

**SB 485**  
**Testimony of Jason King, State Engineer**  
**Assembly Government Affairs**  
**Room 4100**

April 22, 2015

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Good morning Mr. Chairman and Members of the Committee, for the record, my name is Jason King, State Engineer and Administrator for the Division of Water Resources. At the request of Chairman Goicoechea, I've been asked to introduce SB 485.

Simply put, the purpose of this bill is to establish a sunset date of December 31, 2025 for the filing of pre-statutory water rights, otherwise known as claims of vested rights with our office. As mentioned in the digest to the bill, any beneficial use of surface water, artesian groundwater or percolating groundwater prior to 1905, 1913 or 1939 respectively, needs to be quantified pursuant to the adjudication process outlined in NRS 533. Current law allows vested claims to be filed anytime up until an adjudication of the source is

conducted. We have approximately 8,800 vested claims filed in our office to date.

The reasons for pursuing a sunset date are:

- Pursuant to NRS 533.085, vested rights cannot be impaired through the appropriation of subsequent water rights; therefore, our office is required to protect vested claims of water. If our office isn't aware of the vested claims, how can we protect them from impairment?
- When evaluating whether to approve or deny any application to appropriate water, our office must consider whether there is water available at the source. Without knowing whether there are pre-statutory rights on a given source, that determination cannot be made with absolute certainty.
- Lastly, since the quantification of vested claims in an adjudication process depends on the review and analysis of historical records and data, the farther away we get in terms of time, from those pre-statutory dates, the more difficult it becomes to quantify those uses and priorities. Records can be harder to procure, old-timers, whose affidavits can be critical on water usage, pass away, and a general loss of important information occurs.

Ultimately, having a date certain for which **ALL** vested claims must be filed, promotes the protection of peoples water rights by requiring them to file; once filed, the statute is triggered that requires their protection. It also provides our office essential information on water sources statewide to help make better decisions.

In order to get this sunset date out to potential vested claim holders, the bill requires our office to publish a notification of this sunset date in 4 or more newspapers for 4 consecutive weeks each year and to notice

it on our website. Additionally, we will send this notification out in all of our "blast" emails which go to hundreds of water professionals, and will be an anchor notice in our annual newsletters to water right surveyors and water well drillers.

It is worth mentioning that this past fall, our office held a series of seven (7) listening sessions across the state and this very issue was discussed. Without fail, everyone thought it was a good idea. The only semi-controversial part of the discussion was when to set the sunset date. Ten years seemed to satisfy everyone.

And finally, I want to be perfectly clear here that what is being requested here is the FILING of all vested claims NOT adjudicating all the claims statewide in 10 years.

With that, I'd be happy to answer any questions.