



NEVADA LEGISLATURE SUBCOMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes [NRS] 218E.510)

DRAFT MINUTES

March 22, 2024

The first meeting of the Subcommittee on Public Lands for the 2023–2024 Interim was held on Friday, March 22, 2024, at 1 p.m. in Walker River Paiute Tribal Administration, Tribal Hall Conference Room, 1022 Hospital Road, Schurz, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Subcommittee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

SUBCOMMITTEE MEMBERS PRESENT IN PRIMARY LOCATION:

Senator Melanie Scheible, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Senator Pete Goicoechea
Assemblyman Rich DeLong
Justin Jones, Clark County Commissioner

OTHER LEGISLATORS PRESENT:

Senator Ira Hansen
Assemblywoman Alexis Hansen

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jann Stinnesbeck, Principal Policy Analyst, Research Division
Becky Peratt, Senior Policy Analyst, Research Division
Lisa Creamer, Senior Research Policy Assistant, Research Division
Erin Sturdivant, Senior Principal Deputy Legislative Counsel, Legal Division
Jeffrey Chronister, Deputy Legislative Counsel, Legal Division
Adam Drost, Principal Program Analyst, Fiscal Analysis Division

*Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]*

AGENDA ITEM I—OPENING REMARKS

[Chair Scheible called the meeting to order.]

Chair Scheible:

We have gracious hosts here at the Walker Lake Paiute Indian Tribe. We are excited to be working together with the Tribe today and with all of you at our first Subcommittee on Public Lands meeting. For those of you who do not know me, I am Melanie Scheible. I am a Senator from southern Nevada in District 9, which is in the southwest part of Las Vegas. I have been on the Natural Resources Committee for about six years, including the Subcommittee on Public Lands during the interim. We have a couple of meetings this interim. We are slated to have three meetings. You may have noticed a theme to our agenda. The Subcommittee on Public Lands is tasked with doing an overview of all the water authorities and agencies within the State every interim. We are doing those overviews this afternoon.

Before we get too far into our agenda, I want to give the Members of the Committee an opportunity to introduce themselves.

Clark County Commissioner Jones:

My name is Justin Jones. I am a member of the Clark County Commission. This is my second time on the Subcommittee on Public Lands, and I am the local government representative.

Senator Goicoechea:

Senator Pete Goicoechea, Senate District 19, which starts at Idaho and goes down to Primm, so I represent most of the eastern side of the State. I have been on this Subcommittee ten times in the Legislature and at least three as a local government representative prior to that. I am probably a senior member on the Subcommittee.

Assemblywoman Anderson:

I am the Assembly Member from District 30. This is the first time I have had the opportunity to serve on this Subcommittee. I am excited. It is my second time being on the Natural Resources Committee in the Assembly.

Assemblyman DeLong:

I represent Assembly District 26, which is southwest Washoe County, southern Reno, up to the Lake, and then down to the Carson line. I am a freshman, so this is my first time on the Natural Resources Committee as well as the Subcommittee on Public Lands. I am a geologist by education. I worked in the mining industry my entire career. I know rural Nevada well; I have spent a lot of time out there. I am glad to be here.

AGENDA ITEM II—PUBLIC COMMENT

Chair Scheible:

Our first agenda item at almost all our interim meetings is a public comment portion. We offer public comment both at the beginning and at the end of every meeting. We ask that individuals making public comment limit their comments to two minutes. I will have to cut you off if you exceed two minutes. When I open the floor for public comment, we will have public comment in person and on the phone.

With that, we are ready to go into our first public comment section. Is there anybody here wishing to give public comment? Please state and spell your name before you begin.

Clifford Banuelos, Tribal State Environmental Liaison, Inter-Tribal Council of Nevada and Member, Te-Moak Tribe of Western Shoshone:

The 2025 State Legislature will look at proposal bills meant to fast-track environmental processes in the interest of economics, but we must always think about the posterity of the generations of humans to come. When laws do not adequately take into account over-appropriation of water and drastically increased water use due to new mineral mining at a time of rising ambient temperatures, the beautiful and strong Nevada land that it took literally millions of years to create will suffer. Concentration of the poisons in the water will rise as the water levels lower. Please keep that in mind when creating new legislation and identifying legislative budget priorities.

Chair Scheible:

Thank you. Is there anybody else wishing to give public comment in person?

Mervin Wright Jr., Executive Director, Pyramid Lake Fisheries:

I am currently the Executive Director for Pyramid Lake Fisheries. I grew up in Nixon on the Pyramid Lake Indian Reservation all my life. I want to talk about development. I have been appointed, but I have not been formally appointed by the Committee. You cannot have an economy without development. However, when we look at the sustainable resource, we cannot get to the point where we begin to exploit it, both land and water. I do have a master's degree in hydrology from UNR (University of Nevada, Reno). I understand water quite extensively. The folks out here at the Newlands Project—I have become very familiar with the Newlands Project and the operation of Newlands. It has become a way of life for that community. When you look at the needs at Pyramid Lake, that has always been a way of life for our people. How do you bring these two competing interests together? Looking at coping and being able to survive and continue to live as neighbors, you have to appreciate the resource. What I would like to bring to the Subcommittee—when I do serve on the Subcommittee—is this understanding of knowing our limits and knowing there is a long history of exploitation. We have a future that we have to approach in a way where understanding our past is what is going to teach us into the future.

Chair Scheible:

I want to thank you, Mr. Wright, for being here. As you mentioned, the Inter-Tribal Council has recommended your appointment to this Subcommittee. We do look forward to formalizing that through our legislative process, which also has to be followed carefully. We appreciate your input today and into the future.

With that, is there anybody else looking to give public comment in person? I do not see anybody. We will go online or to the phone. Broadcast and Production Services (BPS), is there anybody on the line? Let us go ahead and have our first public comment on the phone.

BPS:

If you would like to participate in public comment, please press *9 now to take your place in the queue. Chair, you have no callers wishing to participate in public comment at this time.

Chair Scheible:

It looks like we do have people listening to the meeting, which is great. If you would like to submit your comments in writing, that is lands@lcb.state.nv.us.

AGENDA ITEM III—PRESENTATION ON THE WALKER RIVER PAIUTE TRIBE

Chair Scheible:

With that, we will move to Item III and begin our first of a couple of presentations today. In case any of you are new to the legislative process, the way this will work is each presentation you see on the agenda will come up to the front to give their presentation. As you can see, many of them have PowerPoints. Members of the Subcommittee will then ask questions; that is the format we will follow. With that, I would like to invite Dr. Miller up to give us a presentation on the Walker River Paiute Tribe, who are our gracious hosts today. We look forward to hearing from you, and it looks like the Chairman is joining too. If you would each introduce yourselves for us, please.

Andrea Martinez, Chairwoman, Walker River Paiute Tribe:

[Spoke in Paiute] That means, "Hello, how are you doing today?" I want to welcome you all to the home of the Agai Dicutta Numu.

Crystal Miller, Member, Walker River Paiute Tribe:

[Spoke in Paiute] Hello, everyone. I am a citizen here of the Walker River Paiute Tribe. I would like to welcome every one of you here, whether you are on the Subcommittee or whether you are a guest. The last time I got to speak to you guys, I was testifying on the behalf of our sacred site. It is an honor to have you here and host you. We were asked to do a presentation of the Walker River Paiute Tribe as the host for today's meeting. (Agenda Item III) [Due to copyright issues, the handout is on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/About/Contact.>]

I will give a brief general overview of who we are and who we have always been. We are now known as the Walker River Paiute Tribe, but we are the Agai Dicutta Band; that means the Trout Eaters. Agai Dicutta Numu means Trout Eating People. That derives directly from the animals and the plants. Our names we inherently have now that are still tied to us come directly from this place in particular. We have always been the original inhabitants of this land as well as the stewards of these lands. Walker Lake, like many of you know now, is traditionally known as Agai Pah. That is how we introduce it and how we recognize it. Traditionally, we are hunters, fishers, and gathers. I would like to reiterate the fact that today we are also still hunters, fishers, and gathers. Those are practices we have not lost in the years since we have been coexisting with one another.

We have foundational values here at the Walker River Paiute Tribe. I would like to briefly read our mission statement. The mission of the Walker River Paiute Tribe is to maintain our Agai Dicutta heritage while carrying it into the future. The Tribe is dedicated and committed to advocating and protecting tribal sovereignty. The Walker River Tribe shall foster the ideals of community, self-determination, and self-sufficiency. We will strive to promote, preserve, and protect the quality of life for our tribal members. Our values—it is written in as a long-term comprehensive plan, but we did a strategic study on what our foundational values are and incorporated them in—are to honor the legacy of our ancestors by imparting their knowledge into our future generations; to preserve and protect our culture, language, and traditions by sharing;—like many of you saw today in our tour—to honor and protect our mother Earth and its resources such as water, land, and air; to achieve humility, generosity, and treat each other with honor; to have open communication and positive engagement between membership and leadership; to promote education with the utmost importance to all of our people; to acknowledge, respect, and value each other; to continue to strengthen our tribal sovereignty; to empower our people to thrive and achieve lifelong health and wellness. That coincides with our holistic value and the way we view life as well as the way we view life coexisting as a parallel to the land itself.

The Walker River Paiute Tribe encompasses three counties: Mineral County; Churchill County; and Lyon County. This is a picture of the original map of the boundaries. If you look closely, you can see—originally drafted—Walker Lake was included. If you look at the map today of the reservation boundaries, it is no longer included. This is an 1864 map of the original boundaries. Currently today, in the contemporary, we have close to 325,000 square acres and possibly 8,000 more that we are in the process of putting into trust land. It was in the 1960s that the Walker River Paiute Tribe had running water or electricity. Currently today, we have roughly 830 community members. The majority of them are enrolled citizens of the Walker River Paiute Tribe.

I am going to talk a lot about Agai Pah because that is a sacred area for us, a sacred space. We talked about it a lot today on our tour. It is one of the foundational reasons why we are still here today. It was a major resource for us. We function off of oral traditions and oral storytelling. That is a methodology that we carry into the future and that we have always carried with us. It has been our process of living and connecting the past, the present, and the future. With that, we have always functioned in that manner where oral history and storytelling has been foundational for us. Now Western science is catching up to our oral storytelling. It is ironic, but it is working well together because now we are in a clear understanding. One of our oral stories we had was the sea serpent. Everybody knows Hawthorne's Mineral County High School mascot is the serpents. That derives directly from the serpent that was in Agai Pah. The last sighting of the serpent was in 1956. I like to draw a direct connection to the fact that we have always been here since time immemorial. I do not know if any of you know about the marine dinosaur that was found right over the hill; makes sense. The sighting of the serpent has been between 25 feet to 79 feet in length.

I do not like to focus heavily on these; however, they are always important to look at. We are a rural community, a sovereign tribal nation with different jurisdiction, different rules, different policies, and different laws we have to abide by and coexist with. We do have high poverty levels at 34.71 percent compared to the national poverty level of 12 percent. Our median household income is \$29,500, where the national median household is \$74,000. Schurz Elementary has 5 percent student scores that are above the standard for math and the proficiency; whereas, the State has 25 percent. Our reading is also 25 percent above in reading levels. Compared to the district, the school did worse in math and worse in reading. With those statistics, we are actively, as a sovereign nation, trying to fill those gaps, working directly with the surrounding schools and districts. In Schurz, Nevada, we only have

32 percent of our children graduate high school, which is a huge gap. We have a 13.1 percent unemployment rate compared to the national 3.9 unemployment rate. Moving on quickly from those—we acknowledge those because we know there is a gap that needs to be filled. However, we do not like to fixate on those because we know we can move forward, as we are an adaptive community.

Our Walker River Paiute Tribal Government is what is called an IRA Government; IRA stands for Indian Reorganization Act. We adopted this in 1937. It was approved March 26, 1937. It is a seven-member Council. With the adoption of this constitution, the Dawes Act was included. We do have allotments. Most of them are allotted out to Tribal members; however, some are not. We did get lucky in the fact that we are not like other state tribes where their allotments alternate between tribal and non-tribal citizens. We have minimal of that allotment pattern. We did get lucky in that aspect. Nonetheless, we still struggle with allotment issues because the majority of our tribal members do not live on the reservation. One thing with the *IRA Constitution*, it is a cookie cutter constitution that was given to all tribal governments. If you have met any other tribal nation, other than the ones here in Nevada, if you have been on the East Coast, you will know their needs are not our needs. This document does not fit everyone. We saw that firsthand last year. We had a lot of political uproar. There were many barriers to seeing through this *Constitution* and following the policies that were within it because they did not align with our cultural values and our cultural practices.

With that, we have been working to reform our *Constitution*. We are in the process of creating a Constitution Committee and reforming every single government document we have. That way, it strengthens our sovereignty in a way that aligns with those values I spoke about in the beginning of this presentation. We are doing a lot of education to our community. One thing we did acknowledge and see was our community needs to know what is going on and why this is not working. Without that, we cannot change it. We spent the entire last year doing *Constitution* and governing documents. How do these documents flow and what supersedes which document? We spent the entire year last year doing all that education to our community. I guarantee you can walk out somewhere in the community today and find any given citizen and ask them, “What bylaw of this clause—what does this mean?” They will give you the answer because we did a lot of outreach in that aspect.

