Meeting Urban Water Demands in Nevada: The Las Vegas Proposal [outline]

R. Michael Turnipseed

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MEETING URBAN WATER DEMANDS IN NEVADA:
THE LAS VEGAS PROPOSAL

E. Michael Turnipseed
Nevada State Engineer
Division of Water Resources
Carson City, Nevada

UNCOVERING THE HIDDEN RESOURCE:
GROUNDWATER LAW, HYDROLOGY AND POLICY LAW
IN THE 1990s

Natural Resources Law Center
University of Colorado
School of Law
Boulder, Colorado

June 15-17, 1992
I. DUTIES OF THE STATE ENGINEER

A. Appropriation - Surface since 1905, groundwater since 1939
B. Adjudication - Grandfathered Water Rights
C. Distribution - Decreed Streams
D. Dam Safety - All dams 10 feet and 10 acre-feet

II. APPROPRIATION

A. For all practical purposes, all surface water is appropriated
B. Majority of groundwater is not near populated areas
C. Over 50% State Engineer appropriation process deals with change applications
D. Marketing constitutes major reapportionment to higher beneficial uses

III. ADJUDICATION

A. 50 on-going
B. 4 active
C. Reserved rights
   1. Negotiated settlement
   2. Off reservation storage
   3. abandonment
   4. Rebuttable presumption
   5. Forfeiture - retro

IV. DISTRIBUTION

A. All decreed streams
B. Except Truckee, Carson, Walker & Colorado
   1. Truckee & Carson - Federal Water Master
   2. Walker - U. S. Board of Commissioners
   3. Colorado River - Secretary of the Interior

V. DAM SAFETY

A. Ten feet high or 10 acre-feet, needs a permit
B. Inspection, 36' high hazard dam
C. 400 + all dams
VI. WATER FOR A GROWING NEVADA

A. Conservation
B. Conversion of existing rights to municipal use
C. Importation

VII. INTERBASIN TRANSFERS

A. Existing
   1. Marlette-Hobart, Carson, Virginia City, Dayton & back
   2. Wendover
   3. Tonopah
   4. Las Vegas
   5. Carson, Groundwater for Carson Valley & Dayton segment

B. Interstate
   1. Wildhorse - Duck Valley
   2. Boca, Tahoe, Truckee Meadows, Fallon
   3. Mesquite

C. Proposed
   1. Honey Lake, 12 days of hearings - 136 exhibits
   2. Las Vegas Valley Water District (Nov 1992)
   3. Eco-Vision
   4. Mesquite

VIII. OTHER ISSUES

A. Yucca Mountain
B. Mine Dewatering
C. Abandonment - who's burden?
D. Forfeiture - retroactivity