



P.O. Box 75
Baker, Nevada 89311

GREAT BASIN
WATER NETWORK

info@greatbasinwater.org
GreatBasinWater.org

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The Honorable Natha Anderson
Chair, Natural Resources Committee
Nevada Assembly

RE: OPPOSE AB419

Chair Anderson:

The Great Basin Water Network represents the public interest, water users, and communities throughout Nevada. We have decades' worth of experience working within the Division of Water Resources, the Legislature and the courts — successfully ensuring accountability for plant, animal and human life.

We oppose AB419 because it favors applicants over the needs of existing rights holders and the public interest.

Sections 2, 3, 4, 6 and 7 in AB419 upend the approach that currently exists pursuant to existing law. AB419 gives applicants a new standard of review that favors those who want to take more water from our rapidly changing hydrologic systems without giving commensurate consideration to the public interest and existing rights holders who might need to engage on a proposed application.

If we are going to change some standards of review, first and foremost, the processes must include stronger safeguards and more transparency for entities representing the public interest and existing water rights holders. We don't believe this attempt achieves those goals for non-applicants. In practice, this proposal would likely create new hurdles for engagement for members of the public and existing rights holders.

Furthermore, as written, AB419 hands applicants a level of entitlement that will shift power dynamics in imbalanced ways, raising the specter of a regulatory system that favors applicant requests over the needs of existing water users and the public interest.

Next, we want to affirm that the process of obtaining a water right through the Division of Water Resources should not be compared to permitting standards within other agencies, divisions, or departments. Other permitting requirements in the state do not establish usufructuary property rights within precarious natural systems. There is no proceeding quite like permitting water use. The act of granting water appropriations requires careful consideration of existing rights, resource availability, and the public interest, among many other factors. These are processes that already take considerable time and resources. If anything, regulators need to be moving forward with deliberate and cautionary intent rather than celerity.

Lastly, as it currently stands, an entity that wants water merely pays \$360 to fill out a two-page application to begin the state's permitting review process for water. And now, certain interests want a new process that costs millions of additional public dollars to help benefit their causes. The money doesn't exist for what's proposed — nor does the water.

Any future process to change existing standards should warrant a robust stakeholder debate about how to ensure better outcomes for existing rights holders and the public interest, as well as applicants, within the limited means of available funding.

Thank you.

Kyle Roerink
Executive Director
Great Basin Water Network
kyleroerink@greatbasinwater.org