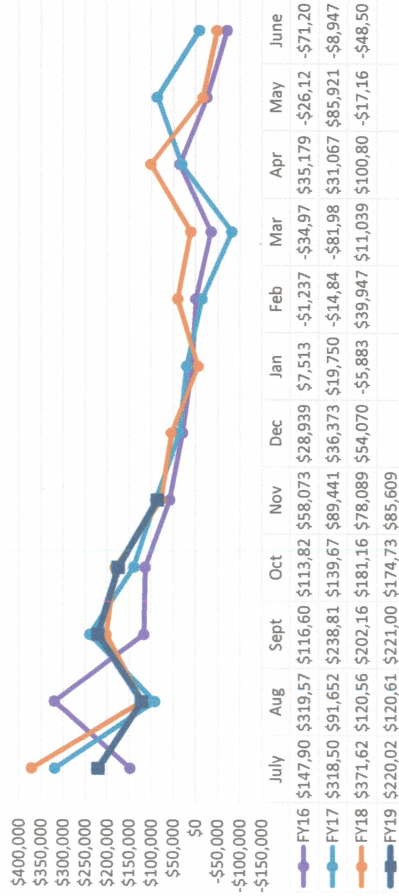
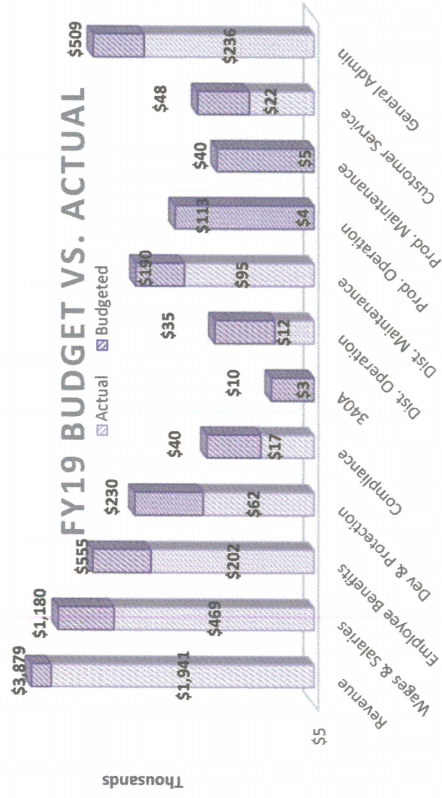