We have a lot of cultural significance out here at the Walker River Reservation at sacred sites. Many of you got to see some today. We took you to one place in particular. Our entire existence is fixated on protecting these sites and protecting these lands. That is how we move forward. That is how we are going to protect our sovereignty in the future: by ensuring the protection of these sites in our spaces. That way, we still have the ability to practice these cultural teachings. We have many descendants of Wovoka who still live on our reservation. Wovoka was one of our prophets. I do not know if you have ever heard of the Ghost Dance, but he conducted the Ghost Dance, and it was an effort to restore life as it once was because of all the societal ills we were seeing and a lot of the negative impacts that were happening early on in colonization and settlement. We do have many descendants who still live on our reservation. We still have descendants who live around the nation that still come home. I do not know if you will have a chance to, but we have a nice area where he is laid to rest in our cemetery. We have our Pinenut Blessing. We are preparing for that now. That is a cultural spring ceremony we do, and we have been doing since time immemorial. It is a prayer we do for the pinenut, so we have a good harvest during the fall time. We also have a Pinenut Festival. Our Pinenut Festival has been intertwined with our powwow. However, we still follow the practice when it is time to do the dancing of the Pinenut Festival. We have been doing this for almost 100 years. There was a point in time where we were at a crossroad and were on the verge of losing our identity, our culture, and

our traditions. A lot of that was fueled by federal Indian policies that did not allow us to practice. It was not until 1978 that we were even allowed to practice cultural ceremonies. With that, and also with the boarding school where our children were not allowed to speak the language, were not allowed to practice the culture—some of our children did not make it home from those schools. Because they were doing those things, we were at an evident crossroad that we may or may not have these and push them into the future. We have been working hard. We have a Tribal Historic Preservation Officer who is doing an amazing job in revitalizing not just our culture, but our language and even our ceremonies.

We have been resistant in a lot of the efforts that non-native organizations, the federal government in particular—even the United States military—has been imposing on us. We are surrounded by two military bases. The north end being the Navy and the southern end being the Army depot. In the early 1900s, the Army depot used Walker Lake as target practice. Something that is so sacred to us was used as target practice. The U.S. Navy has been bombing our reservation for 80 years. We went out on a site visit with the Navy on Tuesday and found more. They thought they had a full clean up, and there was not. Those are things we have been ongoingly fighting against. There are companies in the process of building solar panels right up against our reservation boundary. Greenlink is with NV Energy. They are going right through our reservation. We have been thinking proactively on how we can fight these fights. How can we go about this? What is going to be in the best interest for the future generations of our children, even the children we have not met yet or thought about? We have been up against geothermal proposed projects. The last time I was in front of you, I was testifying against the geothermal project that would like to use one of our sacred healing sites for geothermal. It is a hot spring. The argument we have been having with them is that we will still have physical geographical access to the site. However, if the hot spring dries up, we do not have access. The American Indian Religious Freedom Act will be violated, so we are no longer protected by that. We have had meaningless consultation with the Bureau of Land Management where they have come and presented to us. The presentation and the PowerPoints they presented to us stated they were going to move the project forward. In that meeting, when we addressed it, it was then suddenly a typo. With that being said, we are big components and would like to support us coexisting as governments, state, local, and federal in those regards. We would like to move forward with many co-stewardship and co-management plans that are going to meet the needs of everybody in all parties involved.

That is a brief rundown of the Walker River Paiute Tribe. I would like to thank you again for allowing us to host you.

Chair Scheible:

Members, do you have any questions? Assemblyman DeLong.

Assemblyman DeLong:

I appreciate the presentation, and I appreciate you hosting us. Good presentation. I found it informative. You had mentioned additional trust lands you are working on. Where are those located?

Ms. Miller:

They will be located near Hazen and behind the lake.

Assemblyman DeLong:

Behind Walker Lake?

Ms. Miller:

Yes.

Chair Scheible:

Vice Chair Anderson.

Assemblywoman Anderson:

Thank you for the presentation. You had mentioned the majority of tribal members do not live on the reservation. Where do most of them live? Those same individuals, how often do they come back to be a part of the community, whether it is for the celebrations such as the Pinenut Festival or for the elections?

Ms. Miller:

We have citizens who live all across the United States. We have citizens who live across the nation and globally. The majority of our citizens do live within the boundaries of what is now known as northern Nevada. They have access to come home, and they come for the Pinenut Blessing and a lot of our other ceremonies we host here regularly.

Ms. Martinez:

We have about 2,400 members and just over 800 live here.

Chair Scheible:

You talked about your Constitutional Committee and the work you are doing right now to reform your *Constitution*. I was hoping you could give us a brief overview of what that process looks like. Do you have another branch of government that has to draft and approve constitutional amendments? Do they go to a vote of the people? What does changing your *Constitution* look like?

Ms. Miller:

We are broken out now between an executive, a legislative, and a judicial branch. Judicial handles all our jurisdictional matters. Our executive is typically the council. Our legislative typically falls under our boards. They are the ones who work to reform the policies. They did the amendments, which is why we are in the process of establishing a Constitution Committee, who would form as the legislative body before it gets back to the executive. In our current *Constitution*, the cookie cutter one, has many requirements that now seem unrealistic in a sense. It calls for a Secretary of Interior requirement of approval, even though they have stated they are no longer doing approval or denials. Because it is written into our *Constitution*, we still have to abide by it, and we will. But with that process, what makes it the lengthiest and probably the most daunting, is the fact that we have to have two-thirds of our enrolled citizens sign off on and approve during a secretarial election, which makes it much more difficult now, especially because a lot of our citizens are off-reservation members.

Chair Scheible:

Other questions from other members? Assemblyman DeLong.

Assemblyman DeLong:

Just another quick question about elections. Do you have to be present and vote in person?

Ms. Miller:

No. We did amend our *Constitution* quite some time ago that allowed for absentee ballots.

Chair Scheible:

I am not seeing any further questions. Thank you again for your presentation and for being here. We certainly appreciate you.

AGENDA ITEM IV—REVIEW OF THE WALKER RIVER IRRIGATION DISTRICT

Chair Scheible:

That will take us to Item IV, the Walker River Irrigation District. We have Mr. Bryan here to present. Whenever you are ready, please introduce yourself and go ahead.

Bert Bryan, General Manager, Walker River Irrigation District (WRID):

Good afternoon, Madam Chair and Committee. Today I will run through a quick presentation on the Walker River Irrigation District. (Agenda Item IV)

The Walker River system is an interstate stream consisting of the East, West, and Main Walker Rivers. The area within the Walker system is divided into six principal “ag” areas. Starting in the upper valleys of Bridgeport and Antelope Valley in California, the East Walker starts in the Bridgeport Meadows with a collection of instream and East Walker itself merging into Bridgeport Reservoir solely in California. The West Walker is in Antelope Valley, which is mostly in California but is divided by the state line with Nevada and California. From there on, the East Walker also encompasses riparian ag areas both in California and Nevada. The West Walker continues from Antelope Valley into Smith Valley. Both converge in Mason Valley. Finally, they end up here on the Walker River Paiute Tribe lands, the terminus being Walker Lake. Here is an image of the Basin in its entirety, showing where we begin over on the eastern slopes of the Sierra Nevadas. Then it continues down to the confluence and then finally to the terminus at Walker Lake.

The WRID was formed under the Nevada Irrigation District Act of 1919. We operate under Chapter 539 of NRS. We are governed by five board of directors—two in Smith Valley, three within Mason Valley. We own and operate, under California water rights, both Bridgeport and Topaz Reservoirs for the storage of water. Those reservoirs were built in the early 1920s. Bridgeport is solely in California. It roughly has a capacity of 42,460 acre-feet. The Topaz Reservoir is divided in half between the State of California and the State of Nevada, which is an off-stream reservoir. It has a capacity of about 60,000 acre-feet. The boundaries of the Irrigation District itself is within an area of 246,000 acres, of which we have over 80,000 water right pertinent acres of land. The lands within the District are a principal agricultural area in Lyon County, and on a per-acre basis, are some of the most productive agricultural areas in Nevada. Within the Irrigation District, we also have Nevada’s Department of Wildlife (NDOW) Mason Valley Fish Hatchery, and the Mason Valley Wildlife

Management Area (MVWMA). Nevada's Department of Wildlife is a great area for wildlife habitat and food for those animals. With the fishery itself, they grow the fish there to plant on many streams, rivers, and lakes within Nevada. Nevada's Department of Wildlife is one of the largest water right holders within our district. The Walker Basin Restoration Project was gifted to the State of Nevada. The Walker River State Recreation area, which is also located within our district, is four ranches with over 29 miles of river corridor in that area. They are in the process of converting about five different areas for recreational use on those properties.

Water sources and regulation—the Walker Basin operates under a federal decree, the C-125 Walker River Decree, for our surface water. There is a six-member board which is referenced as the U.S. Board of Water Commissioners, who act as the watermaster, and they also appoint a Chief Deputy Watermaster. Her job is to deal with the natural flow and the releases from storage. She is tasked with the apportionment and the divvying up of those water rights, setting a priority based on those natural flows. Those are diverted into several primary points within all stretches of the Walker, including in California and Nevada. The stored water the District owns and operates is also enforced through the federal decree. Those storage waters are released pursuant to the water orders that are given over to the District during our season. There are numerous points of diversion ditches within the District. A majority of all of those are organized private ditch companies we operate under. We are somewhat different than your typical irrigation district. Those canals are mostly private aside from the three the District owns and operates.

Another important source of water within our District is groundwater. We have two types of groundwater within the Smith and Mason Basin. There is a primary groundwater, meaning there is no other surface right that is appurtenant to those lands, and also supplemental. Those would be the lands that have appurtenant surface water that are connected to those lands, and they supplement with groundwater at times. The groundwater is extremely beneficial within our District, both in the Smith and Mason Basin. Growers use it for a dependable, predictable supply of that water to augment those limited times of surface supply in subnormal water years. It is also a management tool to maximize the production of their crops when needed. Pursuant to the Nevada State Engineer Order 1318, all groundwater users within both Smith and Mason Basin are subject to monthly record keeping on their groundwater use, and they are to submit those to the State Engineer by the seventh day of each month. In addition, as a result of our previous curtailment orders that came through the District, at one time the District has supplied the State Engineer's office with all surface water use from the users; especially for those supplemental groundwater users as well.

From the agricultural production from the District, our primary crop that is grown in the WRID is alfalfa. Based on 2022 data from Nevada's Division of Water Resources (DWR), about 13,500 acres of alfalfa was grown in Smith Valley and about 26,500 acres of alfalfa was grown in Mason Valley, representing about 50 percent of the lands within the District itself. However, the production of row crops has increased recently. Based on data from DWR, the acreage of onions planted has almost doubled from 2,800 to 5,400 acres from 2012 to 2022. We have also seen an increase on the other cash crops. Other vegetables, including corn and carrots, represent over 1,000 acres within the District as well.

Some of the issues we deal with on the Walker System—we have been in a couple different litigation cases. Right now, since 1994, the District water right holders on the Walker River have been involved in a lengthy, time-consuming, costly litigation, primarily in the U.S. Court in the District of Nevada. That litigation was based on claims by the U.S. and the Walker River Paiute Tribe. Since June of 2022, we have been in settlement discussions. We

are hoping to see a resolution on that case at some point this year. In addition, another litigation with claims from Mineral County under the public trust doctrine—what is left of that case is with the same federal court under Mineral County's Second Amendment complaint for intervention. It seeks a wide range of relief not involving the reallocation of existing water rights. The litigation is now in discovery phase and will not close until May of 2025.

Through a series of public laws, Congress established a well-funded Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake to protect agricultural and environmental habitat interests within the Walker Basin back in 2009. To date, the funding was allocated to the National Fish and Wildlife Foundation (NFWF). They have acquired approximately 120 cubic feet per second of natural flow Decree and 15,234 acre-feet of stored water rights within the District. Those water rights were appurtenant to about 17,599 acres of land. The Walker Basin Conservancy has estimated they have now acquired 55 percent of the water they need to reestablish or put Walker Lake back to where they were hoping to have it. They have successfully completed several transfers of some of those water rights, and they are in fact in priority and being delivered down into the main stem as we speak.

Water right changes are presenting new management issues. The changes that have come throughout the District—the system is now managed instream rights in addition to meeting diversion rights throughout the river. Administration of the East, West, and Main Walker Rivers is no easy task. With the best right in the system, the 1859 Walker River Paiute Tribe right, being at the very bottom of the system, it is a challenge to the watermaster for making those deliveries.

