

Central Nevada Regional Water Authority
Board of Directors

Churchill County
Elko County

Esmeralda County
Eureka County

Lander County
Nye County

White Pine County

September 8, 2006

RESOLUTION 06-01

**OF THE CENTRAL NEVADA REGIONAL WATER AUTHORITY SETTING
CRITERIA FOR PROTESTING WATER RIGHTS APPLICATIONS BEFORE
THE NEVADA STATE ENGINEER.**

WHEREAS, among the Members of the Central Nevada Regional Water Authority are:

- 1) Elko County, a general purpose unit of local government and subdivision of the State of Nevada;**
- 2) Esmeralda County, a general purpose unit of local government and subdivision of the State of Nevada;**
- 3) Eureka County, a general purpose unit of local government and subdivision of the State of Nevada;**
- 4) Lander County, a general purpose unit of local government and subdivision of the State of Nevada;**
- 5) Nye County, a general purpose unit of local government and subdivision of the State of Nevada;**
- 6) White Pine County, a general purpose unit of local government and subdivision of the State of Nevada, and**

WHEREAS, the Members share a common interest in the protection, enhancement and beneficial use of surface water and ground water originating within the unique hydrographic region serving the greater community of the Members, and

WHEREAS, there is a need for the Members to act in a unified and cooperative manner to ensure that high quality ground and surface water supplies are

available for sustaining desirable social, economic, fiscal and environmental conditions of the greater community of the Members, and

WHEREAS, there is a pressing need for coordinated response to proposals for development and export of large amounts of ground water from these basins, and

WHEREAS, the conferred functions for which the Authority is created include:

- 1) Formulating and presenting a position to relevant agencies of the State of Nevada, the United States and other government agencies on issues pertaining to Nevada's Central Hydrographic Region.
- 2) Preparing, updating and overseeing recommendations for water management and conservation plans for consumptive and non-consumptive uses of ground and surface waters originating in or passing through the local jurisdictions of member parties of the Authority.
- 3) Combining limited fiscal and staff resources for the purpose of obtaining and managing technical support, legal counsel, policy advice and other costly assets necessary for sound decision-making QY Member counties, and

WHEREAS, the powers, privileges, and authority of the Authority include:

- 1) To sue or be sued in its own name and to employ general counsel, and
- 2) To perform all other acts necessary or convenient for the performance of any purpose or power of the Authority, and

WHEREAS, the Members recognize the significance of protesting applications to divert waters of the State of Nevada,

NOW THEREFORE BE IT RESOLVED BY THE CENTRAL NEVADA REGIONAL WATER AUTHORITY as follows:

Any decision by the Authority to protest an application to appropriate waters of the state shall be preceded by all of the following;

- 1) An initial review by the Members considering the completeness of information supporting the application and affirmatively determine adequacy for the purposes of deciding 2a and 2b below,
- 2) An affirmative determination that:
 - a) Actions proposed in the application conflict with present or future health, welfare, economic viability or environmental well-being of the Member county or counties in which the contemplated place of use or point of diversion is situated. Evidence of conflict shall be a County Water

Resources Plan, Master Plan, Ordinance, Resolution or a similar statement of intent, and,

- b) The protest delivers a clear public benefit to a majority of the Members. Public benefit shall be generally construed, but not limited to mean:
 - i) resolving pertinent and substantive questions of law, or
 - ii) clarifying significant policy or administrative procedures of the State Engineer, or
 - iii) reducing uncertainty about impacts of interbasin transfer or inter-county transfer of water, or
 - iv) improving knowledge about hydrologic connections between groundwater basins, surface water sources and flow systems, or
 - v) any other scientific, legal or administrative question that spans more than one Member jurisdiction, or affects a broad cross-section of residents of the Central Region.
- 3) Upon an affirmative finding in section 1 and section 2, the Members shall diligently consider the cost of pursuing a protest action and determine whether the fiscal impact is commensurate with the intended benefits of the action.
- 4) Unless precluded by a time-sensitive situation, the Authority shall address the question of protest to the Board of Commissioners of the county in which the contemplated point of diversion or place of use is situated.
- 5) The final decision to protest or to withdraw an existing protest shall be decided by a two-third (2/3) majority of assembled Directors, that shall include at least one Director from the County in which the contemplate point of diversion is situated.

PASSED this _____ day of _____, 2006.

Joni Eastley, Chainnan

Attest:
