

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 61

Number: **P-61**
Title: Water Rights
Reference: NRS 501.105, 503.584,
503.589
Effective Date: August 20, 1982
Amended Date: December 2, 1995
Reviewed Date: 2002

PURPOSE

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its land management authority to carry out a program for conserving, protecting and propagating wildlife and their habitats.

Water is essential for the existence and survival of fish and most species of wildlife, and in Nevada's arid climate, water is the key to the distribution and population abundance of the State's fish and wildlife resources.

The purpose of this policy is to guide the Department of Wildlife in securing water for the preservation, maintenance and enhancement of wildlife and their habitats. The provisions of this policy are in complete accord with Nevada water law, and will not impair any vested, permitted or certificated rights for the use of water.

POLICY

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. **Instream Flow:**

It is the policy of the Commission to achieve, through all available means, adequate instream flows to maintain existing fish life and aquatic ecosystems. Whenever water becomes available, the Department shall, subject to a determination of need, and available manpower and money, apply for and/or purchase such waters for the benefit of fish and wildlife.

2. **Minimum Reservoir Pools:**

It is the policy of the Commission to achieve, through all available means, the maintenance of minimum reservoir pools necessary to support viable

fish populations. The Department shall, whenever the opportunity arises, enter into negotiations with private reservoir owners to secure cooperative agreements for public fisherman access and minimum pools. The Department shall work through the federal land management agency's permitting process to ensure permit stipulations for the maintenance of public access and minimum pools on all new reservoirs constructed wholly or partially on public lands.

3. Wetlands:

It is the policy of the Commission to maintain, through all available means, the maximum possible acreages of viable wetland habitats in Nevada. Whenever water becomes available, the Department shall, subject to available manpower and money, apply for and/or purchase such waters as are necessary to maintain existing wetlands for the benefit of fish and wildlife.

4. Springs and Seeps:

It is the policy of the Commission to ensure, through all available means, that wildlife have access to the water from springs and seeps necessary to maintain existing and anticipated distributions and population levels. The Department shall, subject to available manpower and money:

- a. File applications for permits to appropriate the necessary water to support existing and anticipated wildlife populations on all springs and seeps of significant value to wildlife and where unappropriated water is available.
- b. File joint applications, where appropriate, to obtain the amount of water needed for maintenance of wildlife populations.
- c. Develop procedures to implement the provisions of Chapter 533 of NRS to ensure wildlife access to appropriated waters.
- d. Work cooperatively with private water right holders and public land management agencies to ensure that sufficient water from springs and seeps is available for wildlife. In addition, work to protect, conserve and enhance riparian areas, meadows, wetlands, and other habitats associated with water resources that provide valuable habitats for wildlife.
- e. File protests with the State Water Engineer on those applications for waters of significant value to wildlife and where the proposed use of

the water will deny wildlife access thereto, and where all other avenues of ensuring wildlife access to such waters have been exhausted.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, DECEMBER 2, 1995.

B. Mahlon Brown, Chairman
Board of Wildlife Commissioners