Administration has also been a difficult challenge as a result of the consumptive use portion of irrigation rights and the water rights to instream flow diverted to Walker Lake. There is no gauge that measures water going into the area known as the Yerington Weir, which is one of the largest structures within the Walker. It is the last point of delivery on any of the ditches within the Irrigation District. It was built in 1923, with some modifications in 1950 and the 1970s. There is no point-of-source simple control with it that can be fine-tuned with the releases that are there. There is a United States Geological Survey (USGS) gauge that is immediately downstream of that area, but there is no automation or component in order to make accurate, precise deliveries at that structure.

Water right changes are presenting new water management issues continued forward with the assistance of the grant from the NFWF through the Walker River Restoration Project. The District has automated key turnouts on some of the major canals within Smith and Mason Valley. We have upgraded with new gates, flow control measurement, and structures that are operated by the watermaster's office. She is able to dial those in, and they work automatically when they are in operation. To date, we have done 13 major canals. We are in the process of completing another one within the next couple months. In addition, more gauging is being required with the modifications and the changes of water rights within our District. Initially, we had a USGS gauge on the Miller Lane area, but there was an issue with the accretions and depletions and the calculation of the water flow from the Yerington Weir down to Wabuska to meet both the Tribe's right and the Walker Basin Conservancy instream rights. We worked with all parties and established the railroad bridge gauge on the MVWMA. That is giving us a better picture of the return flows, making it easier from a management standpoint for the watermaster. The Walker Basin Conservancy has also acquired other water rights we still have not seen changes for. They are in the process of making a change on some rights on the East Walker, which presents challenges to itself because it is moving the new point of non-diversion or diversion to a location further upstream, so the tracking

standpoint of everything is a little bit more complex. In addition to future changes into those rights, further gauging would be a necessity—or would be a lot better—from a management standpoint and operations for the watermaster as well as potentially other additional gauges in Smith Valley where there is not a lot of gauging in that area. The cost of the gauge equipment for USGS is roughly about \$12,000. If they have the equipment in stock, that fee is waived. If you can sign a contract with USGS, and you are an agency, they give you a good cost break. The total cost of the gauge is roughly around \$21,600 per gauge.

Conjunctive management of surface and groundwater within our District—we are well-aware of the issues throughout Nevada concerning hydrologic connection between surface and groundwater. We are aware of the recent Nevada Supreme Court decision with *Sullivan v. Lincoln County*. Suffice it to say, the District groundwater users and the State Engineer have placed a mutually beneficial program for conjunctive management on a voluntary basis as a result of the curtailment orders that came through in 2014 and 2015. We did see a voluntary reduction from a lot of those well users within both Smith and Mason Valleys. As a result, during the last drought, we have been able to be a moderator for the State Engineer's Office and the local growers within Smith and Mason Basin. We have been able to offset the drawdown in the aquifer in a way that is sustaining everything to a much better level within our basins.

Regarding recommendations, the District requests that the Subcommittee and the Nevada Legislature provide support for funding assistance for additional gauges. We are working with Nevada State Parks for potential funding avenues with the Walker River State Recreation Area. There are roughly 90 miles from Bridgeport Reservoir to the next gauge on Strosnider. There is no gauging in that stretch of the Walker. That is the furthest distance in between gauges, so it is rather important. We are looking at potentially three sites on those properties we have been working with. The Nevada State Parks folks are taking the lead on that. Also, we would be interested in requesting if the State could provide any assistance for the potential for replacing the Yerington Weir with a modern structure that would be more efficient and accurate operating. That would be especially helpful for the District users but also the restoration for Walker Lake. With respect to the hydrologic connection between the surface and groundwater and the conjunctive management, the District strongly recommends a cautious approach; something to the effect of what has been taking place with the District and the State Engineer's Office. None of the basins are equally the same. One shoe is not going to fit all. We hope a lot more could be understood on each situation before anything is acted upon. Finally, the Voluntary Groundwater Retirement Program put in place in 2023 should continue to take place moving forward.

Chair Scheible:

We are going to have some questions. I will start down here with Senator Goicoechea.

Senator Goicoechea:

Are all your production wells in the District metered?

Mr. Bryan:

Yes.

Senator Goicoechea:

Every well other than domestic, as long as they are a production well? Are the supplemental rights tied directly to a primary surface right?

Mr. Bryan:

Yes, Senator Goicoechea. The supplemental wells are tied to an existing surface right on those properties. A good example for you—there are several layers of water rights within our District. You have your decree; you have supplemental storage—which is supplemental to an actual decree, but that is not groundwater, that is surface water—you have regular new land water that was associated with the building of our reservoirs. Those properties do not have enough for the four-acre foot duty we have within our basins. If they applied for the permit to the State Engineer's Office, they were granted rights and permits to supplement during those periods where they needed for that one.

Senator Goicoechea:

Your duty is four acre-feet?

Mr. Bryan:

Yes.

Assemblyman DeLong:

Does the District manage the Yerington Weir?

Mr. Bryan:

There are several ditches that are in that respective area. There is the West Hyland ditch, the Joggles ditch, the SAB ditch, the Dairy ditch, and the Sciarani ditch. Three of those are larger canals; two of them are smaller. The MVWMA is the larger water right holder within respect of the acres per that section. The District has been involved with the maintenance and care and continuing to remove sediment and any other issues we have within that area. We do not specifically own the Weir per se. The Weir is located solely on the MVWMA properties.

Assemblyman DeLong:

Who owns the Weir then?

Mr. Bryan:

That would be a breakdown of the majority of the acres that are within those respective ditches that hold the responsibility and the ownership of that property.

Assemblyman DeLong:

You talked about trying to change certain water rights, and it sounded like you were waiting for a decision. Is that a decision from the State Engineer or from the watermaster?

Mr. Bryan:

The acquisition program that was put in through the Walker Basin Conservancy and the funds that came in for the acquisition program through NFWF—those water rights are still tied to the land until they go through the process change. Initially, within the last couple of years—the first one went through—for our water rights and modification for the decree—and this is specifically for the decree water only, the natural flow—they have to go through the process of filing with the State Engineer, get the approvals from the State Engineer's Office. From there, it goes to the Federal District Court. The Federal District Court at that time will amend the decree from there. There is that process that has to follow. To date, the only water rights that have been changed from ag to inflow or instream water rights are the ones specifically at the Weir at the northern boundary of the Irrigation District.

Assemblyman DeLong:

To be clear, except for the one that is changed, it is all at the State Engineer waiting for that decision, or are you at the court?

Mr. Bryan:

No, those initial first ones have been approved. They have been modified. The decree has been amended. The Walker Basin Conservancy will now be going up into different reaches within the Walker, including some of the forks—the east fork, the west fork. There is currently an application they are in process with the State Engineer's Office that they filed that we are working with—hence why the interest of having further gauging within the East Walker where we have about 90 miles between there and the first USGS gauge. These properties that were there—over 29 miles of river on those properties—there are other takeouts immediately upstream of that and downstream of that before you even get to the USGS gauge. There will be a little bit of a difference with the accounting side of everything because the initial changes that have occurred with all our water rights up to this point are all based on a consumptive use portion and a non-consumptive use portion which came through the State Engineer's Office of how much those crops would consume versus what they would not consume.

Chair Scheible:

Vice Chair Anderson.

Vice Chair Anderson:

I have three different types of questions. The first has to do with the governing bodies you mentioned. It is a large irrigation district, yet it is governed by five members. Are those five members selected, elected, or are they selected based upon specific qualifications?

Mr. Bryan:

We operate under NRS Chapter 539. There is a list of what an irrigation district has to do in order to have your elected members. They are elected members; every four years they have to seek reelection. They have to own and live within their respective districts, hold those appurtenant water righted acres in order to be qualified to run for an election. Every four years they go into a reelection, and they are staggered.

Vice Chair Anderson:

Thank you for that clarification. I am looking up that chapter right away. I have another question. It had to do with the diversions owned by organized ditch companies. Are those agreements made with that same board, or is it made with a six-member board and appointed Chief Deputy Watermaster, or is it done through the State Water Engineer?

Mr. Bryan:

The Irrigation District board is five members. We own and operate all the storage on both reservoirs. We are basically the record keepers for the Walker and everything else within our respective District. As for what takes place there, we also own three canals and about 226 miles of drainage within the District that we maintain. The U.S. Board of Water Commissioners is basically a watermaster. They have a representative here at the Walker River Paiute Tribe, two members in Mason Valley, one member in Smith Valley, one member from the Bridgeport Valley, and one member from Antelope Valley. Collectively together, they operate as the watermaster. They also have an appointed Chief Deputy Watermaster that is also approved through the Federal District Court in Reno that oversees and manages the delivery of water and the selection of those things. As for the private ditch companies, when the District was formed in 1919 and built the reservoirs, everything was not federal or state funded. It was all from appurtenant water right holders within the District that created that. Those subsequent other 30 or so ditch companies are private companies filed with the State of Nevada as their own independent corporations. You can imagine you have lots of personalities you have got to deal with.

Vice Chair Anderson:

Thank you for that clarification. My last question has more to do with something I heard earlier today. There was the possibility of the Walker River Reservoir flooding and then impacting this area. Has there been discussion about that with your industry, or has there been any sort of discussion with the actual Tribal Nation about this issue?

Mr. Bryan:

Flooding from the river?

Vice Chair Anderson:

I am sorry. It was the Weber Reservoir. I was on the wrong area.

Mr. Bryan:

I can clarify. I can give you an example from last year—record-level flooding that we dealt with. We had the highest water year we have ever had on record in the District in over 100 years. We maintained a flow rate that was significant at times within that area. During the operation and management, I was in daily communication with the Bureau of Indian Affairs (BIA) and the folks that operate the dam over here in Weber. Any time we made incremental changes within our system, they could plan ahead of it. We were roughly three days from the waters we release at our reservoirs reaching Weber. The collaboration we had with the folks from BIA and their reservoir operators was key in trying to help maintain a safe environment as best we could.

Vice Chair Anderson:

Thank you for giving me a little bit of help with my mistake. I appreciate the clarification.

Chair Scheible:

Go ahead, Senator Goicoechea.

Senator Goicoechea:

I have to clean this up a little bit. The surface waters that are being sold down in into Walker Lake that you are amending the decree—that adjustment is made there at that level through decreed surface rights. Who is responsible for the supplemental rights? I am assuming that goes back to the State Engineer's Office to make sure those, i.e., supplementals, are curtailed along with those decreed rights. Who monitors then the pumpage of the supplemental right?

Mr. Bryan:

Senator Goicoechea, the way it works—since 2014, 2015, we work closely with DWR and our basin engineers that are tasked with our basins. As those modifications come, as the Conservancy comes and purchases land and/or water, if there is a supplemental right, they have told us they have gone to the State and permanently retired those rights. There are some primary where those stand alone; to my knowledge, those have not been retired. They are subject to a lot of different things. We also have a storage water leasing program that came through the Walker Basin Restoration Program which we lease our storage water to willing folks within the District that sign up for the Program. We also contribute a breakdown list where we have to have a temporary application that goes through the State Engineer's Office. The way those are held, they are also looked at as though they used all the surface water to the full extent. So, if they have a supplemental right, they cannot just pump the differences of what is in there. We have been cognizant and open with communications with the State Engineer's Office on making sure that any time pumping should not be occurring, it is not occurring.

Senator Goicoechea:

It sounds like the District is doing most of that monitoring, but ultimately, the enforcement falls back to the State Engineer.

Mr. Bryan:

We assist as much as we can. They do have folks from the State Engineer's Office come out and check. If you do not report your wells, they are checking.

Chair Scheible:

I have a question. In your suggestions or requests of the Subcommittee, you mentioned you are hoping to see a continuation of the program for the voluntary retirement of water rights. I was hoping you could give us an update on how that is working within the WRID.

Mr. Bryan:

There was some money that was allotted to the Conservancy through that program in order to retire some of those rights. I have not been privy to the amount that has been signed up

and gone there. The hope is that if there is a need to permanently retire them, which there is—we are severely over-appropriated on most of the basins within the State of Nevada—there is absolutely no reason to keep them on the books. There should be something that is done. That is also part of the reason we have been working on that voluntary program with the State Engineer's Office. We meet with them usually a couple times a year, going over the inventory either fall to fall or spring to spring, on their measurements from the groundwater level. Their totals of the overall pumping we have so far has gone into working with some of the technicians with DWR to come up with a base on the percentage of the snowpack we have—how much of a reduction voluntarily on pumping we need to see from some of these folks. The farmers have been proactive with making sure we meet that threshold.

Chair Scheible:

Any other questions? I do not see any other questions. Thank you for joining us. That will close out this agenda item.

AGENDA ITEM V—REVIEW OF THE TRUCKEE-CARSON IRRIGATION DISTRICT

Chair Scheible:

We will go to Item V, the Truckee-Carson Irrigation District (TCID). Mr. Shawcroft is presenting.

