

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

ORDER

#1305

TEMPORARILY SUSPENDING THE REQUIREMENT FOR THE SUBMISSION OF
EXTENSIONS OF TIME TO PROVE BENEFICIAL USE WHILE THE
GROUNDWATER MANAGEMENT PLAN IS IN EFFECT FOR THE DIAMOND
VALLEY HYDROGRAPHIC BASIN (153)

WHEREAS, on January 11, 2019, by Order 1302, the State Engineer approved the Diamond Valley Groundwater Management Plan (GMP) pursuant to Nevada Revised Statute (NRS) § 534.037, setting forth the necessary steps to remove the basin's designation as a critical management area.

WHEREAS, as set forth in the GMP, the goals of the plan include stabilizing groundwater levels in Diamond Valley within 35 years and reducing the consumptive use to not exceed the perennial yield.¹

WHEREAS, the goals set out within the GMP will be achieved through a process of issuing shares based on groundwater rights, and then limiting groundwater pumping under each share to annual allocations that are reduced each year until the GMP goals are met. Pursuant to the terms of the GMP, unused allocations are banked and may be pumped in a successive year after subtracting annual depreciation amounts to account for natural losses.²

WHEREAS, shares in the GMP are issued based upon groundwater rights that were in good standing at the time of the approval of the GMP.³

WHEREAS, the GMP only applies to the following permitted and certificated groundwater rights that existed at the time the GMP was approved by the State Engineer:

- 1) groundwater rights that serve irrigation purposes,
- 2) groundwater rights that serve mining and milling purposes if they have irrigation base rights, and
- 3) groundwater that is imported to Diamond Valley only if it is injected or infiltrated into the Diamond Valley aquifer.⁴

¹ GMP, Section 6, p. 11.

² GMP, Sections 12 and 13, pp. 15-19.

³ GMP, Section 12.1, p. 15; see also Section 12.7, 12.13 (limitation on new shares), and Section 13.12, n.17, at p.18.

⁴ GMP, Section 8, p. 11.

I. AUTHORITY AND NECESSITY

WHEREAS, the GMP represents a collective effort by the water right holders to reduce groundwater pumping in order to avoid curtailment by priority, and to save their community and the established agricultural way of life in Diamond Valley.

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.⁵

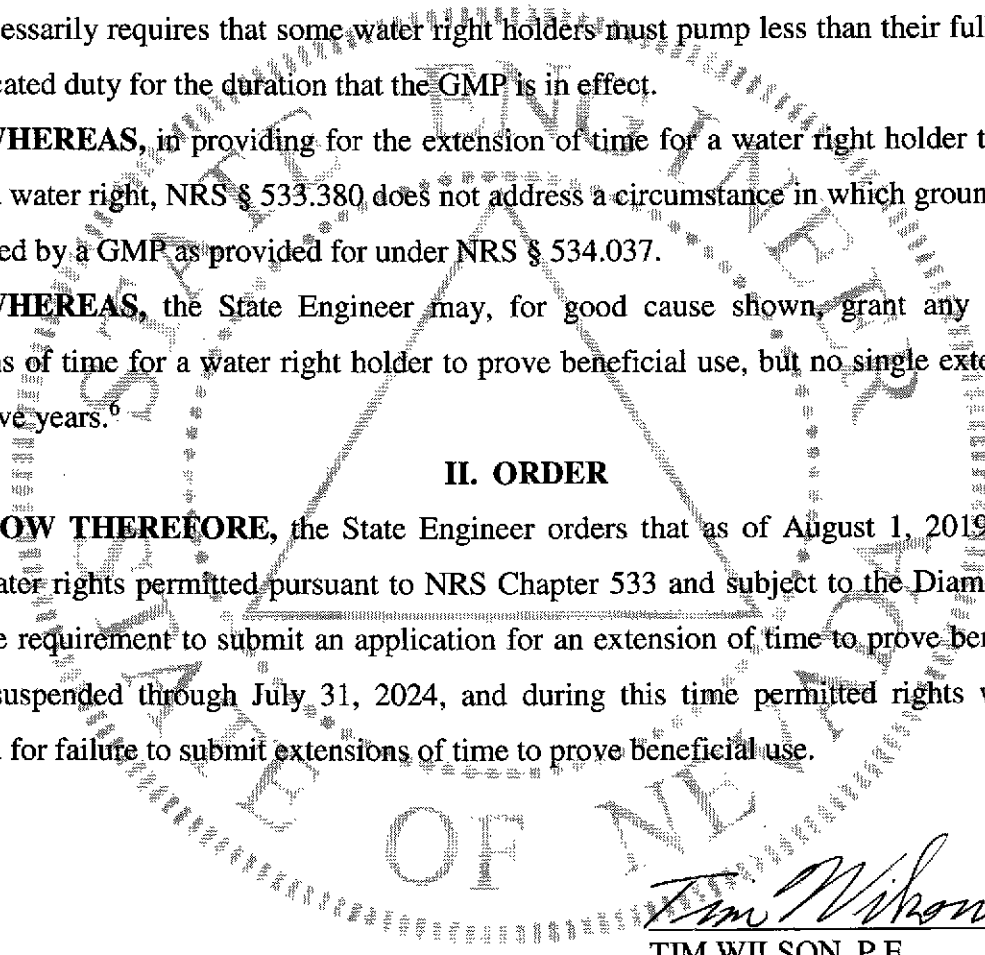
WHEREAS, the conservation of water and reduction of groundwater pumping under the GMP necessarily requires that some water right holders must pump less than their full permitted or certificated duty for the duration that the GMP is in effect.

WHEREAS, in providing for the extension of time for a water right holder to perfect a permitted water right, NRS § 533.380 does not address a circumstance in which groundwater use is restricted by a GMP as provided for under NRS § 534.037.

WHEREAS, the State Engineer may, for good cause shown, grant any number of extensions of time for a water right holder to prove beneficial use, but no single extension may exceed five years.⁶

II. ORDER

NOW THEREFORE, the State Engineer orders that as of August 1, 2019, for those groundwater rights permitted pursuant to NRS Chapter 533 and subject to the Diamond Valley GMP, the requirement to submit an application for an extension of time to prove beneficial use will be suspended through July 31, 2024, and during this time permitted rights will not be cancelled for failure to submit extensions of time to prove beneficial use.


Tim Wilson, P.E.
TIM WILSON, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

31st day of July, 2019.

⁵ NRS § 532.120.

⁶ NRS § 533.380(3).