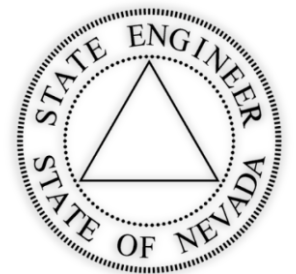


Devils Hole Pupfish

Western States Water Council
2017 WestFAST Workshop
Albuquerque, New Mexico
October 18, 2017

Jason King, P.E.
Nevada State Engineer



Devils Hole Pupfish

Nevada Division of Water Resources (aka State Engineer's Office) Mission Statement:

To conserve, **protect**, manage and enhance the State's water resources for Nevada's citizens through the appropriation and reallocation of the public waters.

- Must protect existing water rights!

Nevada Water Law – surface water in one chapter, groundwater in another

- While we have acknowledged connectivity between surface water and groundwater, our decisions did not always necessarily reflect that understanding.
 - Numerous decisions denying GW pumping when “right next to” a surface water source
 - Beginning conjunctive management in river dominated systems

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- Nevada Revised Statutes (NRS) 534.110(4)
“It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the **right must allow for a reasonable lowering of the static water level** at the appropriator’s point of diversion.”
- Cappaert v. United States in 1976 was a game changer in Amargosa Valley.
 - In Amargosa Valley, that reasonable lowering threshold cannot exceed 2.7’ at Devils Hole.

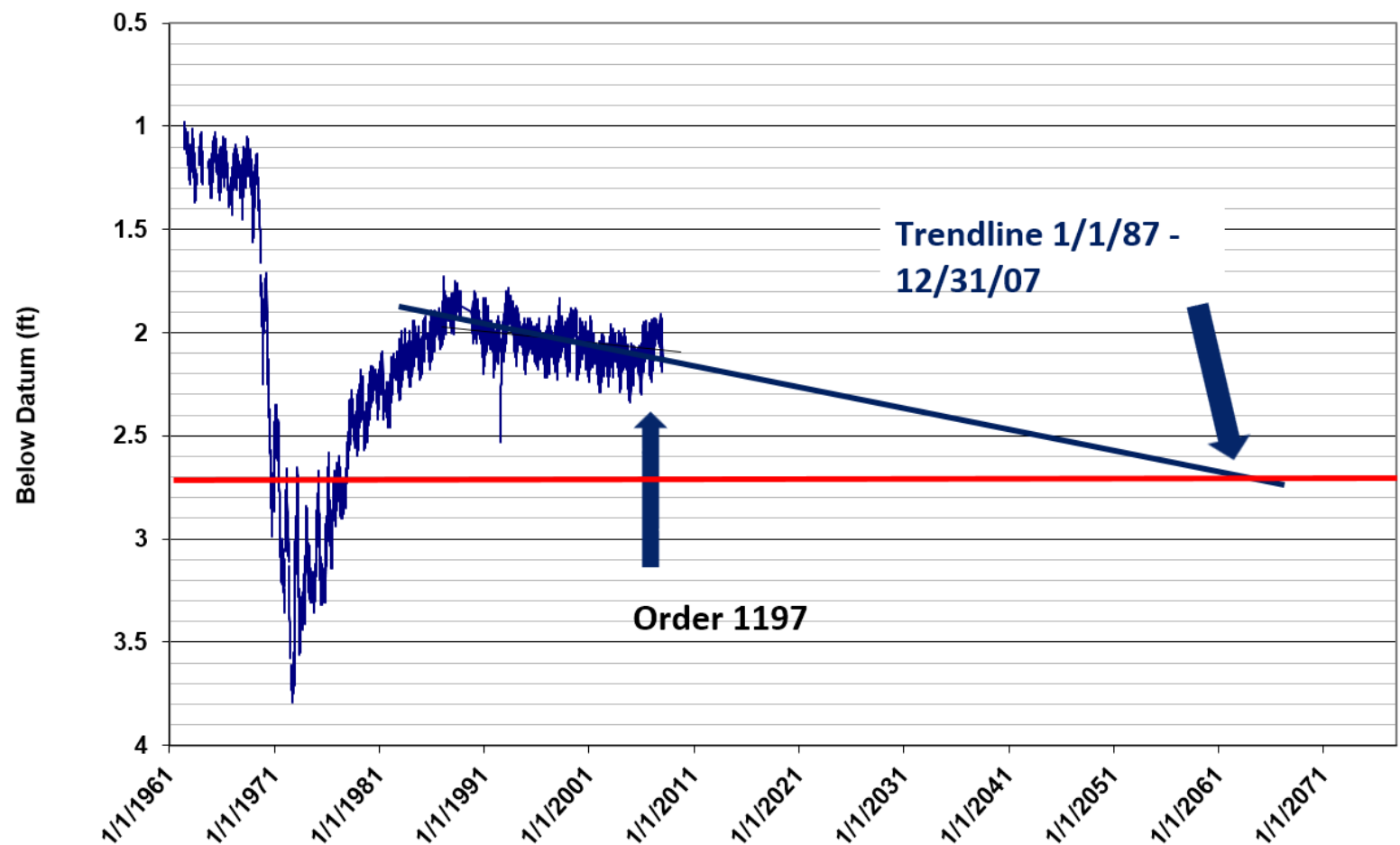
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- 46 senior surface water rights – primarily owned by US Fish and Wildlife Service
- All groundwater rights in Amargosa Valley are junior to Devil's Hole reserved right of January 1952.
- Essentially shut down the basin
 - Since 1976, our office has denied 185 groundwater rights
 - Generally, only issued de minimus 2 af rights – equivalent to domestic well usage.
- There are ~ 270 domestic wells – most of those have been drilled since 1976 but are exempt.
- BUT we did allow movements of existing points of diversion (wells) closer to Devil's Hole.