Ben Shawcroft, General Manager and General Counsel, TCID:

I am the General Manager and General Counsel of the TCID. The Board decided some time ago, because of all the litigation they were involved in, to hire an attorney to be their General Manager and maybe save some money. (Agenda Item V)

First of all, I wanted to orient you a little bit with our Irrigation District. We are located to the north of here on Highway 95. Of course, we expand more than just Churchill County. We also go into Lyon County. There is a map giving you an idea of where we are located. We are primarily located in Churchill County. That is where the majority of our acreage is and where we do most of our work. However, we also have what is called the Truckee Division, which is located around the City of Fernley. We have two sources of water for our Irrigation District, which is a blessing for us depending on the water conditions. We take water from the Carson River, which is our primary source of water. Our other source is the Truckee River, which is diverted at the Derby Dam and sent down the Truckee Canal. That water ultimately ends up in the Lahontan Reservoir, which has a storage of approximately 287,000 acre-feet. We can store more when we start storing on the boards in very wet years to approximately 300,000 acre-feet. Backing up a bit, we are one of the first federal reclamation projects that was authorized. We go back to the infancy of the Reclamation Service. Truckee-Carson Irrigation District was formed in 1918 to start serving the needs of the farmers in the Newlands Project. Therefore, as you can imagine, we have a lot of aging infrastructure and a lot of issues that are expensive to deal with; I will get to that in a minute. We have approximately 391 miles of canals and main laterals that we maintain and operate. We have 340 miles of drains. Our system consists primarily of dirt channels. We are not piped. Unlike what you might see in fancy irrigation projects in Central Valley or in Oregon, we are primarily old-fashioned dirt channels. Most of those are still the original dirt they pulled up and set on the banks when they built the projects in the early 1900s. We also serve approximately 57,000 irrigated acres.

To give you an idea of the importance of the Newlands Project to the State of Nevada—I gave some numbers from Churchill County, mostly because that is where the majority of our acres are, with some still in Lyon County—to give you an idea of what the Project does, we have approximately 500 farms. Most of those are family farms. We are not talking about big corporation farms. These are your multigeneration farms where their families have been working that land for multiple generations and making it productive. The Churchill County agriculture economic output was approximately \$168 million in 2018. We have numerous beef cattle and dairy cattle farms in Churchill County. We are proud of the fact the Dairy Farmers of America built a milk plant in Churchill County. I think this is an important indicator of the stability of our agriculture output. I do not think they would have put that plant there if we did not have a stable source of supply to be able to feed it and also a stable source of water. I think that stable source of water was important in them selecting that location for their milk plant. We also grow mostly silage—corn for silage—hay, wheat, some vegetables, and melons. As many of you may know, we are famous for the Fallon cantaloupe.

I think this gives you a good picture of where the water goes. We are primarily agriculture in our use of the water. That consists of about 79 percent of the water usage by water righted acres. There is about 5 percent that goes to municipal. Those are typically farms that have sold their farms for development. They have therefore sold those water rights to the developers. Those developers then put those to use within that city that has a water supply for those developments. We also serve a good portion of water to the U.S. Fish and Wildlife Service and also to the Nevada Department of Wildlife, who also owns some water rights we service.

This gives you an idea of the impact the drought can have on our water supply. Of course, in those good years, we provide 100 percent allocation to our water users. Of course, in those dry years—as you can see before 2017, we even had a year where we were at 21 percent, which is basically one watering, get your ground wet, and that is about it. Recently, before the 2023 winter, we were down at about 70 percent for those water users. That can have a significant impact on those farms, especially when you consider they are relying on that last watering to get them into the green as opposed to the red on their production.

Here is a Truckee Canal update. Many of you may have heard we have been engaging in a significant, expensive, and controversial project to line the Truckee Canal in the City of Fernley. Back in 2008, the Truckee Canal breached and flooded several hundred homes in the City of Fernley and nearly caused the financial collapse of the TCID. Since then, in cooperation with the Bureau of Reclamation, we have engaged in engineering, studies, and an environmental impact statement. All that work was in order to get us to the point where we were able to do a project in lining that canal. Originally, it was supposed to be about 12 miles concrete lined, but we did not have \$100 million to be able to pay for that. Therefore, it was determined to limit the scope of that project to those areas that were most susceptible to another breach and causing damage. That consisted of about 3.5 miles that was ultimately decided to be lined. That project has been going on over the past year. We are happy to report we are close to completion of the project. There was a lot of concern over the seepage to the canal that the City of Fernley has relied upon for 100 years. While that concern is not put to bed, it is not completely resolved; there is going to be a section right in the middle of the project, about 100, 150 yards, that will not be lined. That section is remaining dirt, so there will continue to be seepage there. We are also hoping with the limited scope of that project of 3.5 miles, as opposed to 12 miles, you will still have a lot of seepage that will be occurring at both ends of that lining. We were able to provide delivery of water to those users last November and December. We got to the point in that

construction project and were able to bring out the workers, fill that water, and make some deliveries to those folks. They were hurting. They went a full year without water delivery. We wanted to do everything we could to at least provide them one delivery of water before the winter season set in. A lot of those folks were able to get in a winter crop. We are hoping that eased the pain that outage caused.

Regarding 2023 flood operations, we are an irrigation district, but sometimes we feel like we are a flood control district. That is what we were in 2017 and were yet again in 2023. With the significant record-breaking snowpack we saw, we again sat down with our community partners, the Navy, Churchill County, and the City of Fallon and determined we needed to do additional work to try to prepare and prevent a flood in that community. Many of you may be familiar with what we deemed the “big dig” in 2017 where we constructed a new canal that provided as an output of water from the Carson Lake and essentially saved the community from a flood in 2017. As we looked at that, we determined that again, more work needed to be done. We decided we needed to build an additional greater sized emergency weir on our main canal to be able to release additional waters out into the desert and avoid flooding waters going down the channel of the Carson River. In fact, I will go to this slide. It orients you as far as what I am talking about. On the left-hand side of the screen, you see the weir. There is an arrow pointing to the location of that emergency weir that was constructed. As you can see, the water then is diverted and goes out into the desert to the south and then eventually makes its way under underneath Highway 95 into the Carson Lake. You can see the arrows of the big dig. That is where the water is then released and makes its way out to the Stillwater National Wildlife Refuge.

We had an existing weir that was built in 2017 to release water. Based on the forecasting we were seeing, we decided we needed to expand that. When I say we, I need to include Churchill County. They were the principal funding mechanism for that project to take place. Here are some images of the construction project of the new weir that was going in. There you have a picture of the new weir in operation. We do not like to see water being sent out to the desert, but it is better there than going down Main Street in Fallon. Here is an image of what we call—we like things to be big—we call this the big berm. We had a problem with the fact that the Carson Lake was not going to be able to accommodate all of the water without flooding properties that were on the northern boundary of the lake. Therefore, we decided to build a dirt berm about six feet high along the entire northern boundary of Carson Lake. You can see the photo of that berm as it was being constructed. That photo was taken in March before the water arrived. That photo was taken in May in the same location after the waters arrive. Luckily—and it is simply by luck—that water came out of the mountains perfectly. It could not have come down better. If we had a warm wet storm on top of that, this would have been a different picture. That water came through Carson Lake. It started creeping up on the berm before it started to recede. This slide gives you an idea of where all that water is in a big wet year. On that map, the snake blue is Lahontan Reservoir. Carson Lake is at the bottom. The City of Fallon starts to become an island with the water as we are trying to divert it around the populated area.

I want to talk about challenges for the future for the TCID. One of the things we are constantly worried about is water conservation. We recognize we are an old Irrigation District with old infrastructure. It leaks considerably. We have to find ways to conserve that water so we are in a better position during those dry years to be able to serve our water users. We are looking at a multitude of options to be able to do that. Whether we are lining ditches or canals we know are susceptible to seepage, or if it is additional modernization through automated structures and making sure those are fine-tuned and working appropriately. All of that, of course, costs money. It takes a lot of studies and engineering.

That is something we are working on. It is something that is going to be phased over the next many years as we try to modernize our entire system.

One of the challenges we have is the fact that we now owe the federal government \$35 million. That is for the lining of the Truckee Canal. That is a substantial financial burden for an Irrigation District our size where we are relying on assessments that we charge our water users. The TCID does not own the water. The users own the water. We are simply providing it to them. We can only charge them for that service. It is a significant challenge, one we are going to be dealing with for the next 50 years, which is the term of our repayment obligation. What does that do? It hampers our ability to do those other things I talked about such as modernizing our entire system. We are trying to find different creative ways to be able to fund projects. We do apply to the federal government under their WaterSMART Grant Program. We apply for every grant we qualify for and try to receive funding that way, but it is still a challenge because all of those grant programs require a match. Oftentimes, we do not have the money to satisfy that match obligation. Something I have looked at, that other states have done—particularly the State of Oregon, which is something I am starting to explore with other stakeholders in Nevada and also through legislation—is where the state provides a fund that can be applied to and received in order to match those federal programs. Therefore, we are leveraging this big pot of money the federal government has for those projects and being able to get boots on the ground and shovels in the dirt and make those projects happen. But it requires a partnership from the State of Nevada to be able to help us satisfy those matching requirements on those grants.

Another challenge we have for the future is protection from urbanization. Imagine you have a neighborhood right next to an open channel canal. Kids want to go swimming in it. They also want to be protected from it in cases of a breach. All of that puts pressure on a system that was originally designed not to satisfy those concerns. We talk about the City of Fernley. That area has breached several times over the past 100 years, but in the past, it would simply go out into farmland and would not cause that much damage. Now if it breaches, it is flooding neighborhoods and causing millions and millions of dollars of damage. Who pays for that? Who pays for that improvement? Should it be the developer who brought that development there? Should it be the homeowner who is now living there and is afforded that protection? Is it the irrigation district that has to pay for it in order to continue serving its water users? That is a challenge we are grappling with. We are not the only ones who are dealing with this. States across the entire West are dealing with this issue as well and are trying to figure out how to manage that. Any projects, such as aligning, are going to cost millions and millions of dollars. These water users do not have the money to pay for that, and they did not invite that development to happen. Again, it is something we want to bring to your attention. It is something we are grappling with. We do not have all the answers to it yet, but we are trying to invite comments and ideas as we deal with that.

That is the end of my presentation. I am happy to answer any questions you may have.

Chair Scheible:

Questions from Members of the Committee? Senator Goicoechea.

Senator Goicoechea:

Coming by Lahontan, it looks like you are getting close to 200,000 in storage. Are you full for March, or are you storing that comfortably?

Mr. Shawcroft:

We are at about 260,000 acre-feet right now. We do not anticipate needing to do any emergency drawdowns of that water. We are definitely in a good position for the year for irrigation. We just announced 100 percent allocation for everybody. Again, if we get a wet warm storm on there, we may have to do some releases, but right now we are pretty good.

Senator Goicoechea:

I was curious about what is upstream. Thank you.

Chair Scheible:

I have a question. At the end of your presentation, you mentioned Oregon has a program you would like to see replicated in Nevada. I want to make sure I am understanding this correctly. The State has a pot of money. The purpose of having this money set aside is so that when a subsidiary agency wants to get a grant that requires a matching fund, they go back to the State fund to get the money for the match. Is that right?

Mr. Shawcroft:

That is correct.

Chair Scheible:

Oregon already does this?

Mr. Shawcroft:

Yes, they do it. They set up a fund, I believe it is coming from their lottery revenues. They set that up, and it is not just for irrigation districts to apply for. Basically, any water utility can apply to it because, as we know, water systems across the board are oftentimes qualified for grants but also have that matching requirement.

Chair Scheible:

That was going to be my next question. It is not limited to irrigation districts, but is it limited to water projects or water authorities? It would not also be utilized by school districts to provide Read by 3 programs, for example.

Mr. Shawcroft:

I believe you can set it up as broad as you would like it. If there are needs other than water, you could set it up to be broader, or if you want to make it narrower, simply to satisfy a particular concern the State may have related to those types of utilities.

Chair Scheible:

That is interesting.

Mr. Jones:

Madam Chair, may we use one of our bill draft requests (BDRs) for a statewide lottery system for the Subcommittee on Public Lands?

Chair Scheible:

We will add that to the agenda. I was wondering if you could talk about the tribal nations that are either within the Irrigation District or near the Irrigation District because I did not see them on the map.

Mr. Shawcroft:

I can show you there. What we have within the Newlands Project—and we serve water to them—is the Fallon Paiute-Shoshone Tribe. They have a lot of those water rights, so we provide that service to them as well. Also, the Pyramid Lake Paiute Tribe are related given the fact they take their water from the Truckee River. There is that relationship, since we also divert water from the Truckee River. That is their primary source of water for the Pyramid Lake Paiute Tribe. There is that conflict, but also that partnership. In the past, it has been more of a fight. A lot of those issues have been settled—at least in my opinion. We have been able to get to the point—it has required a lot of work. We also have a specific federal regulation, it is called OCAP (Operating Criteria and Procedures), that puts certain restrictions on our project to be able to divert water from the Truckee River, therefore maintaining a better balance so we are not harming Pyramid Lake.