MVWD Financial Dashboard

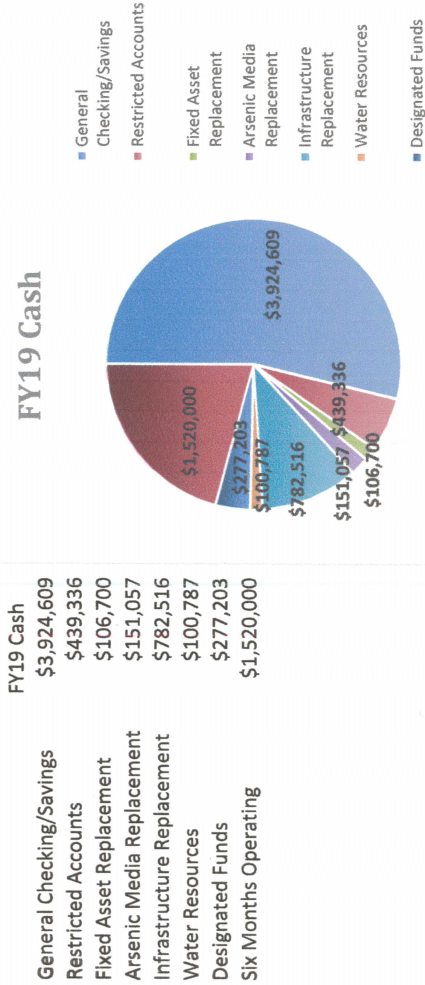
Net Income From Operations



FY19 BUDGET VS. ACTUAL

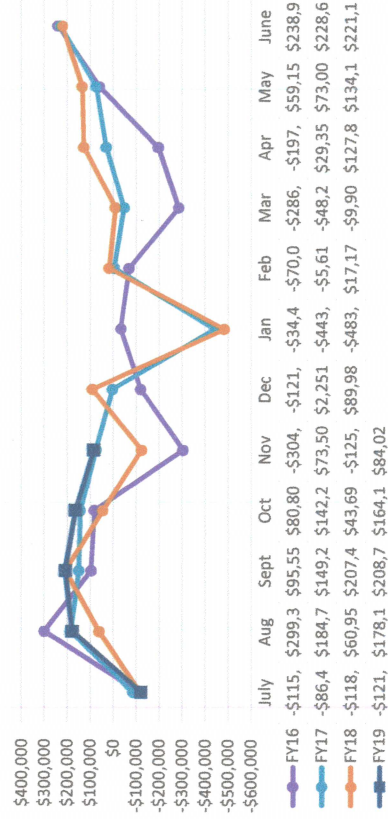


FY19 Cash



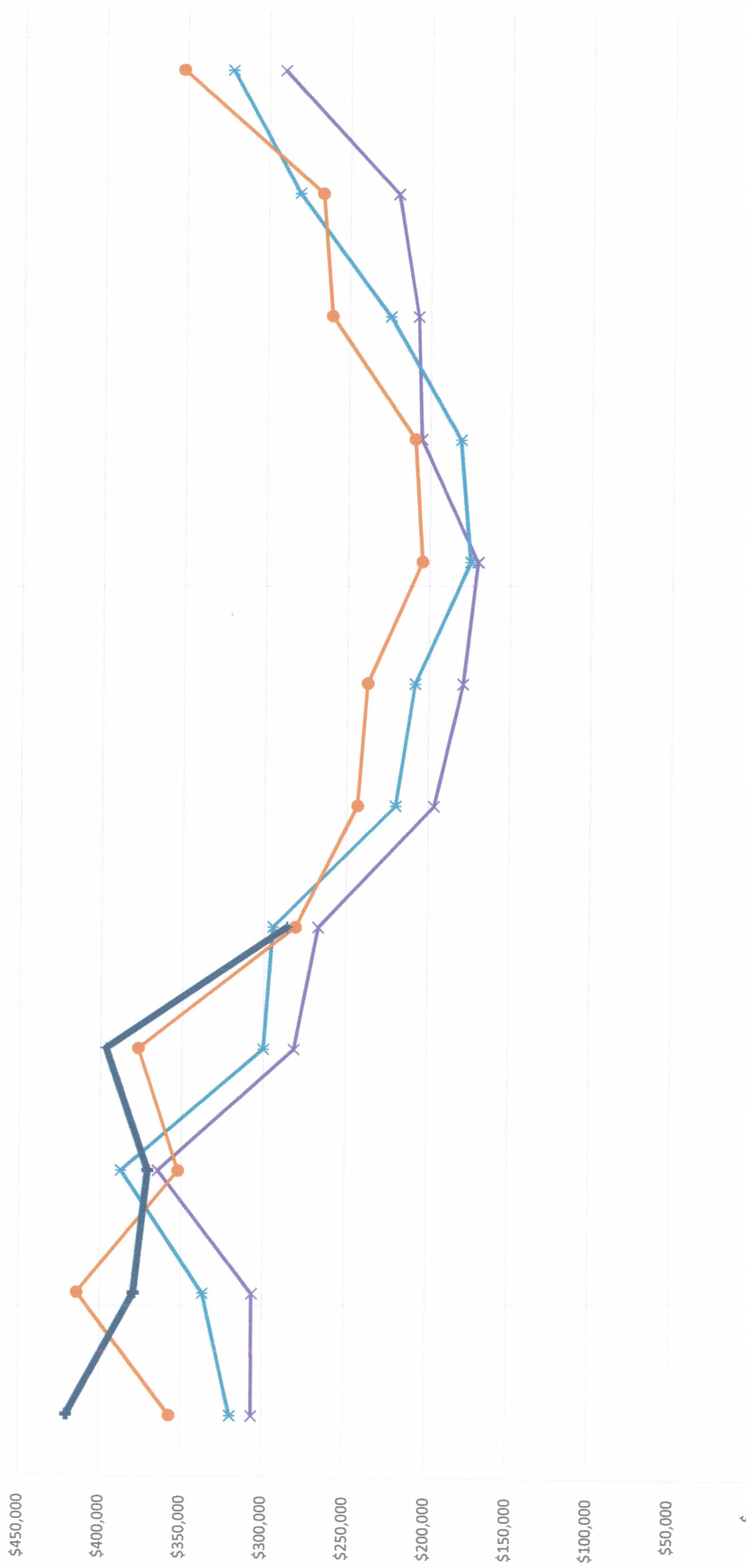
General Checking/Savings \$3,924,609
Restricted Accounts \$439,336
Fixed Asset Replacement \$106,700
Arsenic Media Replacement \$151,057
Infrastructure Replacement \$782,516
Water Resources \$100,787
Designated Funds \$277,203
Six Months Operating \$1,520,000

Cashflows



REVENUE

✕ FY16
 ✕ FY17
 ● FY18
 — FY19



	July	August	September	October	November	December	January	February	March	April	May	June
FY16	\$306,505	\$306,630	\$364,595	\$281,609	\$267,040	\$196,601	\$178,921	\$170,185	\$205,255	\$207,613	\$220,089	\$290,102
FY17	\$319,569	\$336,749	\$387,336	\$300,352	\$294,583	\$220,090	\$208,364	\$174,599	\$180,976	\$224,797	\$280,771	\$322,231
FY18	\$357,075	\$414,238	\$352,175	\$376,980	\$281,000	\$243,337	\$237,491	\$204,408	\$209,285	\$260,657	\$266,475	\$352,473
FY19	\$420,389	\$379,302	\$370,907	\$396,845	\$286,144							

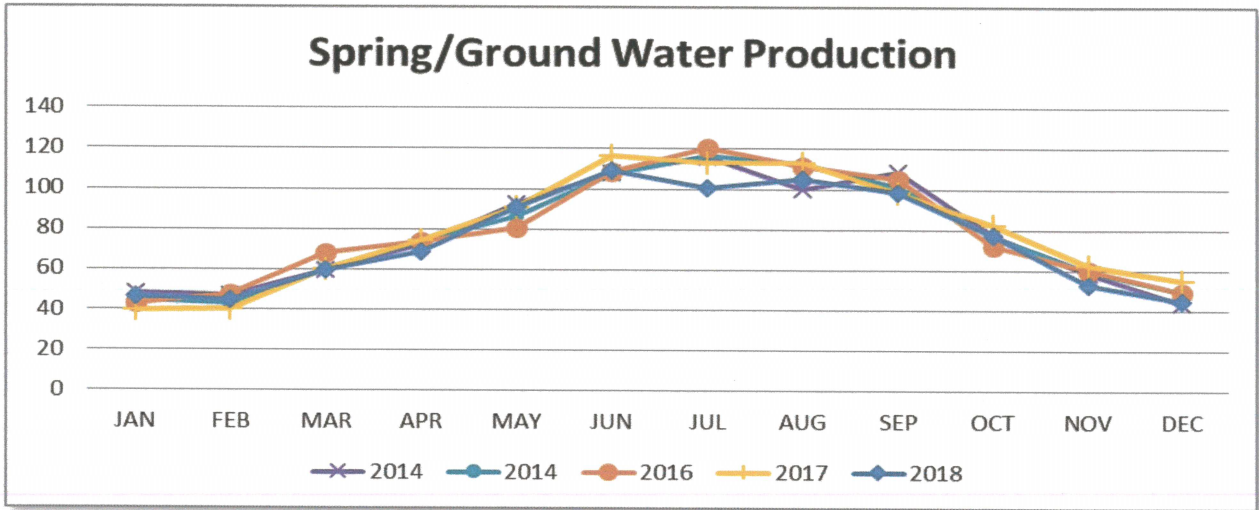
Moapa Valley Water District
OVERALL BUDGET REPORT
Water Fund - 07/01/2018 to 10/31/2018
33.33% of the fiscal year has expired

	2018 BUDGETED	YTD	% OF BUDGET EXPENDED	REMAINING BALANCE
NET INCOME / LOSS				
INCOME FROM OPERATIONS				
OPERATING REVENUE				
Water Sales				
Connection Fees	3,620,000	1,567,442	43.30%	2,052,558
340A Project	6,000	34,500	575.00%	(28,500)
Total OPERATING REVENUE	252,994	52,994	20.95%	200,000
OPERATING EXPENSE				
Wages & Salaries				
Employee Benefits	1,180,000	381,321	32.32%	798,679
Resource/Develop & Protect	555,000	164,694	29.67%	390,306
Regulatory Compliance	230,000	52,591	22.87%	177,409
340A Project	40,000	16,385	40.96%	23,615
Dist System - Operation	10,000	2,570	25.70%	7,430
Dist System - Maint.	35,000	11,549	33.00%	23,451
Production Operations	190,000	80,815	42.53%	109,185
Production Maintenance	112,500	3,757	3.34%	108,743
Customer Account Expenses	40,000	742	1.86%	39,258
General & Administrative	48,000	17,103	35.63%	30,897
Depreciation	508,500	193,187	37.99%	315,313
Total OPERATING EXPENSE	740,000	-	-	740,000
Total INCOME FROM OPERATIONS	3,689,000	924,714	25.07%	2,764,286
NON-OPEARATING ITEMS				
NON-OPERATING INCOME				
Interest Earned				
2nd Water Phase 1	6,000	4,390	73.17%	1,610
Capacity Fee	23,500	22,638	96.33%	862
1/4-Cent Sales Tax	8,000	45,586	569.83%	(37,586)
Other Non-Operating revenues	280,000	53,470	19.10%	226,530
Total NON-OPERATING INCOME	27,500	30,287	110.13%	(2,787)
NON-OPERATING EXPENSE				
Interest Expense				
Bank/Paying Agent Fees	191,329	98,383	51.42%	92,946
Vanguard Replacement	-	25	-	(25)
Other Non-Operating expense	2,000	1,565	78.25%	435
Total NON-OPERATING EXPENSE	10,000	4,154	41.54%	5,846
Total NON-OPEARATING ITEMS	203,329	104,127	51.21%	99,202
Total NET INCOME / LOSS	141,671	52,244	36.88%	89,427
	331,665	782,466	235.92%	(450,801)

