

Legislative Committee on Public Lands
Senator David R. Parks, Chairman
401 So. Carson Street
Carson City, Nevada 89701-4747

September 21, 2020

Re: Consideration for the position of Nevada State Engineer
Dear Senator Parks and Committee Members:

Vidler Water Company is pleased that the Public Lands Legislative Committee is reviewing issues related to the Division of Water Resources within the Department of Conservation and Natural Resources.

Over the past decades we have advocated that Nevada commit serious and significant funds into the collection of data impacting Nevada's water resources. We also have repeatedly indicated that the current composition of expertise within the State Engineer's office is much more expansive than it has been in decades past.

However, given the breadth of data that must be reviewed on a regular basis we would suggest that the multiple disciplines that any individual must gain proficiency in while pursuing an Engineering degree and professional license are unquestionably the single best training for a degree to hold for managing the water resources of this state.

The State Engineer's Office has various individuals that are relied upon for specializations in geology, hydrology and other singularly specific scientific subsets. However, while important parts of the team there still must be a technically capable and well-versed and educated "quarterback" of the team that makes the calls based upon the specific scientific data in a given matter taking into consideration all of the other inter-related scientific elements before him or her.

Vidler does NOT believe that engineering is somehow "outdated" because the reliance or non-reliance on data from other disciplines is the balancing that the position of State Engineer undertakes because of his or her multi-disciplinary technical education. For many of the past administrations the head of the Department of Conservation and Natural Resources has been an Engineer because of the multi-disciplinary exposure to those science related issues of pipelines, dam safety, wastewater treatment and disposal, Superfund sites and their remediation, Mining activities and the regulations of those operations, State Lands issues and a myriad of other technical/science related issues which require the broad based knowledge and expertise that comes with a Professional Engineering education and license.

We would submit that the management, policy or legal skills are not the focus of the NDWR State Engineer and are more appropriately a part of the direction provided by significantly more current and detailed data as well as policy direction from the Legislature through its' various Committees.

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Vidler is very cognizant and understands the complexities of dealing with water resources and the passions that come with that task from all sides. However, having a long familiarity in the area of water resources, ranches and farms and the subdivisions they become when the last family member passes, it is a field of work appropriately assigned to an Engineer based position that makes decisions based upon data not passions..

Spend your time and monies on gathering more data that the State Engineer's technical staff can review and analyze. Make the necessary updates and current data public and formulate bi-annual plans for the determination of water availability, conservation incentives and measure that water users can implement for the benefit of both the user and the water resource. There are large areas within Nevada that are of such a size as to require more prolonged collection of data and formulations of larger plans for use, conservation and future opportunities yet unknown.

Your body is urged to proceed cautiously so as to not cast aside over 100 years of operating as a basin by basin state and the significant body of law generated over that time, common to most of the 17 western states. Concepts that diverge from an established body of law and operation should not be cast aside lightly by some 21st century discovery of a "better idea" that is not the product of an extensive and complete scientific investigation.

Lastly, we would strongly suggest that you not stray from the technical, Engineering and science-based disciplines that already exist within the Office of The State Engineer. We are all at a place where speed is not our issue, rather it is the accumulation of significant quantities of professionally collected and vetted data upon which reasonable and valid decisions can be based. That is a goal that all parties can support.

Sincerely,



Stephen D. Hartman

Executive Vice President, General Counsel