Chair Scheible:

I have one more question, and I am going to ask this of all the presenters. Has the TCID seen or utilized the voluntary Groundwater Rights Retirement Program?

Mr. Shawcroft:

I am not familiar with users who have done that in our area primarily given the fact we are solely surface water in our district. Whether or not other users have taken advantage of that, I do not know.

Chair Scheible:

That makes sense. Any other questions? I do not see any. Thank you for your presentation. That will close out this agenda item.

AGENDA ITEM VI—REVIEW OF THE CARSON WATER SUBCONSERVANCY DISTRICT

Chair Scheible:

We will move to a presentation by the Carson Water Subconservancy District. We will invite Mr. James to the table to present.

Edwin James, General Manager, Carson Water Subconservancy District:

I am going to present an overview of the activities we are doing on the Carson River Watershed. (Agenda Item VI)

First of all, here is the structure of the Carson Water Subconservancy District. We are made up of 15 board members of six counties and two states. Subconservancy was originally established in 1959. In 1989, the Nevada Legislature changed the whole focus and purpose of the Subconservancy. At that time, there were three counties involved: Douglas; Carson; and Lyon Counties. In 1999, Churchill County became a member. In 2001, through a joint

powers agreement, Alpine County, which is in California, became a member. In 2021, Storey County—we have a little bit of that—became a member. We have representation from all the counties that are in the watershed. Our funding comes from property tax and grants. We have five employees and one AmeriCorps. We have a broad perspective of knowledge and activities we do that we bring to the group.

The Carson Water Subconservancy's mission is to promote cooperative action with communities to protect the Carson River Watershed. Our focus is working cooperatively with all our partners in the Watershed to promote a healthy Watershed.

A little bit on the Carson River Watershed. We have the West Fork, which comes out of Hope Valley and goes through Alpine County into Douglas County. We have the east slope. That East Fork comes also out near Markleeville and then flows into Douglas County. They both combine in Douglas County, flow through Carson, down through Lyon, into the Lahontan Reservoir, and then on to Churchill County. Precipitation ranges from four to eight inches to over 40 inches in the Sierra. We have extremes water there. The length of the river is 184 miles. Starting up at an elevation of 11,460 and ends at 3,000. We have five major groundwater basins that are in our service area of the Watershed. We have limited upstream storage. We depend on Mother Nature. We could have a flood and a drought in the same year. We have limited upstream storage. Our biggest storage is Lahontan Reservoir, which is two-thirds of the way down. Managing it depends on working with Mother Nature hand in hand. The river is fully appropriated, so there is no new water available in the system. We have the Truckee Canal, which you mentioned, that brings water also from the Truckee. I tell people we are connected with the Truckee at the ankles. Sometimes things that go on the Truckee do impact us.

After the 1997 flood, the community got together and said, "How are we going to start dealing with all these water resource issues?" They formed the Carson River Coalition. They asked the Subconservancy if they would facilitate that process. What is an integrated watershed planning? Instead of having people in their own silos, we are working cooperatively with all the entities up and down the entire Watershed. We have a Watershed Coordinator that works in our office. She helps coordinates the different activities. We have different working groups we bring together. We have a flood working group. We have a noxious weed working group. We recently formed a new working group called the ag community. We are looking at regenerative ag and how to use agriculture and regenerative ag to improve water quality. We are now working on that. Those are things we are doing actively in our Watershed. It is a good program. It brings people together. There is no voting or anything; it is a consensus of what they do. A lot of times, if they find a project they want to do, they come back to the Subconservancy and ask us to go after those grants to implement those programs.

What does integrated planning do? We look at water quality, invasive species, recreation, stream bank stabilization—we have a lot that we deal with—outreach and education, floodplain management, and also water supply and demand. Again, working with all those entities, we look at the Watershed as a whole.

We have a regional Floodplain Management Plan we have been working on. The first one was in 2008. We have been updating it. A little different than the Truckee, our floodplain is the agriculture and floodplains, so our goal is to keep those open. We do not want to have flood walls. I tell people the Los Angeles River was not originally a concrete river. It was actually a river, but over the years, when it flooded, people had to deal with the flooding, and what they did was build a concrete channel. There are other problems when you do that. You lose that natural connection. Our goal is to keep these floodplains. What you see

in this picture is what we want to keep in the future. When you do have flooding, the impacts are a lot smaller economically. In 1997, the Truckee River area had over \$900 million of damage. We had about \$16 million. Yes, there is still damage, but the magnitude is smaller and more cost effective. In 2005, we became a cooperative technical partner with the Federal Emergency Management Agency (FEMA). That allows us to get funding. We have done a lot of studies in the Watershed. It is a unique process. The Federal Emergency Management Agency has been using our method throughout the country now because they like it. We managed the grant. We then have the counties— the technical partners—do the studies. We tend to get a lot of funding and do these flood studies, but there is a lot of paperwork. We are good at pushing paper and the entities get what they need. We are one of the largest funding entities in region nine through this project because we were so successful. Development of regional water sustainability infrastructure plans is something we will be working on; I will give more detail later on.

What are the issues we are dealing with on water supply? First of all, the river is fully appropriated, so there is no new water. When you have a growth and new demand, it has to come from another source. Right now, 95 percent of the river water is used by agriculture. Very little is used by municipal and industrial use. In the future, if that changes, there are restrictions. Because again, we have limited upstream storage. If you have a water that is only there a couple of months of the year, it is hard to have a municipality survive with that source. You have to plan for that. All the groundwater basins are over-appropriated, but most of them are not over pumping. That is a good thing. We are living within those realms. We have one canary that is pushing it, but most of the water basins are in good shape. Again, no large upstream storage. We have water quality problems. When you have a little bit of water, like this picture, in the river, there are places where the river goes dry in the summertime. You start having issues with that, especially when they have some cold-water fishery issues. If you do not have water, it is hard for cold-water fisheries to survive. We are dealing with those issues too. Wet water versus paper water is a big issue we are dealing with on the Carson. Then we have the surface and groundwater interaction. The river goes through most of the groundwater basins in the middle of it. We have a lot of interaction between surface and groundwater. This is becoming a big issue throughout the State and is something we are dealing with on the Carson. Climate change is having a big impact. I will go into more details about that. When it comes to growth, as we grow, we need water. Where is that water going to come from? It is that balancing act.

I wanted to talk about wet water versus paper water. I always like to show this graph. This is the Churchill Valley Groundwater Basin. If you know where Silver Springs is, this is covering that area. You have the different categories of committed groundwater resources. You can see irrigation, there is 3,585. In 2020, they pumped 365. They have commercial stock water committed about 145. They pumped 44. The municipality has over 5,315 acre-feet of water. They only currently are pumping 478. If you look at that, you think, wow, they have a lot of water. Well, hold on. Domestic rights do not need a water right, but they are currently pumping an estimate of 1,307 acre-feet. The biggest user is domestic users in that area. The committed rights that have water rights out there were over 9,000, and the pumping in 2020 was estimated to be about 2,194 acre-feet. The perennial yield is 1,600. We are already close to or over the perennial yield in that area. The domestic wells are estimated by the State Engineer at one acre foot per domestic well. If you have ever been out there, it is probably closer to half a foot, so we are probably still within that range of the perennial yield. But that municipality which is sitting on 5,300 acre-feet of water rights, it is not there. It is all paper. The question is, how you are going to grow on that? That is something we are working on with that community.

The other thing I want to talk about is climate change. Everyone talks about the future of climate change, but we are already seeing it now. This was work done by the Desert Research Institute (DRI). It was using the East Fork gauge, which is the upper part gauge which has little impact, little storage, or manmade impacts. They took the water record from 1941 to 2009, and they split it. They took how much water was coming in—the fraction of that water by that month. This is not a hydrology. This is how much water in a given month was coming through there. What is interesting is if you look in March, you will see we are now having a shift. More water is coming off in March than it did historically. Then if you look at June, we are seeing less water coming off than we did historically. So, we are seeing a shift in the runoff patterns on the Carson River, and that is something we have to deal with, again, with limited upstream storage.

Another thing we saw which was interesting—this is a report that was given in the middle of Carson, basically looking at Carson and Fort Churchill. The USGS did the study, and they showed this graph. You can see from 1940 to 2020, the line seems to be decreasing. The first thing we thought was there is all this development upstream that is impacting the flows in that river. One of the things we did to see what is happening in the upper part is we looked at the upper gauge, which again, is having little impact by human or storage. You can see that same trend. We are seeing less water coming down naturally than we have historically. This is an impact we have to start dealing with. Now, there are some manmade impacts as you move through the system, but we realize we also have natural issues.

What are we doing on this? We are currently working on this 30-year regional study. We are working with all our water purveyors, State, Federal, Irrigation Districts, and other users looking at what they think the water demands will be in the next 30 years. We are utilizing the USGS upper middle Carson River models. They have developed these high-tech models that look at groundwater surface water interaction in the Carson Valley and in the middle Carson—which basically goes from Carson City all the way to Lahontan. We are evaluating the surface water interactions. We have hired a consultant to help us work with the water entities. We have 13 major water purveyors. What are their growth projections? What are we looking at in the future? Getting some realistic numbers. We are looking at the future demands. As we move forward, we are developing this 30-Year Regional Water Plan and after this, we can run that data through those models, and we can start identifying shortfalls or possible conflicts, so we are already ahead of the curve. If we see those, then we can start working with those entities. Do we mitigate those water needs? Do we modify what the utility is doing? Again, trying to avoid those conflicts in the future. Right now, if you talk to people, there are extremes. One person says every drop of water used upstream is impacting lower shed, and others are saying there is no impact. The goal is to try to minimize that argument so we are more on the same page and then looking at how we can mitigate. Then look at future climate change as we come through. If we have a limited upstream storage and the water comes off even earlier, what is that going to mean to our ag communities? What is that going to mean to the municipality that is going to try to use that water in the future? And again, be ahead of the curve. Our idea is if you plan for it, you are much better off than being reactive to it.

That, in a nutshell, is what we are doing. There is a lot on the plate, but the nice thing is we are working cooperatively in the Watershed, and it is a neat model to see.

Chair Scheible:

Are there questions from Members of the Subcommittee? I will start with you, Assembly Member DeLong.

Assemblyman DeLong:

Thank you for the presentation. Any chance of building upstream storage?

Mr. James:

That was originally what we were established for in the 1950s, to build upstream storage. When I was hired back in 1998, the first questions I had were, "Where are you going to store the water? What water are you going to store since all the water is fully allocated, and it was allocated back in 1905?" The original plan was to take additional water. If you built that storage in the upper watershed to offset the loss to Lahontan, the goal was originally to take more from the Truckee. If you talk to people in the Truckee, and they are like, "Wait a minute. You are not going to take any more water from us. There is not any extra water in the system." It is more advantageous for us to work within our means than to try to go after something that is not there.

Chair Scheible:

I have a couple of questions. Can you explain to us why the amount of water that is being utilized is so much less than what is being allocated?

Mr. James:

What happened a lot of times—like in Carson Valley, the total appropriated water rights is over 100,000. The perennial yield is estimated about 49,000, and we are currently pumping about 35,000. One of the things is we have a lot of supplemental water rights. When they authorize supplemental rights, which is basically for irrigation users, they assume that no water would come down the river, so they gave their full duty. So, there is about 50,000 acre-feet of supplemental rights which will rarely be fully used. A lot of municipalities have not fully utilized their water. In fact, like we see other places, they are using less water today than they were 20 years ago because of conservation. That is a good handle there. We are doing—almost every municipality is using less water today than they were 20 years ago. I think that is why we are in the frame. We are doing a good job of managing it, and that is the goal, to stay ahead of the curve before we get into real problems.

Chair Scheible:

A related question then is, are the different parts of the system affected equally by the over-appropriation?

Mr. James:

No basin is equally impacted. If you look at the Carson Valley, if you look at it as a whole, it looks to be in good shape. But if you go to the Pine Nuts, which is a lot of domestic wells, their water levels are dropping, and it is not due to large ag or municipal. It is that you have so many little straws into the basin—and their recharge has actually come from the Pine Nuts, not from the Carson River. We are seeing impacts. We do have—even though we are in good shape—on a general basis, we do have isolated basins, small communities that are seeing impacts. The Ruhenstroth District has several thousand homes there. Their water levels are going down, and everyone is on a septic system, so their nitrates are increasing. We do see communities we are going to have to deal with in the future on those. Again, it is hard when you talk generally and only have ten minutes to speak of the isolated issues we are dealing with, but we are working with those communities also.

Chair Scheible:

About how many users are within the Carson Water Subconservancy?

Mr. James:

Are you asking for—

Chair Scheible:

The population.

Mr. James:

I want to say we are over 200,000 or maybe 150,000. I cannot remember; I am sorry.