Moapa Valley Water District
OVERALL BUDGET REPORT
Water Fund - 07/01/2018 to 11/30/2018
41.67% of the fiscal year has expired

	<u>2018 BUDGETED</u>	<u>YTD</u>	<u>% OF BUDGET EXPENDED</u>	<u>REMAINING BALANCE</u>
NET INCOME / LOSS				
INCOME FROM OPERATIONS				
OPERATING REVENUE				
Water Sales	3,620,000	1,853,586	51.20%	1,766,414
Connection Fees	6,000	34,500	575.00%	(28,500)
340A Project	252,994	52,994	20.95%	200,000
Total OPERATING REVENUE	3,878,994	1,941,080	50.04%	1,937,914
OPERATING EXPENSE				
Wages & Salaries	1,180,000	468,652	39.72%	711,348
Employee Benefits	555,000	202,140	36.42%	352,860
Resource/Develop & Protect	230,000	61,624	26.79%	168,376
Regulatory Compliance	40,000	16,647	41.62%	23,353
340A Project	10,000	3,124	31.24%	6,876
Dist System - Operation	35,000	12,162	34.75%	22,838
Dist System - Maint.	190,000	94,548	49.76%	95,452
Production Operations	112,500	4,100	3.64%	108,400
Production Maintenance	40,000	4,836	12.09%	35,164
Customer Account Expenses	48,000	21,643	45.09%	26,357
General & Administrative	508,500	235,773	46.37%	272,727
Depreciation	740,000	-	-	740,000
Total OPERATING EXPENSE	3,689,000	1,125,249	30.50%	2,563,751
Total INCOME FROM OPERATIONS	189,994	815,831	429.40%	(625,837)
NON-OPEARATING ITEMS				
NON-OPERATING INCOME				
Interest Earned	6,000	6,842	114.03%	(842)
2nd Water Phase 1	23,500	22,638	96.33%	862
Capacity Fee	8,000	45,586	569.83%	(37,586)
1/4-Cent Sales Tax	280,000	80,762	28.84%	199,238
Other Non-Operating revenues	27,500	30,287	110.13%	(2,787)
Total NON-OPERATING INCOME	345,000	186,115	53.95%	158,885
NON-OPERATING EXPENSE				
Interest Expense	191,329	98,383	51.42%	92,946
Bank/Paying Agent Fees	-	25	-	(25)
Vanguard Replacement	2,000	1,565	78.25%	435
Other Non-Operating expense	10,000	4,154	41.54%	5,846
Total NON-OPERATING EXPENSE	203,329	104,127	51.21%	99,202
Total NON-OPEARATING ITEMS	141,671	81,988	57.87%	59,683
Total NET INCOME / LOSS	331,665	897,819	270.70%	(566,154)

Assistant General Manager Report



Nov.

Arrow Canyon #1 pumped 11,698,000 gallons

Arrow Canyon #2 pumped 23,879,000 gallons

Baldwin Springs pumped 17,179,000 gallons

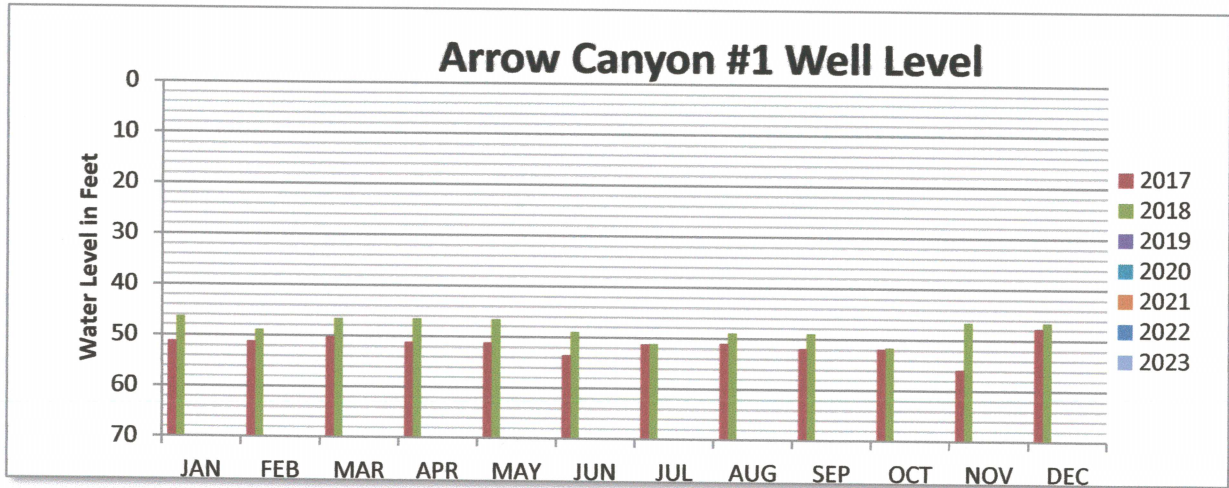
Total = 52,756,000 gallons

Dec.

Arrow Canyon #2 pumped 29,003,000 gallons

Baldwin Springs pumped 15,614,000 gallons

Total = 44,617,000 gallons



Meter Installs

Nov. (1) residential 1"

Dec. (2) residential 5/8"-3/4"; (1) commercial 5/8"-3/4"

Total for Calendar Year 2018 = Forty-One (41) Thirty-Eight standard residential, One delinquent/re-established residential, and Two commercial

Upcoming Line Extensions

In November Board Mtg., I mentioned two small line extensions that needed to be done in order to service two separate parcels with a water meter, these small extensions have been completed and meters installed to one and the other ready to be installed.

General Manager's Report

January 2019

Water Resource Update

The State Engineers office held a hearing on the Proposed Order for the Lower White River Flow System on December 14th. The District submitted the following comments and redline proposal concerning the proposed order.

