

**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

Reviewed Date: 2002, 2022

Amended Date: December 2, 1995,
January 27, 2022, January 27, 2023

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 (here forward wildlife).

The purpose of this policy is to guide the Department of Wildlife in securing water for the preservation, maintenance, restoration 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 ensure adequate instream flows to maintain existing fish life and aquatic ecosystems. Whenever waters with significant wildlife values are identified and a willing water seller are identified, the Department shall, subject to available staff and financial resources, 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, the maintenance of minimum reservoir pools necessary to support viable fish populations. The Department shall collaborate with private reservoir owners, whenever possible to secure cooperative agreements for public access, angling, and minimum pools. The Department shall work through the federal land management agencies to ensure public access and minimum pools are maintained on all reservoirs constructed wholly or partially on public lands.

3. Wetlands:

It is the policy of the Commission to maintain, restore and expand viable wetland habitats in Nevada. Whenever waters possessing significant wildlife and wetland values are identified and a willing water seller is identified, the Department shall, subject to available staff and financial resources, apply for and/or purchase such waters as are necessary to support wetlands for the benefit of fish and wildlife. The Department shall work with landowners and managers to ensure the most efficient and effective collective water management processes are pursued.

4. Springs and Seeps:

It is the policy of the Commission to ensure, that wildlife have access to the water from springs and seeps necessary to maintain existing and anticipated distribution and abundance. The Department shall, subject to available staff and financial resources:

- a. Where significant wildlife values are identified file applications for permits to appropriate the necessary water to support existing and anticipated wildlife populations on springs and seeps 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. The Department will evaluate filing protests with the State Water Engineer on new applications or changes for waters of significant value to wildlife and where the proposed use will remove waters from the lands or deny wildlife access or availability 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, JANUARY 27, 2023.



Tommy Caviglia, Chairman
Board of Wildlife Commissioners