Chair Scheible:

That is the approximate I was asking about. Other questions? I do not see any other questions. Thank you for your presentation. Before I forget, I do want to mention we also received a report from the Colorado River Commission of Nevada, which is available on the Nevada Electronic Legislative Information System. It is also in the binders for those of you who have them. If you have additional questions for the Commission, we can absolutely transmit those, have them come in, give us a presentation, but I think they distilled a lot of the information into their ten-page report.

AGENDA ITEM VII—REVIEW OF THE HUMBOLDT RIVER BASIN WATER AUTHORITY AND CENTRAL NEVADA REGIONAL WATER AUTHORITY

[This agenda item was taken out of order.]

Chair Scheible:

We will go back to a presentation from the Humboldt River Basin Water Authority (HRBWA) and the Central Nevada Regional Water Authority (CNRWA). I believe I saw Mr. Fontaine here. Whenever you are ready, come up, introduce yourself, and tell us a little bit about these water authorities.

Jeff Fontaine, Executive Director, HRBWA and CNRWA:

On behalf of HRBWA and CNRWA, thank you for the opportunity to present to the Subcommittee on Public Lands this afternoon. (Agenda Item VII)

I am going to start with the HRBWA. Humboldt River Basin Water Authority is a unit of local government. It was established in 1995 to oppose a proposal to export a lot of water out of the Upper Humboldt River Basin to the Lower Carson River. The Authority has a 15-member Board of Directors and includes county commissioners, appointed community members, and a non-voting representative of the Nevada Mining Association. At one time, Senator Goicoechea was a member of the HRBWA Board during his time as a Eureka County official. The Board represents a variety of water users including municipalities; irrigators; mines; and also those with senior surface water rights, primarily in the Lovelock area; and junior groundwater rights, both in the Upper Humboldt, which is a gaining stream, which means more water is going into the stream, as well as in the Lower Humboldt, which is a losing stream, which means it is losing water.

As far as the activities are concerned, HRBWA formulates and presents unified positions to relevant various State agencies and the U.S. government on water issues pertaining to the member counties. It also monitors, assesses, and responds to water projects that may adversely impact member counties. This typically involves reviewing new water right applications and change applications to existing water rights and responding to those applications. In some cases, working with the applicant and in other cases, filing protests as needed. I know protests are viewed as opposing a particular project, and in many cases, they are. But you do need to file a protest in order to preserve your seat at the table to work with those participants and proposals and try to mitigate whatever impacts you might think would be present as a result of their project. We do file a lot of protests. It is an important activity in the HRBWA. We also provide a forum for citizen participation in water-related issues. We conduct our meetings as open meetings. We have good attendance by water professionals and community members. They are invited to share their views and experiences as well with the Board. We disseminate information and provide technical assistance and training to member counties. It is important for our Board members to have that link for information to be apprised of what is taking place, whether it be by the DWR or other state and federal agencies, and overall, the condition of the Humboldt region. We are currently implementing the voluntary Water Rights Retirement Program. Not on this slide is our role in helping DRI raise funds to conduct cloud seeding operations in the Humboldt Basin as well.

Regarding groundwater conditions in the Humboldt Region, the overall system, as far as groundwater yield is concerned, is approximately 469,000 acre-feet of perennial yield and approximately 758,000 acre-feet of committed groundwater rights. The system is over-appropriated pretty significantly. That is within the 33 groundwater basins in the Humboldt Region—of which 28 are over appropriated. Of those 28 that are over-appropriated, eight of the over-appropriated basins are also over-pumped. I should mention, the eight over-pumped basins should be ten. Since the new basin assessment maps were produced, we see now that Lovelock Valley and Boulder Flat are also marginally over-pumped according to those new maps.

Diminished base flow of the Humboldt River is probably the most important priority within the Humboldt Region. That is, groundwater pumping in the region has led to increasing capture of the Humboldt River and its tributaries. That has produced conflicts with rights of the Humboldt Decree. We now have models that can tell us where those basins and zones within those basins are—where the surface water captures occur. Those are models that were produced in conjunction with the USGS and DRI and funded in part by the DWR. Lack of upstream storage for consumptive uses, there is no storage in the Upper Humboldt Basin that is available for consumptive use. The South Fork waters for recreation is not available for downstream users. In the Lower Humboldt Basin, you must have adequate flows in the upper and middle river to move water to Rye Patch Reservoir that is at the end of the river. Those flows in the river are highly variable from year to year. The trend, unfortunately, is diminishing flows and during drought years can be practically nonexistent south of Imlay. Loss of proper functioning riparian areas that impairs floodwater retention and groundwater recharge and drought certainly exacerbates the poor flow conditions in the river. With the limited storage available, there is little to no drought reserve within the Humboldt River Basin. However, I will say that during a year of above-average precipitation, like we are seeing this year, a lot of that runoff water is absorbed by soils that were depleted by moisture. You need to have two or three or consecutive years of above average precipitation to see that runoff. Then, of course, when you have high precipitation years, that water can flow past and out of the Humboldt River into the Humboldt Sink. Warming trends obviously reduce snowpack and early runoff, which we are already seeing in the Humboldt Basin.

Regarding conjunctive management of the river basin, you are all familiar with the legislative declaration that it is the policy of the State of Nevada to manage conjunctively, the appropriation, use, and administration of all waters of the State. Since the 2023 Legislative Session, a number of significant events have moved us closer to conjunctive management. First, I mentioned earlier, the USGS and DRI have completed two of the three capture models of the Humboldt River drainage—the Upper and Lower portions. We are still waiting on the Middle capture model, which is pending. Then, the landmark Nevada Supreme Court opinion on State Engineer Order 1309, the Lower White River flow system, affirming the State Engineer’s authority to manage water conjunctively. Lastly, through the DWR leadership, they have held a number of stakeholder workshops to present ideas on management of the Humboldt Basin. We think in the Humboldt Basin, we are about ready to get going. Humboldt River Basin Water Authority does support conjunctive management and is prepared to work with the DWR and other stakeholders as we move forward in managing the basin.

Moving on to the CNRWA—also a unit of local government. It was established in 2005 to prepare communities in Central and Eastern Nevada for sound water resource decisions that promote prosperous economies and strong civic institutions in a healthy natural environment. We have nine member counties in Central and Eastern Nevada. There is a 23-member Board of Directors that includes county commissioners and appointed Board members. We do have some members that serve on both the CNRWA and HRBWA Boards.

Similar to HRBWA, the CNRWA also formulates and presents unified positions on water-related issues. I would say one of the more relevant policy statements developed by the CNRWA is on conjunctive water management. I think that was relied upon quite a bit during the deliberations last legislative session. Central Nevada Regional Water Authority also monitors, assesses, and responds to water projects and also provides a forum for citizen participation. Part of the Interlocal Agreement states that it encourages citizen participation of water supply and management issues of concern to member counties. The other comment I want to make about CNRWA, and HRBWA as well, is there are only a few member counties that have the resources and the staff to monitor and address water resource issues within their counties. The concept behind CNRWA and HRBWA is to combine those limited physical and staff resources for the purpose of obtaining and managing technical support, legal support, policy advice, and other assets necessary so these member counties can make sound decisions. We are fortunate to have Jake Tibbitts, the Natural Resources Manager for Eureka County, participate and share his experience with other member counties. Central Nevada Regional Water Authority is implementing the Groundwater Water Rights Retirement Program. Lastly, CNRWA does have an extensive Groundwater Monitoring Program to collect and analyze water level measurements from 51 wells in 12 groundwater basins.

The situation with groundwater conditions in the central region is not much better. Restoring over-pumped groundwater basins and preventing over-pumping and addressing over-appropriated basins is appropriate for 70 groundwater basins, 25 that are over-appropriated, eight of those are over-pumped, and it includes Nevada's only designated critical management area.

If I may have one more minute to go over the Water Rights Retirement Program which was discussed earlier today—CNRWA and HRBWA did receive \$15 million in Nevada Water Conservation and Infrastructure Initiative Grant award; that is, the American Rescue Plan funds that were appropriated by the Legislative Interim Finance Committee in November 2022 to the [State] Department of Conservation and Natural Resources. We got that award this past November. We had a short time frame to sign up willing sellers. By

January, we had quite a bit of interest both in the Humboldt Basin and the central region. In the Humboldt Basin, we had five applicants with multiple certificated and permitted rights, totaling about 12,887 acre-feet for a total cost of \$11.6 million. All those applications are in two basins that are both over pumped—the Middle East River Valley and Antelope Valley. In the central region, we had eight applicants with multiple certificated and permitted water rights and also bank water rights, according to the Groundwater Management Plan, for a total of a little over 12,000 acre-feet. That number has been updated for a total cost of \$10.4 million. Again, Diamond Valley is the State's only critical management area. We have got a rank list. We are working with each of the applicants to purchase and retire the water rights until we run out of money. We have until September 30, 2024, to complete the program. I believe we have been asked to provide a presentation update to the May 3rd Joint Interim Standing Committee on Natural Resources meeting.

The recommendations I will leave for now. They are in the PowerPoint presentation. A lot of them are probably familiar to most of you. We have been working on these for some time. These are the things that need to be done to make sure we can sustainably manage our water supplies going into the future.

Thank you for your time. I am happy to answer any questions.

Chair Scheible:

Are there questions from Members of the Committee? Assembly Member DeLong.

Assemblyman DeLong:

On the water rights retirement program, will you meet the September deadline?

Mr. Fontaine:

The way the program works is if we do not meet the September timeline, the money will not be there for us. It will go somewhere else. But we anticipate we will. We were not sure we were going to be able to get enough willing sellers in the six weeks we had to get the word out there and get people interested. We have plenty of willing sellers. We have more willing sellers than we have money. If we do run into problems with somebody getting cold feet, we have some other applicants behind them. Right now, we are working through lots of the paperwork. There are applications that need to be filed with the DWR. There are legal documents that need to be prepared, but we have time to work through those. I anticipate we will have good success by September.

Chair Scheible:

Go ahead, Vice Chair Anderson.

Vice Chair Anderson:

I have a similar question. How were you able to get the word out? You had that many people that were part of it, but it sounds like there are also some different feasibility reports happening with some of the landowners over in Diamond Valley. I do not know if you want to go into that today or if that is better for the May meeting.

Mr. Fontaine:

I am happy to do that, Vice Chair Anderson. When we were given notice of the award, we had already lined up a number of consultants and contractors to help us. I am a part-time contractor for HRBWA and CNRWA, and this is a monumental program. We realized we needed some assistance, and we got some great people to work with us. We did presentations, formal notices, paid advertising in newspapers around the State, and word of mouth, quite frankly. In Diamond Valley, fortunately, we have a lot of folks we work with, Jake Tibbitts and Senator Goicoechea and others, to get the word out there. We had a lot of folks that were interested. Quite frankly, we were not sure how things would go until the end. We ended up getting a lot of participation. I suspect if we had more time, we would probably have more interest.

Chair Scheible:

Senator Goicoechea.

Senator Goicoechea:

I have a question we all run into. Are the water rights you are buying wet water?

Mr. Fontaine:

I am not going to sit here and tell you that every bit of water we are buying is wet water. I will tell you, however, we did evaluate all applications, and one of the things we did ask in the application is, how much of your duty have you pumped over the last five years? That helped us prioritize the applications for purchase. At the end of the day, it has been my experience, at least with this program and across the board, few water right holders are pumping 100 percent of their duty. It is just not something I think is happening, particularly in these areas, for a number of reasons. I think you asked that question earlier of Mr. James. We are undoubtedly purchasing water that has not been pumped, but we are purchasing valid water rights. For the water we are purchasing that has been pumped, we are making an immediate impact on the basin. For those water rights that have not been pumped, we are preventing future problems in those basins.

Senator Goicoechea:

If I may clarify that. These are permitted rights? They have the ability to pump them, maybe they have not pumped their full duty, but they clearly could if pressed?

Mr. Fontaine:

That is correct.

Senator Goicoechea:

We are saving continued drawdown.

Chair Scheible:

I have a related question about all these over-appropriated and over-pumped basins. We have a certain allocation of water that has been allocated. We have water right holders who are still not pumping their full allocation, and yet we are still over-pumping the basins. Is

that contributing to the lower flow you mentioned early in your presentation, or do I have the cause and effect reversed?

Mr. Fontaine:

There is no doubt that groundwater pumping in the Humboldt Basin is affecting surface flows. In the central region, it is a little different. You do not have a major river system like you do in the Humboldt Basin; you have little regional surface water flow, if any. In the central region, it is contained within each individual basin. In Diamond Valley, it is basically a declining groundwater level is what it is about. The same for the two basins we had applications from in the Humboldt Basin. Middle East River Valley and the Antelope Valley are also over-pumped and have sharply declining groundwater levels.

Chair Scheible:

You may have mentioned this, but can you give us an idea about how much of the water in the Humboldt River basin and the Central Nevada region is used for agricultural purposes?

Mr. Fontaine:

I do not have the exact percentage, but it is the vast majority of water that is being pumped in the Humboldt Basin.