The District has the following comments on the Proposed Order, and respectfully submits a redlined version of the Proposed Interim Order indicating suggestions to integrate its comments.

1. Certificated Water Rights, Based on Demonstrated Beneficial Use, must be Given Paramount Priority.

Among the stated purposes of the Proposed Interim Order are “to protect existing senior rights and the public interest in an endangered species, [and] recognize existing beneficial use...”. As the District previously noted, Nevada’s water is predicated on beneficial use of water (“Beneficial use is the basis, the measure and the limit of the right to the use of water.”) To properly recognize this paramount principle, the Proposed Interim Order should clearly state that its purpose is to protect existing senior rights *that have been beneficially used*, and for which certificates have issued. The District proposes a revision in the second paragraph of Section I to reflect that policy.

Any final conjunctive management plan for the LWRFS should also reflect the goal of protecting the water rights of those who have demonstrated historic beneficial use.

2. As the Body Charged with Implementation and Oversight of the 2006 MOA, the HRT should Retain an Oversight Role in any Conjunctive Management Plan for the LWRFS.

The Proposed Interim Order states that the evaluation of the amount of groundwater than can ultimately be developed from the LWRFS will include “coordination” with the HRT. The Proposed Interim Order does not include any other mentions of the HRT; that omission fails to recognize the extensive past contributions the HRT has made to current understanding of the LWRFS. It also minimizes the role of the HRT in the process of developing a conjunctive management plan for the LWRFS. The District requests that specific language be added to paragraph 10 of Section VII of the Proposed Interim Order reflecting the importance of the MOA and HRT in past and future LWRFS management.

3. The Proposed Order and any Conjunctive Management Plan Should Distinguish between the Carbonate and Alluvial Aquifers.

The Proposed Order speaks generally about the carbonate aquifer, alluvial aquifer, and the interaction between the two groundwater sources. In order to properly develop a plan to conjunctively manage the water resources of the LWRFS, the two aquifers should be differentiated based on their vastly different yields and interfaces with the Muddy River.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

#

PROPOSED INTERIM ORDER

**DESIGNATING THE ADMINISTRATION OF ALL WATER RIGHTS WITHIN
COYOTE SPRING VALLEY HYDROGRAPHIC BASIN (210), A PORTION OF BLACK
MOUNTAINS AREA (BASIN 215), GARNET VALLEY (BASIN 216), HIDDEN VALLEY
(BASIN 217), CALIFORNIA WASH (BASIN 218), AND MUDDY RIVER SPRINGS
AREA (A.K.A. UPPER MOAPA VALLEY) (BASIN 219) AS A JOINT
ADMINISTRATIVE UNIT, HOLDING IN ABEYANCE APPLICATIONS TO CHANGE
EXISTING GROUNDWATER RIGHTS, AND ESTABLISHING A TEMPORARY
MORATORIUM ON THE REVIEW OF FINAL SUBDIVISION MAPS**

I. PURPOSE

WHEREAS, the purpose of this Interim Order is to designate a multi-basin area known to share a close hydrologic connection as a joint administrative unit, which shall be known as the Lower White River Flow System (“LWRFS”).

WHEREAS, an adequate and predictable supply of groundwater within the LWRFS supports the health, safety and welfare of the area, and this Interim Order aims to protect existing senior rights that have been beneficially used, and for which the State Engineer has issued certificates and the public interest in an endangered species, ~~recognize existing beneficial use,~~ and to control additional perpetual groundwater development during an interim period to obtain additional data concerning groundwater availability.

WHEREAS, during the interim period that this Order is in effect, holders of existing rights are encouraged to develop proposals for the conjunctive management of surface water and groundwater that are premised upon the data that are collected and analyzed pursuant to this Interim Order.

II. BASIN DESIGNATIONS PURSUANT TO NRS § 534.030

WHEREAS, the Coyote Spring Valley Hydrographic Basin was designated pursuant to Nevada Revised Statute (NRS) § 534.030 by Order 905 dated August 21, 1985, which also declared municipal, power, industrial and domestic uses as preferred uses of the groundwater resource pursuant to NRS § 534.120.

WHEREAS, the Black Mountains Area Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1018 dated November 22, 1989, which also declared municipal, industrial, commercial and power generation purposes as preferred uses of the groundwater resource pursuant to NRS § 534.120, declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

WHEREAS, the Garnet Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1025 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

WHEREAS, the California Wash Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1026 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

WHEREAS, the Hidden Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1024 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

WHEREAS, the Muddy River Springs Area was partially designated pursuant to NRS § 534.030 by Order 392 dated July 14, 1971, and was fully designated by Order 1023 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

III. ORDERS 1169 AND 1169A

WHEREAS, on March 8, 2002, the State Engineer issued Order 1169 holding in abeyance carbonate-rock aquifer system groundwater applications either pending or to be filed in Coyote Spring Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (Basin 217), Muddy River Springs Area (Basin 219), and Lower Moapa Valley (Basin 220) and ordering an aquifer test of the carbonate-rock aquifer system, which was not well understood, to determine whether additional appropriations could be developed from the carbonate-rock aquifer system. The Order required that at least 50%, or 8,050 acre-feet annually (afa), of the water rights then currently permitted in Coyote Spring Valley be pumped for at least two consecutive years.

WHEREAS, on April 18, 2002, in Ruling 5115, the State Engineer added the California Wash (Basin 218) to the Order 1169 aquifer test basins.

WHEREAS, prior to the Order 1169 aquifer test beginning, there were significant concerns that pumping 8,050 afa from the Coyote Spring Valley as part of the aquifer test would adversely impact the water resources at the Muddy River Springs, and consequently the Muddy River. Ultimately, the Order 1169 study participants agreed that even if the minimum 8,050 afa was not pumped, sufficient information would be obtained to inform future decisions relating to the study basins.

WHEREAS, on November 15, 2010, the Order 1169 aquifer test began, whereby the study participants began reporting to the State Engineer on a quarterly basis the amounts of water being pumped from wells in the carbonate and alluvial aquifer during the pendency of the aquifer test.

WHEREAS, on December 21, 2012, the State Engineer issued Order 1169A declaring the completion of the aquifer test to be December 31, 2012, after a period of 25½ months. The State Engineer provided the study participants the opportunity to file reports with the State Engineer until June 28, 2013, addressing the information gained from the aquifer test and the water available to support applications in the aquifer test basins.

