WRID Presentation To The Joint Interim Standing Committee on Natural Resources and its Subcommittee on Public Lands

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I. THE WALKER RIVER SYSTEM

- Walker River is an interstate stream consisting of East, West, and Main Walker Rivers.
- The areas of the Walker system are divided into six areas.
- Walker Lake is at the terminus of the system.

II. THE WALKER RIVER IRRIGATION DISTRICT

- WRID was formed under Nevada's Irrigation District Act in 1919.
- Governed by a five-member Board of Directors.
- Own and operate Topaz and Bridgeport Reservoirs.
- WRID is in an area of approximately 246,000 acres of which over 80,000 acres are water righted.
- The lands within the District are the principal agricultural area in Lyon County, on a per acre basis, are most productive agricultural area in Nevada.
- NDOW's Mason Valley Fish Hatchery and Wildlife Management are located within the District.
- Walker River State Recreation Area is located within the District.

III. AGRICULTURAL PRODUCTION IN THE DISTRICT

A. Water Sources and Regulation

- C-125 Walker River Decree.
- USBWC six-member Board and appointed Chief Deputy Water Master.
- Natural flow and water released from storage.
- The amount of natural flow, which includes return flow, dictates the priority date and the amount of water available to be diverted from the river.
- Stored water is released from storage pursuant to water orders placed with the District.
- There are numerous primary points of diversion from the Walker River within the District.
- Most diversions are owned by organized ditch companies.

III. AGRICULTURAL PRODUCTION IN THE DISTRICT

A. Water Sources and Regulation Continued

- An important source of water in the District is groundwater. The water rights for groundwater are regulated by the Nevada State Engineer. Some of those rights are "primary" meaning the land to which they are appurtenant has no other water right. Many of the groundwater rights are "supplemental," meaning the land to which they are appurtenant also has an appurtenant surface water right which at times is supplemented by groundwater.
- Groundwater is beneficial to the District's growers in several ways. It is a dependable and predictable supply of water that can be used to augment the limited surface supply during sub-normal water years for growing crops. It becomes a management tool in maximizing production by providing water at the precise time it is needed.
- Pursuant to State Engineer Order No. 1318, groundwater users in the District must keep monthly records of their groundwater use and submit those records to the State Engineer within 7 days after the beginning of each month. In addition, during the irrigation season, the District provides information to the State Engineer on the surface water use users with supplemental groundwater rights.

III. AGRICULTURAL PRODUCTION IN THE DISTRICT

B. Agricultural Production

- The primary crop grown within the District is alfalfa. Based on 2022 data from the Nevada Division of Water Resources (NDWR), about 13,500 acres of alfalfa was grown in Smith Valley and 26,500 acres of alfalfa was grown in Mason Valley, representing 50% of the lands within the District. However, the production of row crops has increased in recent years. NDWR data indicates that the acreage of onions planted almost doubled from 2,800 acres in 2012 to 5,400 acres in 2022. Other vegetables, including corn and carrots, represent another 1,000 acres of irrigated land.

IV. ISSUES ON THE WALKER RIVER SYSTEM

A. Litigation

- Since 1994, the District and water right holders on the Walker River have been involved in lengthy, time-consuming, and costly litigation, primarily in the United States District Court for the District of Nevada. That litigation includes claims asserted by the United States and the Walker River Paiute Tribe for additional water rights for the Walker River Indian Reservation. We believe that some time this year that litigation will be resolved by a settlement on which the parties have been working since June of 2022.
- Additonal litigation includes claims made by Mineral County beginning in 1994 for more water for Walker Lake under the "public trust doctrine." What is left of that case is also before the same federal court under Mineral County's Second Amended Complaint in Intervention. There, Mineral County seeks a wide range of relief, ostensibly not involving a reallocation of water rights. That litigation is now in the discovery phase which will not close until May 5, 2025.
- Through a series of public laws, Congress established and funded the Walker Basin Restoration Program ("WBRP") "for the primary purpose of restoring and maintaining Walker Lake," and to protect "agricultural, environmental and habitat interests" in the Walker Basin consistent with that purpose. See, Public Law 111-85, Sec. 208(a)(1); 123 Stat. 2858-2859 (Oct. 28, 2009).
- To date, through the use of that funding, NFWF has acquired 125 cfs of natural flow water rights recognized by the Decree and 15,234 acre feet of stored water rights. Those water rights are appurtenant to 17,599 acres of land. WBC estimates that it has now acquired up to 55% of the water needed to meet its objective. All of those acquisitions are within the District. WBC has successfully completed several of what will be many applications to change those water rights under applicable law from irrigation use to flow instream to Walker Lake.

