

Water Legislation

Steve Walker
Walker & Associates
Truckee River Conference 2007

Session Highlights

- State Engineer can now levy fines for violation of water law – overpumping – wasting water – etc..
- Consumptive use now defined in Water Law – allows transfer of Ag to Municipal – Wet to Wet – Truckee River Rights exempt due to Federal Decree (explain)
- Water rights can be required for new domestic wells in designated basins – transfer of right to Counties fixed; Accessory building on domestic wells clarified.
- Protest Period on interbasin transfers can be re-opened if State Engineer has not acted upon applications after 7 years

Session Highlights Cont.

- Hearing Process improved to allow pre-hearing consultation between parties/State Engineer – 240 day maximum for ruling
- Ag water rights can be temporarily transferred (not to exceed 3 years) for in-stream flow/wildlife purposes
- Public Lands Committee will include water issues during interim periods versus specific interim Water Com.
- Allows for test pumping of portions of permitted water rights before total permit is issued.
- Established Western Nevada Water Commission in Washoe County

2007 Legislative Highlights

- **Water Bills become more political** - Examples
 - Water bills used as trade-off for un-related legislation
 - Bills Not Heard on other side – Ex. SB 405, AB 285
 - End of Session Action on most bills
 - Power politics versus grass root opposition – SB 487
 - Specific legislators become water focused
 - Local issues (ex. quasi-municipal wells) becoming statewide issues

How to Pass Water Legislation

- Start Early – Identify Potential Support/Opposition
- Don't stand alone – combine your legislation with related legislation to increase support
- Have support (or neutral) from the State Engineers/Conservation Department/SNWA
- Incrementalism rules
- Work both sides – Assembly Democrats are just as important as Republican Senators
- Just the facts – reduce emotionalism
- Work really hard
- Don't expect increase funding -

What to Expect in 2009

- Less water legislation coming from State Engineers Office
- Attempts to make regional water planning a multi-watershed issue
- Possible legislation to further restrict inter-basin transfers
- Possible legislation to simplify inter-basin transfers
- Unless economy improves – no funding to enhance basin yield analysis or other programs
- Less overall water legislation activity than in the last two sessions
- Possible attempts to make specific water conservation practices applicable to all purveyors