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Beginning as early as 2002, our office began discussing the need for a solution with the National Park Service

Devils Hole Water Level - Projected at Drafting of Order 1197



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- Issued Order 1197 in 2008
- Laid out the rules, provided certainty and has run relatively smooth since.

Order 1197

NOW THEREFORE, it is ordered that, with the following exceptions, any applications to appropriate additional underground water and any application to change the point of diversion of an existing ground-water right to a point of diversion closer to Devils Hole, described as being within a 25 mile radius from Devils Hole within the Amargosa Desert Hydrographic Basin, will be denied;

Order 1197

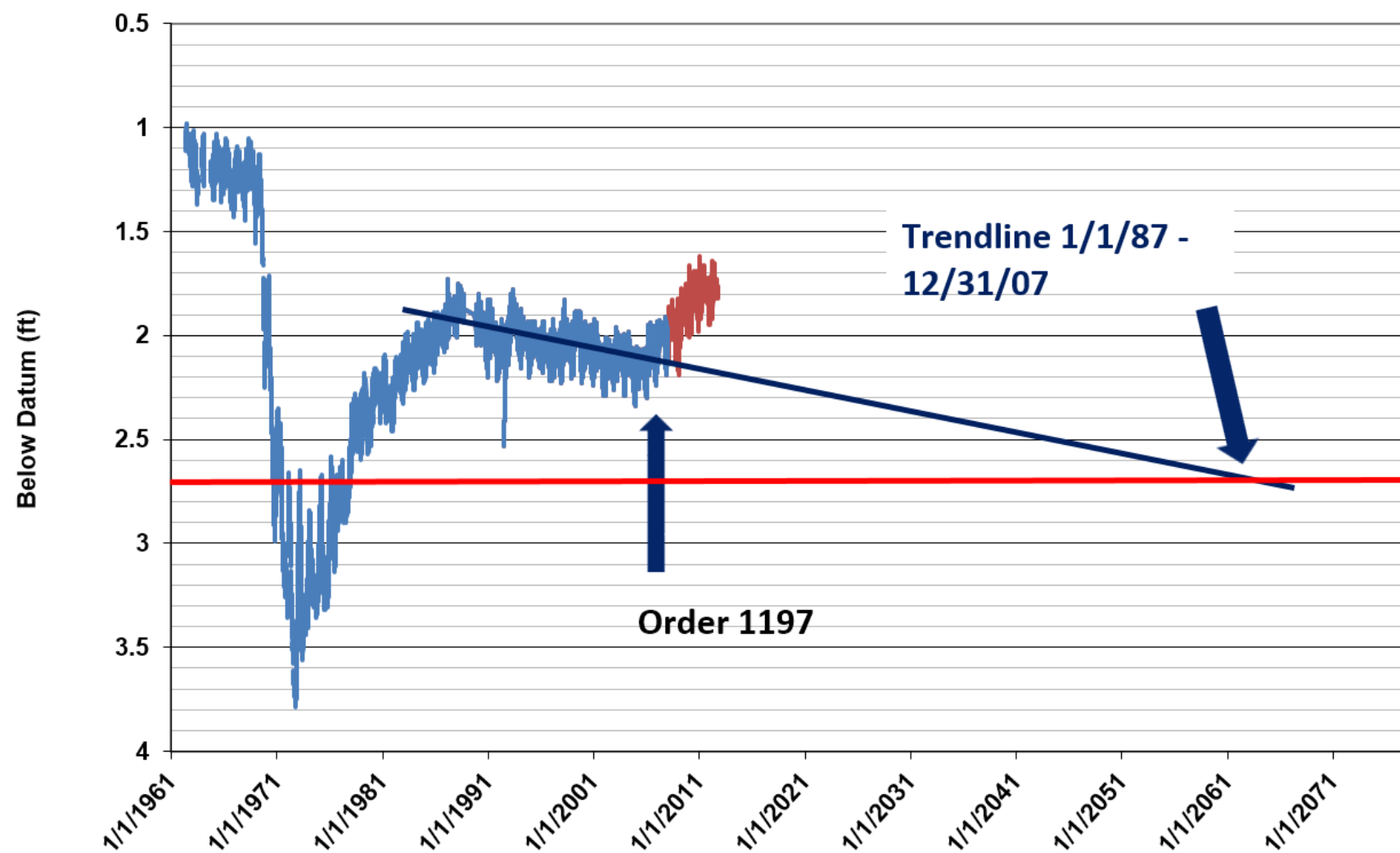
EXCEPTIONS:

1. Any application within the described area that seeks to change an existing point of diversion closer to Devils Hole but remains within its existing place of use and is no more than ½ mile from its original point of diversion.
2. Those applications filed which seek to appropriate 2.0 acre-feet per year or less, may be considered and shall be processed subject to NRS 533 and 534.

Order 1197

3. For projects that require changes of multiple existing rights, the State Engineer may compare the net impact to Devils Hole of the proposed changes to the impacts to Devils Hole of the base rights. If the net impact of the proposed changes is the same or less than the base right impacts, as determined by the State Engineer, such change applications may be considered and shall be processed subject to NRS 533 and 534. In no such case shall new points of diversion be allowed within ten (10) miles of Devils Hole.
4. Those applications for environmental permits filed pursuant to NRS 533.437 to 533.4377, inclusive.
5. Those applications filed pursuant to NRS 533.371.

Devils Hole Water Level - Projected at Drafting of Order 1197



Questions?