WHEREAS, during the Order 1169 aquifer test, an average of 5,290 acre-feet per year was pumped from carbonate wells in Coyote Spring Valley, and a cumulative total of approximately 14,535 acre-feet per year of water was pumped throughout the LWRFS. Of this

total, approximately 3,840 acre-feet per year was pumped from the Muddy River Springs Area alluvial aquifer.¹

WHEREAS, during the aquifer test, pumpage was measured and reported from 30 other wells in the Muddy River Springs Area, Garnet Valley, California Wash, Black Mountains Area, and Lower Meadow Valley Wash. Stream diversions from the Muddy River were reported, and measurements of the natural discharge of the Muddy River and several of the Muddy River's headwater springs were collected daily. Water-level data were collected from a total of 79 monitoring and pumping wells within the LWRFS. All of the data collected during the aquifer test was made available to each of the study participants and the public.

WHEREAS, during the Order 1169 aquifer test, the resulting water-level decline encompassed 1,100 square miles and extended from northern Coyote Spring Valley through the Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area.² The water-level decline was estimated to be 1 to 1.6 feet in this area with minor drawdowns of 0.5 feet or less in the northern part of Coyote Spring Valley north of the Kane Springs Wash fault zone.

WHEREAS, results of the two-year test demonstrated that pumping 5,290 acre-feet annually from the carbonate aquifer in Coyote Spring Valley, in addition to the other carbonate pumping in Garnet Valley, Muddy River Springs Area, California Wash and the northwest part of the Black Mountains Area, caused sharp declines in groundwater levels and flows in the Pederson and Pederson East springs, two high-altitude springs, which are considered to be sentinel springs for the overall condition of the Muddy River.³ The Pederson spring flow decreased from 0.22 cubic feet per second (cfs) to 0.08 cfs and the Pederson East spring flow decreased from 0.12 cfs to 0.08 cfs.¹ The following hydrograph at Pederson spring illustrates the decline in discharge

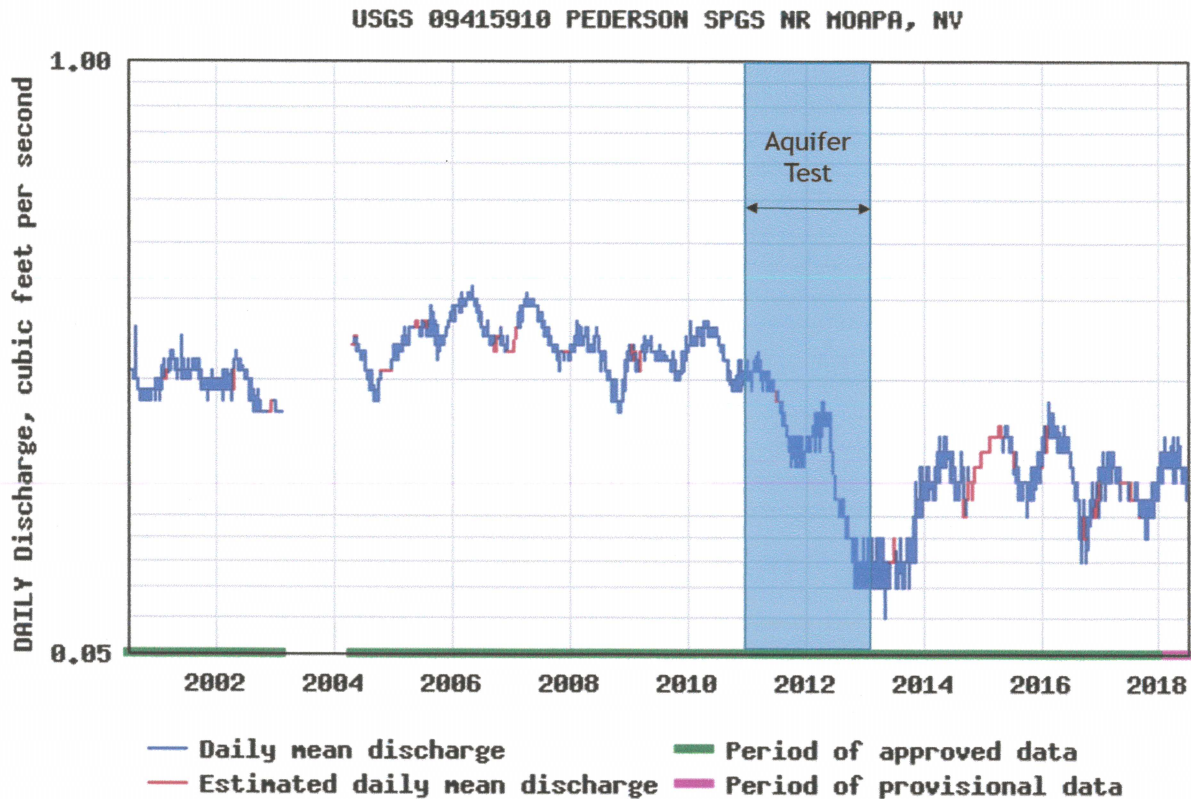
¹ See, e.g., Ruling 6254, p. 17; Appendix B.

² See, e.g., Ruling 6254. See also U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013, official records in the Office of the State Engineer.

³ There was no groundwater pumping in Hidden Valley but effects were still observed in the Hidden Valley monitor well.

¹ The extent to which decreased spring flow at Pederson Spring was caused by pumping, rather than other factors such as changes in climate, has not been determined. The HRT will prioritize determining the cause of decreased flows at Pederson Spring so that any final LWRFS Order can address the cause of the decrease.

during the aquifer test, and also demonstrates that in the 5 years since the end of the aquifer test, spring flow has not recovered to pre-test flow rates.



Additional headwater springs at lower altitude, the Baldwin and Jones springs, declined approximately 4% during the test.⁴ All of the headwater springs contribute to the decreed and fully appropriated Muddy River and are the predominate source of water that supplies the habitat of the endangered Moapa dace, a fish federally listed as an endangered species since 1967.

WHEREAS, based upon the analysis of the carbonate aquifer test, it was asserted that pumping at the Order 1169 rate at well MX-5 in Coyote Spring Valley could result in both of the high-altitude Pederson and Pederson East springs going dry in 3 years or less.⁵

⁴ U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, pp. 43-46, 50-51, June 28, 2013, official records in the Office of the State Engineer. See also, <http://waterdata.usgs.gov/nv/nwis/>.