Chair Scheible:

That was my assumption. Thank you.

Mr. Fontaine:

I am sure we can get you that information.

Chair Scheible:

No, I wanted to make sure I was not missing some anomaly within portions of Nevada.

Mr. Fontaine:

I would say notwithstanding any dewatering that is taking place in some of the mining operations; those are pretty large quantities of water as well.

Chair Scheible:

That is a good point. Assembly Member DeLong.

Assemblyman DeLong:

As far as the dewatering, is not most of that water returned back to the basin through recharge?

Mr. Fontaine:

Yes.

Chair Scheible:

Any other questions? I am not seeing any. Thank you for your presentation and for answering all our questions. We certainly appreciate it.

AGENDA ITEM VIII—REVIEW OF THE TRUCKEE MEADOWS WATER AUTHORITY

Chair Scheible:

We are going to hear from the Truckee Meadows Water Authority (TMWA). We have Ms. Steeland and Mr. Allan both here with us. Please introduce yourselves and begin whenever you are ready.

Nathan Allan, Director of Natural Resources, TMWA:

Thank you, Madam Chair and Members of the Subcommittee. I started in January, so it is a pleasure to appear before the Subcommittee for the first time. As I am new, I did bring some backup. My colleague, Kara Steeland, who is the Senior Hydrologist and Watershed Coordinator for TMWA. I promise just because there are two of us, we will not take twice as long. (Agenda Item VIII)

The Truckee Meadows Water Authority is a drinking water authority that serves roughly 440,000 ratepayers across Reno, Sparks, and Washoe County. We are a joint powers authority, so we are governed by a Board of Directors that represents elected officials from those different municipalities we serve.

You can see a variety of statistics about our overall operation. We will dive into more details on a few of these topics. One of the areas I will highlight here is the mix of sources of water that we have which we will be talking quite a bit about as we go through the rest of this presentation. I would also like to point out, in addition to managing water, we also manage a few hydroelectric dams that provide renewable energy to our operation in our community.

This is what our water supply looked like for 2023 last year, which was a good water year. This represents what a normal makeup of our supply is. You can see in the color blue, representing surface water, that makes up the majority of our normal supply in any given year. In gray, you can see that is our reliance on groundwater within the mix to meet demand, especially in the summertime.

This chart illustrates the correlation between our increase in population, which is represented in green. You can see we are a rapidly growing community, which brings a lot of change along with it. The blue line, you can see how up until about 20 years ago, there is a mirrored growth and demand for water. Then over the last 20 years has remained relatively stable compared to how fast the population has grown, similar to our friends around the rest of the State who have presented on how they are saving water and trying to reduce demand. We have done quite a bit of that in our community as well.

First of all, I will point out the illustration that shows a great visual of our watershed which runs all the way from Lake Tahoe, spills out into the Truckee River in California, runs down into Nevada past a number of reservoirs that we also are able to utilize where that water then finally ends up in Pyramid Lake. That is part of the Pyramid Lake Paiute Tribe Reservation. It is important to show this illustration as a representative of how complex our system is. This system is governed by what is called the Truckee River Operating

Agreement (TROA). In comparison to many of the other colleagues of ours that have presented today, this Operating Agreement was implemented quite recently in 2015. Especially when you compare it to our colleagues on the Colorado River who are governed by rules from 100 years ago, our rules are current and represent more up-to-date interests on the river and how the river is allocated.

This makes a breakdown percentagewise about how generally the water on the river is allocated. In normal years—that is the donut on the left—where we have a normal amount of precipitation, you can see how the vast majority—about 80 percent—goes all the way down to Pyramid Lake. Then you can see TMWA’s portion, which is represented in green, is about 9 percent. You can see then on the dry year—the donut to the right—much of those allocations change in proportion, and the TCID receives quite a bit larger of a percentage of the overall flow and TMWA in green increases to about 9 percent.

Revisiting the same chart from earlier, you can see the mix during a normal year. As I highlighted, we are expecting another normal year of the mix in supplies.

2015 was the most severe drought conditions on record we have had in this system, and you can see how the mix in supply changes in order to adapt to the different volume of water coming in the river. To walk through this graph, surface water is still light blue. We are then using storage water from different reservoirs in California, the Boca Reservoir in green, the Stampede Reservoir in red, and the other one I would highlight is how groundwater from well production increased in order to manage the peak demands as well. That is an illustration of how diverse our actual supply is that allows us to adapt in drought years.

Based on our climate forecasts, we think the years like 2015 may become more common, so we are investing heavily in new strategies to be able to diversify our supply and manage our resources going forward. Ms. Steeland will highlight a number of those different efforts.

Kara Steeland, Senior Hydrologist and Watershed Coordinator, TMWA:

I will be discussing our future management strategies we are looking at to diversify our region’s water resources. We are fortunate we have extensive resources in our region using 80 to 85 percent of our water coming from the Truckee River with the other 15 to 20 percent coming from groundwater resources, but there are other strategies we can implement.

I will be talking about conservation. We have heard a lot about conservation today. Truckee Meadows Water Authority has implemented quite a few conservation measures with use going down even though population is increasing or use staying consistent. Conservation measures are one strategy we are looking to enhance to increase future reliability. However, there are important considerations on the Truckee River because of TROA that make our region a little bit different than other regions. There are legal constraints. Our return flows required for most Truckee River water rights, which means that a certain amount of water needs to get back to the river through the water reclamation facilities and go to downstream water users. What that means is that water rates are dedicated to particular parcels, so TMWA cannot use residential water conservation to meet future water supply needs like can be done in other areas of the State. However, we do use a water rights dedication process to try to incentivize water-efficient development. Developers are required to dedicate water rights to TMWA to meet their estimated demands. It incentivizes water-efficient landscaping and interior fixtures. They also must dedicate an additional 11 percent of water rights for drought storage to provide a safety net. We focus on demand

management strategies to provide an element of flexibility in our demand. This is important because like in 2015, additional conservation from customers in extreme drought years can be called for, so if demand is completely hardened, there is no room for those reductions in more extreme years.

Another strategy we are pursuing heavily—we are currently working with our many partners through OneWater Nevada on the first Advanced Purified Water Project in the State. Advanced purified water entails taking effluent and treating it to A+ standards. The American Flat Project will provide a critical drought-proof resource for the region and make our water supply more resilient. The Project is currently at 60 percent design, so it is well on its way. It would not be happening without our partners at the Nevada Division of Environmental Protection (NDEP), who moved quickly to establish a regulatory framework for indirect potable reuse in 2016 after the 2015 Drought Forum. We look forward to exploring and working with NDEP on direct potable reuse regulations in the future to create further opportunities to increase water resource resiliency.

This graphic shows our region's integrated approach to water resource management by maximizing the efficient use of resources. Truckee Meadows Water Authority does not currently provide recycled water to the region. The water reclamation facilities do, which are run by the individual jurisdictions. We are looking at ways of using that recycled water to create a new water resource for potable use in the region. We are also expanding our current aquifer storage and recovery program to increase the amount of treated surface water being injected into the region's aquifers during the low-demand winter months. That helps improve aquifer health and allows us to bank groundwater we can use at a later date. In terms of groundwater banking, we are also exploring areas like Palomino Farms, which is north of Reno and Sparks, where we could create a groundwater bank to build up large quantities of water to further provide drought protection and an offer of a resource. Preliminary investigations show that aquifer could potentially store 45,000 acre-feet. For context, that is similar to the storage capacity of Boca Reservoir. That is a project we are pursuing right now in an exploratory phase. Then there is the potential to add advanced purified water infrastructure in the future to that.

Another concern we have, and is something we are working hard on, is source water protection efforts. It is well-recognized that wildfires have gotten more intense and severe in the Sierra Nevada. We rely heavily—[with] 80 to 85 percent of our water coming from the Truckee River—on that snow melt and those reservoirs coming from the mountains. The trend in wildfires is expected to continue increasing under a changing climate. Since all our water supply reservoirs are located in those heavily forested upper watershed areas, we have concerns about how a catastrophic wildfire could impact our surface water resources from both the water quality and quantity perspective. To address these concerns, a memorandum of understanding was signed by the five entities shown on the screen: U.S. Forest Service–Tahoe National Forest, Truckee River Watershed Council, National Forest Foundation; The Nature Conservancy, and TMWA. We are focused on U.S. Forest Service lands in the Middle Truckee River watershed on the California side of the watershed where the reservoirs are located. We established the Middle Truckee River Watershed-U.S. Forest Department partnership. The goal is to increase the pace and scale of forest management work on U.S. Forest Service lands to create landscapes that are more resilient to fire. We are targeting 62,000 acres of land over the next ten years. The work is expected to cost \$120 million to \$140 million. Again, that is with our partners listed here and other stakeholders that are involved in that partnership.

Lastly, I wanted to touch on regional collaboration. Obviously, almost all the projects I have already discussed are collaborative in nature. We have a lot of wonderful partnerships we

are working together on. We also are looking at ways to optimize the use of the limited Truckee River resources left and create multi-benefit solutions for TMWA and our other regional water users. The intent is to make the best use of each type of water. Looking back at that integrated water management graphic, we have been helping find ways to meet the return flow component to the river. The Tahoe-Reno General Improvement District can use treated effluent for cooling water instead of pulling additional water from the river. The project provides benefits for the river and other downstream water users by keeping that higher-quality water in the river system. It also helps to defer increases to sewer rates by creating a new customer for effluent. It is, again, that multi-benefit solution we are looking for with these projects. We are continuing to explore additional partnerships to ensure the efficient and best uses of our regional water resources. With that, we are happy to take any questions.

Chair Scheible:

Members of the Subcommittee, do you have questions? Vice Chair Anderson.

Vice Chair Anderson:

My question has to do with the many different changes out of Clark County where they have been trying to think about making water conservation efforts, such as taking the grass out of specific areas. That was something I have talked with this industry about before in our northern area as well. Has that been a consideration of how to handle those areas, such as our golf courses, parks, et cetera, for the grass and how much water that takes?

Mr. Allan:

Thank you for the question. It is an important one. There is a lot of work done already within our service territory on removing turf and improving how water is used on the landscape. It makes up a significant portion of our demand. That said, with how our river is governed compared to how the Colorado River is governed, it is important the strategies we use for conservation do not just reduce overall consumption, but do it in a flexible way. During normal years, we do not have the same storage structure that, say, Southern Nevada Water Authority (SNWA) has or return flow credit system that SNWA has where they can reallocate the gains they accumulate through those types of conservation programs of removing turf. Residential conservation in our service territory is not allowed to be reallocated for growth. Programs like unbeneficial turf removal have a different kind of impact in our service district than in Southern Nevada. While that is a valuable tool we have in the tool kit, it does not have as significant a compounding benefit over time that it does in Southern Nevada.

Chair Scheible:

You had mentioned you do not distribute recycled water; I hope I am using the right terminology. That is the reclamation authorities that do. Could you give us a quick overview on the different authorities or districts that govern Truckee River water?

Ms. Steeland:

I will do my best. Truckee Meadows Water Authority is the drinking water purveyor for the region for Reno, Sparks, and Washoe County. There are five water reclamation facilities, and those are governed by Reno, Sparks, and Washoe County. There is not separate authority that governs them; they are separately—and jointly, some of them—managed by those jurisdictions.

Chair Scheible:

Are there other water authorities or agencies within the region for non-drinking water?

Ms. Steeland:

Those water reclamation facilities provide the recycled water. It is the three jurisdictions if that makes sense.

Chair Scheible:

We heard a lot from SNWA about the leaks that are causing overuse of water in residential areas. I do not know if that would happen with drinking water, but I am wondering, is that a problem within the Truckee Meadows as well?

Ms. Steeland:

Such a significant problem. Leaks are a problem with any water utility. We are currently implementing an Advanced Meter Infrastructure Program. We are putting in those meters at all our users. It allows them to have more real-time data to identify if leaks are taking place. There is a lot more customer interface there, and our customer service representatives can see if water use is increasing. We also have a water usage review program where we also do something similar to SNWA where we have staff that can work with residential owners and identify leaks and if they are having excess water use.

Chair Scheible:

Other questions from Members of the Subcommittee? I do not see other questions. Thank you for your presentation.

AGENDA ITEM IX—REVIEW OF THE SOUTHERN NEVADA WATER AUTHORITY

[This agenda item was taken out of order.]

Chair Scheible:

With that, we will move on to our presentation from SNWA. We will welcome Chaunsey Chau-Duong to give us your presentation.

Chaunsey Chau-Duong, Public Affairs Supervisor, SNWA:

Thank you, Madam Chair and Members of the Subcommittee. I will give a quick overview of SNWA and the activities that are going on. (Agenda Item IX)

Southern Nevada Water Authority is Southern Nevada's regional and long-term water supplier. We serve 2.3 million residents and over 40 million visitors. We are responsible for conservation, water planning, water quality, infrastructure, and stewardship. I will touch upon those things a little bit further in the presentation. We are overseen by a Board of Directors. As you see, Commissioner Jones is one of our Board of Directors, and they are made of member agencies in Southern Nevada, Las Vegas Valley Water District (LVVWD) who serves unincorporated Clark County, City of Henderson, City of North Las Vegas, et cetera.

