

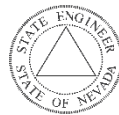
Lower White River Flow System: Management Phase

Public Meeting

February 25, 2026

Presented by

James Bolotin,
Deputy Administrator



NEVADA DIVISION OF
WATER RESOURCES



History

Early 2000s

Water applications & reassessment
Questions on basin interconnectivity impacts

2010-2014: Pump Test, Order 1169A, & Subsequent Rulings

Conducted aquifer test; Order 1169A issued calling for reports. After review, State Engineer issued Rulings 6254 – 6261, denying all pending applications in 1169 Study Basins.

2020: Order 1309

Officially created LWRFS as one basin with established boundary & set sustainable pumping maximum; decision challenged

2024: Nevada Supreme Court Decision

Reversed district court, reaffirmed State Engineer authority for conjunctive management and joint administration and found no due process violations. Remand for substantial evidence determination.

2002: Order 1169

Pending Applications held in abeyance pending aquifer test

2019: Order 1303

Teeing up administrative hearing to jointly manage connected basins

2022: District Court Decision

Vacated Order 1309 on lack of authority and due process.

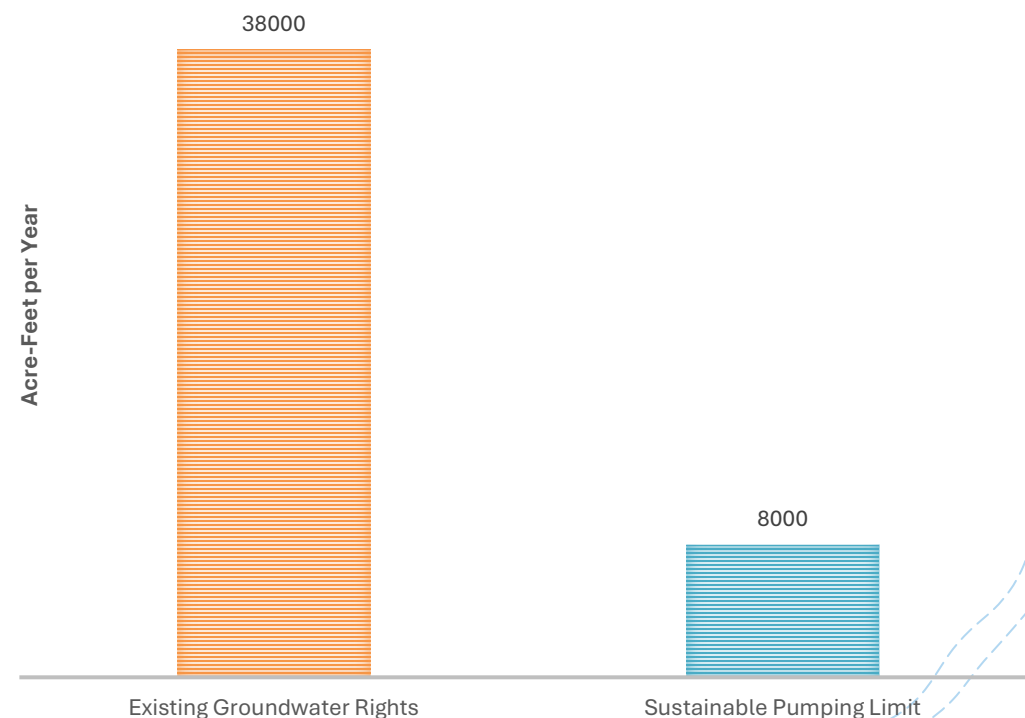
2025: District Court Remand

Review focused on whether substantial evidence supports key factual findings in Order 1309 (i.e., boundary and sustainable pumping max), per Supreme Court directive. Affirmed 1309, minus 2 paragraphs.

Where We Stand: Key Facts

- **Shared aquifer boundary established**
- **Sustainable maximum pumping: 8,000 acre-feet/year or less**
- **Existing groundwater rights: ~38,000 acre-feet/year**
- **Muddy River Decree (1920)** governs surface water, fully appropriated and senior.
- **Moapa dace:** endangered species in Muddy River
- **Two conflict-related paragraphs removed from Order 1309**

***Prior Determinations from Order 1309 Stand:
No reopening or revisiting previous decisions***



Where We Stand: Final District Court Order

1 He also indicated that the legal question of whether groundwater pumping in the Lower
3 White River Flow System conflicts with senior water rights would be addressed in Phase 2 of the
4 administrative process.²³
5

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Yeager’s Order

4 evidence. As the Supreme Court recognized in *Sullivan*, the State Engineer’s findings in Order 1309
5 were “purely factual.”¹⁷⁴ Therefore, any concerns about legal conflicts between junior groundwater
6 rights and senior surface water rights will be addressed by the State Engineer at a later date when he
7 develops a management scheme for the LWRFS. The State Engineer’s factual determination that
8 the sustainable pumping maximum in the LWRFS is 8,000 afa or less was not a conflicts analysis
9 and is independently supported by substantial evidence in the record.