⁵ See, e.g., Ruling 6254. See also U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability*

WHEREAS, based upon the findings of the aquifer test, the carbonate aquifer underlying Coyote Spring Valley, Garnet Valley, Hidden Valley, Muddy River Springs Area, California Wash and the northwest part of the Black Mountains Area⁶ (the LWRFS as depicted in Appendix A) was acknowledged to have a unique hydrologic connection and share the same supply of water.⁷

IV. RULINGS 6254, 6255, 6256, 6257, 6258, 6259, 6260, AND 6261

WHEREAS, on January 29, 2014, the State Engineer issued Ruling 6254 on pending applications of the Las Vegas Valley Water District (LVVWD) and Coyote Springs Investment, LLC (CSI) in the Coyote Spring Valley; Ruling 6255 on pending applications of Dry Lake Water, LLC (Dry Lake), and CSI in Coyote Spring Valley; Ruling 6256 on pending applications of Bonneville Nevada Corporation, Nevada Power Company (Nevada Power), Dry Lake, and the Southern Nevada Water Authority (SNWA) in the Garnet Valley; Ruling 6257 on pending applications of Nevada Power, Dry Lake, and SNWA in the Hidden Valley; Ruling 6258 on pending applications by LVVWD, Nevada Power, Dry Lake, and the Moapa Band of Paiute Indians in the California Wash; Ruling 6259 on pending applications by the Moapa Valley Water District in the Muddy River Springs Area; and Ruling 6260 on pending applications by Nevada Cogeneration Associates #1, Nevada Cogeneration Associates #2, and Dry Lake, in the Black Mountains Area, upholding in part the protests to said applications and denying the applications on the grounds that there was no unappropriated groundwater at the source of supply, the proposed use would conflict with existing rights, and the proposed use of the water would threaten to prove detrimental to the public interest because it would threaten the water resources upon which the endangered Moapa dace are dependent.

of Water Pursuant to Applications Pending Under Order 1169, p. 85, June 28, 2013, official records in the Office of the State Engineer.

⁶ That portion of the Black Mountains Area lying within the Lower White River Flow System is defined as those portions of Sections 29, 30, 31, 32, and 33, T.18S., R.64E., M.D.B.&M.; Section 13 and those portions of Sections 1, 11, 12, and 14, T.19S., R.63E., M.D.B.&M.; Sections 5, 7, 8, 16, 17, and 18 and those portions of Sections 4, 6, 9, 10, and 15, T.19S., R.64E., M.D.B.&M.

⁷ See, e.g., State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

V. LOWER WHITE RIVER FLOW SYSTEM

WHEREAS, the total long-term average water supply to the LWRFS, from subsurface groundwater inflow and local precipitation recharge, is not more than 50,000 acre-feet annually.⁸

WHEREAS, the Muddy River, a fully appropriated surface water source, has its headwaters in the Muddy River Springs Area and has the most senior rights in the LWRFS. Spring discharge in the Muddy River Springs Area is produced from the regional carbonate aquifer. Prior to groundwater development, the Muddy River flows at the Moapa gage were approximately 34,000 acre-feet annually.⁹

WHEREAS, the alluvial aquifer surrounding the Muddy River ultimately derives virtually all of its water supply from the carbonates, either through spring discharge that infiltrates into the alluvium or through subsurface hydraulic connectivity between the carbonate rocks and the alluvium.¹⁰

WHEREAS, the State Engineer has determined that pumping of groundwater within the LWRFS has a direct interrelationship with the flow of the decreed and fully appropriated Muddy River, which has the most-senior rights.¹¹

WHEREAS, since the conclusion of the Order 1169 aquifer test, the State Engineer has jointly managed the groundwater rights within LWRFS.

WHEREAS, the State Engineer, under the joint management of the LWRFS, has not distinguished pumping from wells in the Muddy River Springs Area alluvium from pumping carbonate wells within the LWRFS.

⁸ *Id.*

⁹ United States Geological Survey Surface-Water Annual Statistics for the Nation, USGS 09416000 MUDDY RV NR MOAPA, NV, accessed at https://waterdata.usgs.gov/nwis/annual/?search_site_no=09416000&agency_cd=USGS&referred_module=sw&format=sites_selection_links.

¹⁰ *See, e.g.*, State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

¹¹ *Id.*

WHEREAS, within the LWRFS, there exist more than 38,000 acre-feet of groundwater appropriations. Groundwater pumping from 2007 forward is included in Appendix B and is significantly less than the total appropriations.

WHEREAS, groundwater levels within the LWRFS have been relatively flat in the five years since the end of the Order 1169 aquifer test, but groundwater levels have not recovered to pre-test levels.¹²

VI. PUMPAGE INVENTORIES

WHEREAS, annual groundwater pumpage inventories in the Coyote Spring Valley have been published by the State Engineer since 2005. In the years 2005 through 2017 pumping has ranged from 665 acre-feet to 5,606 acre-feet, averaging 2,605 acre-feet. The average pumping in Coyote Spring Valley, excluding the years 2011 and 2012 when the aquifer test was being conducted, is 2,068 acre-feet.¹³

WHEREAS, annual groundwater pumpage inventories in the Black Mountains Area have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping in the northwest portion of the basin has ranged from 1,137 acre-feet to 1,591 acre-feet, with an average of 1,476 acre-feet.¹⁴

WHEREAS, annual groundwater pumpage inventories in the Garnet Valley have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping has ranged from 797 acre-feet to 2,181 acre-feet, averaging 1,358 acre-feet.¹⁵

WHEREAS, the State Engineer does not conduct annual groundwater pumpage inventories in the Hidden Valley basin because there is no groundwater pumping in the basin.

¹² See, e.g., USGS water level data for Site 364650114432001 219 S13 E65 28BDBA1 USGS CSV-2. waterdata.usgs.gov/nwis.

¹³ See, e.g., Nevada Division of Water Resources, *Coyote Spring Valley Hydrographic Basin 13-210 Groundwater Pumpage Inventory*, 2017.

¹⁴ See, e.g., Nevada Division of Water Resources, *Black Mountains Area Hydrographic Basin 13-215 Groundwater Pumpage Inventory*, 2017.

¹⁵ See, e.g., Nevada Division of Water Resources, *Garnet Valley Hydrographic Basin 13-216 Groundwater Pumpage Inventory*, 2017.

WHEREAS, annual groundwater pumpage inventories in the California Wash have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 88 acre-feet to 252 acre-feet, averaging 170 acre-feet.¹⁶ Groundwater pumpage data have been reported by water right holders since 2009.

WHEREAS, annual groundwater pumpage inventories in the Muddy River Springs Area have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 3,553 acre-feet to 4,048 acre-feet, with an average of 3,801 acre-feet.¹⁷ Groundwater pumpage data have been reported by water right holders since 1976.

WHEREAS, total groundwater pumpage in Coyote Spring Valley, Muddy River Springs Area (“MRSA”), California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area in calendar years 2007 through 2017, ranged from 9,090 acre-feet to 14,766 acre-feet. Pumpage in years 2011-2012 during the aquifer test averaged 14,535 afa. Pumpage in years 2015 through 2017, when alluvial pumping in the MRSA was greatly reduced because of the Reid Gardner Generating Station closure, ranged from 9,090 afa to 9,637 afa.

VII. AUTHORITY AND NECESSITY

WHEREAS, NRS § 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

WHEREAS, NRS § 533.024(1)(e) was added in 2017 to declare the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

WHEREAS, given that the State Engineer must use the best available science and manage conjunctively the water resources in the LWRFS, consideration of any development of long-term uses that could ultimately be curtailed due to water availability will be examined with great caution.

