective water infrastructure to support future growth and community development. Any regulations promulgated in response to AB62 related to the consideration by the State Engineer of an application for an extension of time in which to file proof of the completion of construction of works necessary to put water to beneficial use or proof of beneficial use should recognize and make allowance for the planning, funding, and infrastructure challenges that rural governments and small water systems face with regard to ensuring adequate future water supplies and infrastructures and placing water subject to such applications to beneficial use within a limited timeframe.

Consideration should include a recognition of the need for rural governments to protect local water resources to ensure adequate local water supply and resiliency in the face of future growth and drought conditions as well as the likely inability of rural governments and small community water systems to rely on water outside of their locally available supplies.

In addition, any regulations also should require that protestants to an application, or their successors-in-interest, receive mailed or electronic notice of, and the opportunity to protest, an application for an extension of time in which to file proof of the completion of construction of works necessary to put water to beneficial use or proof of beneficial use.

Thank you for considering CNRWA's comments regarding the proposed revisions to NAC regulations concerning the above-described issue, which urge you to ensure adequate consideration of the special circumstances and needs of Nevada's rural communities and their dependency on local water resources in the context of regulations promulgated pursuant to AB62. Please contact me at [ccjfontaine@gmail.com](mailto:ccjfontaine@gmail.com) or (775) 443-7667 if you would like to discuss CNRWA's comments.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Fontaine".

Jeff Fontaine  
Executive Director