IV. ISSUES ON THE WALKER RIVER SYSTEM

B. Water Right Changes Are Presenting New Water Management Issues

- These changes are presenting new water management issues. The system now must be managed to meet instream rights in addition to meeting diversions from the River.
- Administration of the East, West and Main Walker Rivers is no easy task. That administration is made more difficult by the fact that the most senior right on the River, the 1859 right of the Walker River Tribe, is the most downstream decreed water right on the River.
- Administration has been made more difficult by changes of the consumptive use portion of irrigation rights to water rights for instream flow to be delivered to Walker Lake.
- There is no gage which measures water as it flows through the Yerington Weir, or which is immediately upstream of the Yerington Weir. The "Yerington Weir Gage" is approximately 361 feet downstream of the Yerington Weir. The Yerington Weir structure was originally built in 1923, with additions in the 1950's and 1970's. The construction and current condition of the Yerington Weir does not allow for small and precise adjustments which are often necessary to ensure the correct amount of flow passes the Yerington Weir and arrives at the Wabuska Gage to meet the Tribe's water right and any instream flow rights that are in priority.

IV. ISSUES ON THE WALKER RIVER SYSTEM

B. Water Right Changes Are Presenting New Water Management Issues Continued

- With the assistance of a grant from NFWF, the District has automated several key river diversions on the system. The automation includes updated structures with gate and flow controls which can be operated remotely by the Water Master. This allows for prompt diversion adjustments necessitated by changes in river flow. To date, 13 major canals have been updated and another will be completed within the next two months.
- In addition, more gaging is required. Last year a new gage, the "Railroad Bridge Gage" which is 11.71 river miles downstream of the Yerington Weir Gage and approximately 1.93 river miles upstream of where the last two Drains discharge to the Walker River, was installed and is now being used. The Railroad Bridge Gage will provide better information with respect to accretion/depletion in the River between the Yerington Weir Gage and the Railroad Bridge Gage and will also provide better information concerning flows to the Walker River from both the East Drain and the Wabuska Drain in order to better meet the water right for the Walker River Indian Reservation and administer any instream flow rights in priority.
- WBC has acquired and will eventually change water rights on the Main Walker River upstream of the Yerington Weir, on the East Walker River and on the West Walker River. Those changes will require additional gaging in order to administer the system. The District and other are working together with NV State Parks for the installation of three new gage on the East Walker.
- Additional gages are also needed on the West Walker River. Those gages are one in the Wellington area and a second in the Smith Valley area near Day Lane where a previous USGS was once located.
- Gages are provided by the United States Geological Survey ("USGS"). The cost of the equipment is about $12,000 per gage. However, when equipment is available, USGS has waived that cost if the gage was to be in place for more than four years. The normal operating and maintenance charge is $21,600.00 per year for each gage. Part of that annual cost is shared with the USGS.

IV. ISSUES ON THE WALKER RIVER SYSTEM

C. Conjunctive Management of Surface and Groundwater

- The District is well aware of the issues throughout Nevada concerning the hydrologic connection between surface and groundwater. It is aware of the recent Nevada Supreme Court decision in Sullivan v. Lincoln County. Suffice it to say, that the District groundwater users and the State Engineer have in place a mutually beneficial program for conjunctive management of the surface and groundwater in Smith and Mason Valleys.

V. RECOMMENDATIONS

- The District requests that your Subcommittee and the Nevada legislature provide support for funding assistance for additional gages on the system, especially those proposed by the Nevada State Parks. In addition, any assistance the State can provide to replace the Yerington Weir with a modern structure that can be efficiently and accurately operated will be especially helpful, not only to the District and its users, but also to the restoration of Walker Lake.
- With respect to the hydrologic connection between surface and groundwater and their conjunctive management, the District strongly recommends a cautious approach like that which has been taken by the State Engineer and District groundwater users. Those issues are highly variable throughout the State, and it is essential to understand each situation before acting. Finally, the voluntary groundwater retirement program put in place in 2023 should be continued.

Thank you