¹⁶ See, e.g., *Nevada Division of Water Resources, California Wash Hydrographic Basin 13-218 Groundwater Pumpage Inventory*, 2017.

¹⁷ See, e.g., *Nevada Division of Water Resources, Muddy River Springs Area (AKA Upper Moapa Valley) Hydrographic Basin 13-219 Groundwater Pumpage Inventory*, 2017.

WHEREAS, as demonstrated by the results of the aquifer test, Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area have a direct hydraulic connection, and as a result must be administered as a joint administrative unit, including the administration of all water rights based upon the date of priority of such rights in relation to the priority of rights in the other basins.¹⁸

WHEREAS, the pre-development discharge of 34,000 acre-feet of the Muddy River system, which is fully appropriated, plus the more than 38,000 acre-feet of groundwater appropriations within the LWRFS greatly exceed the total water budget within the flow system.

WHEREAS, the results from the aquifer test, the data from groundwater level recovery and spring flow, and climate data indicate to the State Engineer that the quantity of water that may be pumped within the LWRFS without conflicting with senior rights on the Muddy River or adversely affecting the habitat of the Moapa dace is less than the quantity pumped during the aquifer test.

WHEREAS, the current amount of pumping corresponds to a period of time in which spring flows have remained relatively stable and have not demonstrated a continuing decline.

WHEREAS, assurances regarding the precise extent of the development of existing appropriations of groundwater within the LWRFS that may occur without conflicting with the senior rights of the fully decreed Muddy River cannot be made with the data currently available.

WHEREAS, recognizing that there exists a need for further analysis of the historic and ongoing groundwater pumping data, the relationship of groundwater pumping within the LWRFS to spring discharge and flow of the fully decreed Muddy River, the extent of impact of climate conditions on groundwater levels and spring discharge, and the ultimate determination of the

¹⁸ See, e.g., Southern Nevada Water Authority, *Nevada State Engineer Order 1169 and 1169A Study Report*, June 2013; Tom Meyers, Ph.D., *Technical Memorandum Comments on Carbonate Order 1169 Pump Test Data and Groundwater Flow System in Coyote Springs and Muddy River Springs Valley, Nevada*, June 25, 2013; U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013; Johnson and Mifflin, *Summary of Order 1169 Testing Impacts, per Order 1169A*, June 28, 2013; Tetra Tech, *Comparison of Simulated and Observed Effects of Pumping from MX-5 Using Data Collected to the End of the Order 1169 Test, and Prediction of Recovery from the Test*, June 10, 2013, official records in the Office of the State Engineer.

sustainable yield of the LWRFS, the State Engineer finds that input by means of reports by the stakeholders in the interpretation of the data from the aquifer test and from the years since the aquifer test is necessary to fully inform the State Engineer and stakeholders in developing a long-term conjunctive management plan.

WHEREAS, the State Engineer finds that it is necessary to maintain the status quo of water development within the LWRFS while engaging in a process to evaluate the amount of groundwater that may ultimately be developed within the LWRFS without conflicting with senior decreed rights on the Muddy River or adversely affecting the public interest in maintaining the habitat of the endangered Moapa dace. The process will include public meetings, meetings of a stakeholder representative working group, and coordination with the Hydrologic Review Team (HRT) developed under the 2006 Memorandum of Agreement ("MOA") amongst the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investments, Moapa Band of Paiutes, and the Moapa Valley Water District. The process will provide the opportunity for the development of a conjunctive management plan, which will facilitate the continued use of groundwater by junior priority groundwater rights whom have perfected their water rights while protecting the senior decreed rights on the Muddy River. Any resulting conjunctive management plan will integrate the thresholds and triggers from Paragraph 5 of the MOA, as measured at the Warm Springs West flume. As the body charged by the MOA with tracking data relating to those thresholds and triggers, the HRT will maintain its oversight role. The State Engineer will work conjunctively with the HRT to integrate terms of the MOA into any conjunctive management plan for the LWRFS.

WHEREAS, recognizing that an amount less than the full quantity of the appropriated groundwater rights within the LWRFS may be developed in a sustainable matter for perpetuity, the State Engineer, with the following exception, finds that it is necessary to issue a temporary moratorium on the review and decision by the Division of Water Resources regarding any final subdivision map or other construction or development submission requiring a finding that adequate water is available to support the proposed development. During the pendency of this Interim Order, the State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate supply of water in perpetuity can be made to the State Engineer's satisfaction.

WHEREAS, through continued monitoring of the LWRFS during the effective period of this Interim Order, the State Engineer seeks to maintain recent groundwater pumping amounts, while providing time for the submission of additional scientific data and analysis regarding the

total quantity of water that may be sustainably withdrawn from the LWRFS over the long term without conflicting with senior Muddy River decreed rights.

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.¹⁹

WHEREAS, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.²⁰

WHEREAS, the State Engineer finds that additional data relating to the impacts of groundwater pumping from the LWRFS coupled with the public process will allow his office to make a determination as to the appropriate long-term management of groundwater pumping that may occur in the LWRFS by existing holders of water rights without conflicting with existing senior decreed rights or adversely affecting the endangered Moapa dace.

VIII. ORDER

NOW THEREFORE, the State Engineer orders:

1. The Lower White River Flow System consisting of the Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the portion of the Black Mountains Area as described in this Order, is herewith designated as a joint administrative unit for purposes of administration of water rights. All water rights within the Lower White River Flow System will be administered based upon their respective date of priorities in relation to other rights within the regional groundwater unit.
2. Any stakeholder with interests that may be affected by water right development within the Lower White River Flow System may file a report in the Office of the State Engineer in Carson City, Nevada, no later than the close of business on Monday, June 3, 2019. Reports filed with the Office of the State Engineer should address the following matters:

¹⁹ NRS § 532.120.

²⁰ *Id.*

- a. The geographic boundary of the hydrologically connected groundwater and surface water systems comprising the Lower White River Flow System;
 - b. The information obtained from the Order 1169 aquifer test and subsequent to the aquifer test and Muddy River headwater spring flow as it relates to aquifer recovery since the completion of the aquifer test;
 - c. The long-term annual quantity of groundwater that may be pumped from the Lower White River Flow System, including the relationships between the location of pumping on discharge to the Muddy River Springs, and the capture of Muddy River flow; and,
 - d. The effects of movement of water rights between alluvial wells and carbonate wells on deliveries of senior decreed rights to the Muddy River.
3. The State Engineer will schedule an administrative hearing within the month of September 2019 to take comment on the submitted reports.
4. During the pendency of this Interim Order:
- a. Permanent applications to change existing groundwater rights shall be held in abeyance pending the submission of the reports as required by Paragraph 2 of this Order and as authorized by NRS §§ 532.165(1), 533.368 and 533.370(4)(d). Temporary applications to change existing groundwater rights will be processed pursuant to NRS § 533.345.
 - b. A temporary moratorium is issued regarding any final subdivision or other submission concerning development and construction submitted to the State Engineer for review, and such submissions shall be held in abeyance pending the conclusion of the public process to determine the total quantity of groundwater that may be developed within the Lower White River Flow System. The State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate supply of water in perpetuity can be made to the State Engineer's satisfaction.
 - c. Holders of water rights who maintain their water rights in good standing by filing all required applications for extension of time in conformity with the

requirements of NRS §§ 533.390, 533.395 and 533.410 may cite this order in support of their applications for extension of time.

