

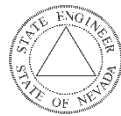
Historical Water Rights

Western States Water Council, Legal Committee

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Presented by

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NEVADA DIVISION OF
WATER RESOURCES





Current Law on Pre-Statutory Water Rights

1. Anyone claiming a water right that began before Nevada's water laws must submit proof to the State Engineer by December 31, 2027.
2. The State Engineer must provide notice of this requirement during the 10 years leading up to the deadline.
3. If a claim is not submitted by the deadline, it is considered abandoned.



Senate Bill 3 I

- Makes minimal but necessary update to state water law by exempting vested claims held by the U.S. Government
- Aligns with the federal government's limited waiver of sovereign immunity under the McCarran Amendment (43 U.S.C. § 666)
- U.S. v. Oregon (9th Cir. 1994): McCarran waiver applies only after a state initiates an adjudication
 - A general statewide filing deadline, set before adjudication begins, does not bind the federal government

Discussion Questions

1. How has your state handled the adjudication of historical (pre-statutory or vested) water rights?
2. Was there a deadline for submitting such claims? If so, what was it?
3. Are claimants still allowed to file vested water rights claims, or were they required to file by a specific date in the past?



Thank You

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