



February 12, 2021

Department of Water Resources
c/o Micheline N. Fairbank, Esq.
Deputy Administrator
901 S. Steward St., Suite 2002
Carson City, NV 89701

RE: Division of Water Resources Proposed Regulations (LCB File No. R169-20)

Dear Ms. Fairbank:

The Central Nevada Regional Water Authority submits the following comments regarding the Department of Water Resources proposed new regulation pursuant to Assembly Bill 62 of the 2019 Nevada Legislative Session relating to applications for extensions of time to file a proof of construction of works and proof of beneficial use (LCB File No. R169-20) dated December 10, 2020.

Section 10(2) – It is not clear if this proposed section is intended to prohibit the State Engineer from considering other relevant information in the State Engineer’s files or brought to the State Engineer’s attention when considering an extension request. This Section appears to prohibit the State Engineer from considering other relevant information related to a permit or an extension if it is not provided by the applicant or requested by the State Engineer pursuant to Section 10(1)(h) and (i). The State Engineer should retain the ability to consider all relevant information when contemplating an extension request regardless of being submitted by the applicant.

CNRWA appreciates the Division including, Section 11 subsection 1(h)(3), that the State Engineer will consider the completion of a water resource plan required by NRS 278.0228 when considering whether an applicant for municipal or quasi-municipal use has demonstrated good faith and reasonable diligence to perfect an appropriation as required by NRS 533.380. However, we recommend that the Division also consider whether the current water resource plan includes the municipal or quasi-municipal use for future development. We further recommend that when considering whether an applicant for any manner of use has demonstrated good faith and reasonable diligence to perfect an appropriation the State Engineer consider whether the use is consistent with the water resource plan required by NRS 278.0228. County and city water resource plans must include, without limitation identification of all known sources of surface water, groundwater and effluent that are physically and legally available for use in the community. This includes all sources of water for all manners of use in the county or city. Water resource plans are an important element in land use planning and essential to guiding local growth and development. Agriculture and mining provide an economic future for CNRWA member counties and are other manners of use which can be integrated into water resource plans and considered by the State Engineer.

Thank you for considering CNRWA's comments regarding the proposed new regulations. Please contact me at ccjfontaine@gmail.com or (775) 443-7667 if you would like to discuss CNRWA's comments.

Sincerely,


Jeff Fontaine
Executive Director