- d. Holders of water rights who file all required applications for extension of time in conformity with the requirements of NRS § 534.090 may cite this order in support of their applications for extension of time to prevent the working of a forfeiture.

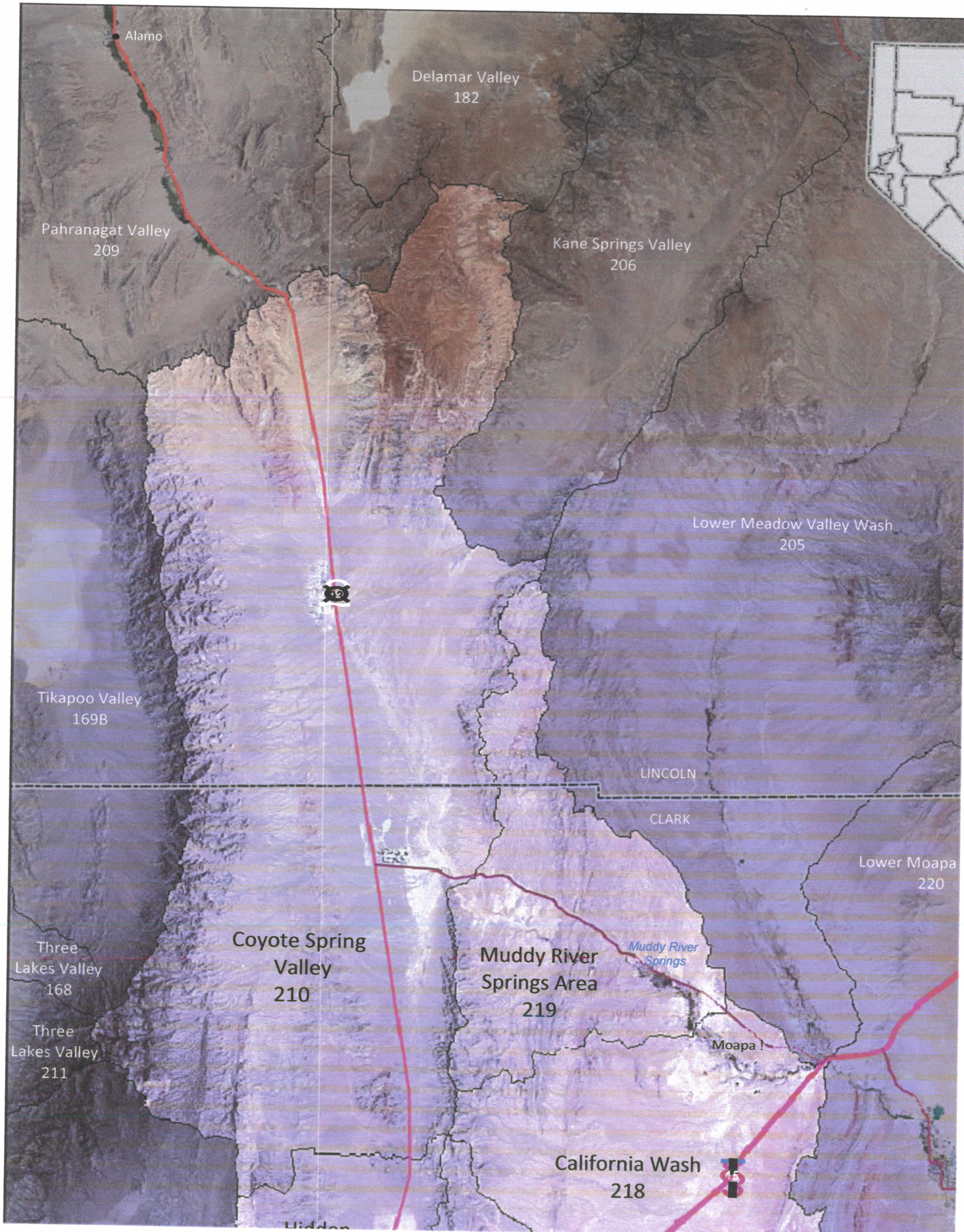
JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

_____ day of _____, _____.

Appendix A: LOWER WHITE RIVER FLOW SYS

Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, Calif and a portion of Black Mountains Area



APPENDIX B: Groundwater Pumping in the Lower White River Flow System, 2007-2017

Basin No.	219	215	210	216	218	217	Total pumping in the LWRFS
Basin Name	Muddy River Springs Area	Black Mountains Area	Coyote Spring Valley	Garnet Valley	California Wash	Hidden Valley	
Year	Carbonate pumping (reported by MVWD) NV Energy)	Alluvial pumping (reported by NV Energy)	All other Alluvial Pumping ¹	Total Pumping in Basin 219 ¹	Carbonate pumping in the Northwest Portion of Basin 215	Total Pumping in Basin 215	
2007	2,079	4,744	253	7,076	1,585	1,732	13,247
2008	2,272	4,286	253	6,811	1,591	1,759	11,981
2009	2,034	4,092	253	6,379	1,137	1,159	10,756
2010	1,826	4,088	253	6,167	1,561	1,572	12,050
2011	1,837	4,212	253	6,302	1,398	1,409	14,766
2012	2,638	2,961	253	5,852	1,556	1,564	14,303
2013	2,496	3,963	253	6,712	1,585	1,776	13,254
2014	1,442	4,825	253	6,520	1,429	1,624	12,016
2015	2,396	1,249	253	3,898	1,448	1,708	9,390
2016	2,795	941	312	4,048	1,434	1,641	9,637
2017	2,824	535	194	3,553	1,507	1,634	9,090

The LWRFS includes basins 210, 216, 217, 218, 219 and the northwest portion of 215.

All values in this table are from State Engineer basin pumpage inventory reports except as noted in the footnotes below:

1. Alluvial Pumping not reported by NV Energy for years 2007-2015 estimated as the average of inventoried years 2016-2017.
2. Estimated as the average of groundwater pumping in years 2009-2012.
3. Reported to the State Engineer but not published in a basin inventory report.