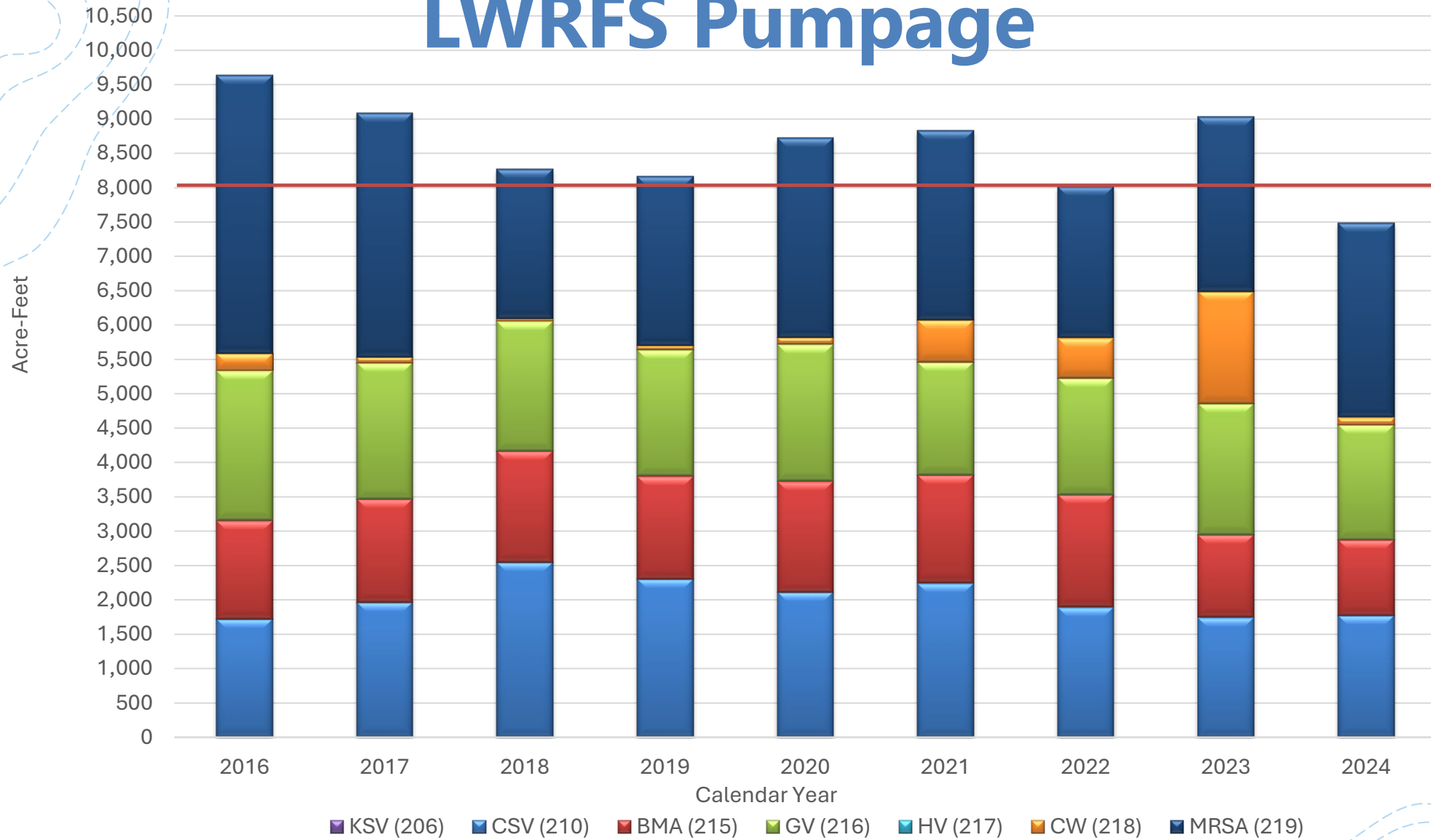
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The Challenge

We have about 38,000 acre-feet of groundwater rights on paper, and science tells us that only 8,000 acre-feet or less can be pumped annually without reducing flows of Muddy River and its headwater springs, that hold senior, vested rights.

**HOW DO WE SUSTAINABLY MANAGE THIS
OVERAPPROPRIATED SYSTEM AND AVOID CONFLICTS WITH
SENIOR RIGHTS?**

LWRFS Pumpage



Potential Post-Designation Pathways for Basin Management

Option A

Priority Restriction
NRS 534.110(6)



Option B

Critical Management
Area (CMA) Designation
NRS 534.110(7)



Option C

Alternative Solutions:
Voluntary?
Something else?



Discussion Questions



1. What direction should this management phase take?
2. Is it necessary to tackle the issue of conflict before finalizing any management decision?
3. Can we avoid priority restrictions?

Closing Remarks



Reminder: Public comment period ends March 27, 2026



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