This is our executive team. We are led by John Entsminger. He is the General Manager of the SNWA. He also is the General Manager of the LVVWD. I will go into a little bit more of the difference between the two.

I like to show this picture because it shows us a macro-system of how folks get their water and how it is distributed. You have the intakes that go into Lake Mead. They will be pulled out, and they will go to our two water treatment facilities, Alfred Merritt Smith Water Treatment Facility and River Mountains Water Treatment Facility. Subsequently, they will be treated for potable use and then sent to the various retail purveyors. If you live in unincorporated Clark County, you will probably get a water bill from LVVWD. If you live in North Las Vegas, you get a water bill from the City of North Las Vegas, et cetera.

Las Vegas Valley Water District operates the SNWA. We have separate funding sources and separate budgets, but we share the same staff. That is because we can share technical expertise. We share knowledge between each other, and there is a cost savings as well associated with it.

This is no surprise—90 percent of the water in Southern Nevada comes from the Colorado River. Ten percent is groundwater. We have the smallest share of the Colorado River, 300,000 acre-feet, which is 1.8 percent. I like to joke that our negotiator back in the day was probably at the bar, which is why we got so few, but it is what it is, and we have to learn to manage what we have.

I like to show this picture as well because it shows the extent of the sustained drought we are dealing with in Southern Nevada. In the 1990s, I remember going to the Hoover Dam and sitting on the ledge and thinking I could touch the water. That is now not the case. People call it a severe sustained drought. Some folks say it is aridification. Some say the climate is continuing to get hotter. The hydrology is not the same as it was back in the 1980s, and this is the new normal for us.

You have probably heard in Southern Nevada we had a good wet year, which is true, but you can see that is outweighed by the red bars on this graph which showcase we have had a lot of bad years. One wet year is not going to allow us to recuperate from the many bad years we have.

Subsequently, even though we had a good year last year, lake levels are projected to decline. We were fortunate enough to go from a tier two shortage to a tier one shortage in 2023. But, as noted, things are expected to decline even further.

Compared to other water systems, SNWA operates a fairly new system, which means we are allowed to take indoor water use and recycle and reuse that, which allows us to extend our water resources portfolio. Pretty much everything that hits the drain gets recycled. The only things we are worried about are what we call “consumptive water use,” which is water that cannot be recycled. That comes from outdoor use, septic systems, and cooling towers—evaporative cooling.

I like to show this so you can see the trend of consumptive water usage in Southern Nevada. As you saw in 2015, we were doing well. Then, in 2016 to 2018, we saw a steady increase in water usage. In 2019, we had a fairly wet year, so water uses were not that bad, but then in 2020, water usage exacerbated all expectations. As a result, our folks got together and reached out to all sectors of the industry—residential, commercial business, industrial—to come together with a plan to get to 86 GPCD, which is Gallons Per Capita Per Day by 2035.

This is an all-intensive effort. We targeted grass. There are no new golf courses. Existing golf courses are on water budgets. We prohibited septic systems in Las Vegas Valley. We limited pool sizes. We have prohibited evaporative cooling. We have also done some things to encourage conservation. We have increased our Water Smart Landscape Grass Rebate from \$3 to \$5. If you take out your grass now, we will pay \$5 per square foot. Thanks in part to a State grant; I appreciate that. We also have what we call our Tree-bate program. If you are part of the Water Smart Landscape Program, we will give you \$100 for every tree you plant. This is to reduce the heat island effect you see in major urban cities. Again, that is to encourage more tree planting.

It does remain critical that south Nevada continues to meet our community conservation efforts. You can see the results of that. When we established our goal in 2021, you saw a steady decline in water usage. Last year, we hit a great milestone. We hit 188,000 acre-feet in consumptive water usage. We have not seen that type of water usage since 1992 when Las Vegas had 800,000 residents. We currently have 2.3 million now. That is attributed to our enhanced conservation measures.

You can see in this graph, even though we added about 60,000 new connections—a connection is a resident, a business, a hotel—since 2020, water use has declined. The efforts of conservation and enhanced conservations are working.

On a macro level, since 2002, while our population has increased by more than 50 percent, our water consumption has declined nearly 50 percent, in most cases.

I want to go over some new programs and initiatives in regard to conservation we are doing. Primarily, it focuses on leaks. This was brought about because of some feedback from our customers. A lot of our customers want to do the right thing. They want to find leaks; they want to repair leaks. We rolled out some new policies and initiatives.

We updated our Leak Adjustment Policy. Essentially, prior to this update, if you had a leak and you fixed the leak, you were only able to get a one-time credit of 50 percent to reduce your water bill. After hearing some feedback from customers, making it only for the lifetime of the account was problematic. We now switched it to once every 12 months. If a customer gets a leak in February of 2023 and gets another leak in March of 2024, they can still take advantage of the same program.

Yesterday, the SNWA Board rolled out and approved a Leak Detection Assistance Program. Many folks struggle to find leaks. This voucher system, valued up to \$250, will help folks hire a water smart plumber to come find their leak. Subsequently, once they find the leak, we have a program for folks to repair the leak as well. We will provide folks a voucher up to \$1,000 to repair a leak.

For our folks that are disadvantaged and are low income, we are working with several nonprofits on grant opportunities. We would provide funding for those nonprofits, and they would help their constituents fix leaks at no cost to them.

I want to bring this up. This has been immensely helpful. We are starting to do residential site evaluations. I have been fortunate to take part in these site evaluations. Essentially, our SNWA conservation folks will go out to a property. We will survey it for about two to four hours and go through the gamut. We will look at the irrigation clock, if there are leaks, broken emitters, broken drip irrigation, and you can see the results of this.

Here is a property—a fairly large property—and they have a lot of mature trees and grass. This property was using 400,000 gallons a year. The average customer in Las Vegas uses about 120,000 gallons a year. This property was using three to four times more than the average customer. We went out and did an evaluation. What we saw was a variety of leaks, some broken and missing emitters. By fixing those leaks, telling them where they were at, and fixing those emitters, the water usage reduced by 50 percent.

This is another property—not much greenery here but still a fairly large property. Again, a high-water user. We came out and surveyed the property. A property like this probably would take three hours or four hours to evaluate. Again, we found a lot of leaks, a lot of broken tubing. Again, we were able to reduce water usage by 50 percent for this property as well.

Lastly, another large property. This property was overwatering and did not know it. They were watering the grass for 20 minutes instead of 12 minutes. We went out, there were a few leaks and missing emitters, but most of the issue was overwatering. We corrected their watering clock and now reduced their water usage by one-third. Essentially, those Leak Programs, we find they will be of great benefit for our customers. It was based on customer feedback that we rolled them out.

Some of our 2024 initiatives—we are currently still in negotiations with the other basin states on how to address the low flows of the Colorado River. That is an ongoing process. We will continue progressing towards our conservation goal of 86 GPCD by 2035. We will continue to support and enhance our existing SNWA programs.

With that, I thank you for allowing me to present.

Chair Scheible:

Thank you for your presentation. Commissioner Jones, do you have a question?

Commissioner Jones:

Thank you, Mr. Chau-Duong, for your efficient presentation today. Understanding that there are big differences between what we do in Southern Nevada with the SNWA and other parts of the State, are there lessons learned that can be applied to these other irrigation districts across the State like we have heard about today?

Mr. Chau-Duong:

I think the key thing is that conservation is not a bad thing. Reducing water usage, for us, has worked in southern Nevada. It also can work in other areas of the State. Other areas of the State have other water issues, but the key word here is conservation is not a bad thing to do.

Chair Scheible:

Other questions? Vice Chair Anderson.

Vice Chair Anderson:

Thank you for the presentation. This one is not based upon the information presented, but more about things that were happening last year. There is a large number of questions

around possible lawsuits with the Colorado River Commission. Are you involved with that as an entity, or is that something you allow others to take over?

Mr. Chau-Duong:

Thank you for the question, Assemblywoman Anderson. The negotiations I would say are sensitive right now. I do not want to speak on behalf of the other basin states, but I think the states want to come to an agreement. It is just how we get there. I truly believe—despite what you hear in the news and the folks from other states talking about things—I do think there is a legitimate urgency to get to a compromise.

Vice Chair Anderson:

Thank you for that clarification. It sounds like the residential site evaluations are pretty significant. Are you also doing this with businesses and industries other than hotels, or is it only for residential at this time?

Mr. Chau-Duong:

We will do it for anyone—residential, commercial. If you have a high-water bill, and you cannot figure out what is going on, we will come out and do a site evaluation.

Chair Scheible:

Excellent. Any other questions? I am curious if SNWA is utilizing the voluntary Rights Retirement Program. I am not sure if that would fall within your purview.

Mr. Chau-Duong:

We are. We applied for \$3 million to retire some rights in the Lower White River flow system.

Chair Scheible:

You applied. Has that application been reviewed yet?

Mr. Chau-Duong:

My understanding, because I did not submit the application, is it has been submitted. I have not heard back on where it is at.

Chair Scheible:

I am not seeing any other questions. Thank you. We will close out this agenda item.

AGENDA ITEM X—PRESENTATION ON LOCAL SOLUTIONS TO HELP ADDRESS WATER ISSUES

Chair Scheible:

We are going to move to our last presentation of the day. We are inviting Mr. Tibbitts to give us an overview presentation and information on community water management in certain areas of Nevada.

Jake Tibbitts, Natural Resources Manager, Eureka County:

Thank you, Madam Chair and Members of the Subcommittee. I appreciate the opportunity to be here today.

At the outset, I want to get on record that Eureka County agrees with the water law statement that all water of the State does belong to the public. But we argue that the concepts of community self-determination, localism, need to be enhanced, and the local communities—which would include tribes and those most directly affected by water issues—are the folks that can properly legitimize the compromises necessary for sustainable water management, bringing it as close to home as possible to those folks that are affected by the water management and water use on a day-to-day basis. That is the theme of the messages I would like to share with you today. That is not to say this ultra local focus of empowerment should be like the Wild West out there, that every community does what they want. There does need to be a standardized process across the State, but it means having clear public policy about what is the playing field, setting the goalposts, identifying the boundaries, and then giving people what is often called the toolbox or the playbook of what they can or cannot do. Setting those standards, but then providing local communities the tools to be able to come up with some of their own ideas to address those water issues.

With that being said, I would like to move into using Diamond Valley as an example. I am the odd man out; I do not have a PowerPoint, but I have provided you a handout. (Agenda Item X) There is a lot of detail in that handout. My plan is not to go into a lot of details specifically about the Diamond Valley Plan and the components of the Diamond Valley Groundwater Management Plan, but more to focus on the process, what we can learn from that process, how it has worked, and is working in Diamond Valley. I am willing to answer any questions that you may have on the Diamond Valley Groundwater Management Plan itself as we move forward. It is a long-storied history in Diamond Valley. Senator Goicoechea was there at the beginning. I call it the Goicoechea dynasty from Eureka County. The Senator did have some farmland in Diamond Valley and was part of that process early on. He has firsthand experience about some of the ongoing issues there.

In the 1980s, there were what I would call water wars going on in Diamond Valley. The State Engineer at the time, Pete Morros, came out and had a hearing. It was on the record. They had a court reporter there. If you want to read all the gritty details, that is available for anybody who would like to see that. This hearing was to talk about what can be done in Diamond Valley. There was starting to be a lot of water conflict occurring and started to see the impacts from a couple decades of water over-pumping. This was the 1980s. At that time, State Engineer Morros did outline they would like to stand up a groundwater board at the local level for the local water rights holders to come up with ideas on what they could do to help address the issues. My first point is, what is our lesson learned? Why did that not work in the 1980s, when that process was brought to the people of Diamond Valley? Take matters into your own hands; come up with some local solutions. Why did it not work? Maybe some revisionist history because I was not there in the 1980s, but from what I have read and what I understand from folks that were, it came down to capacity. It came down to the ability of the people to be given the capacity to do what they were asked to do. The State did not have the capacity to provide that support. The local government did not have the capacity. It failed because there was not the capacity, the people, and even the funding to help push it forward at that time. That is a lesson learned from the 1980s. Around that same time, the State Engineer did kick off a formal adjudication of all the water rights in Diamond Valley, but that process never finalized. In fact, that adjudication is ongoing today. I will talk about that in a little more detail in a minute. Again, we look at another lesson learned. Why did the adjudication not complete in 1980s, so everybody could know where

they stand in line with water rights? Again, I think it was a lack of capacity. The State did not have the capacity to complete that adjudication at that point.

Fast forward about 25 years later, after those water wars in the 1980s. In 2009, there was quite a bit of discussion and water conflict cropping up. There was a mine coming in—that Assemblyman DeLong is well aware of—that the community became much more focused again on water issues. It came to the forefront again. The DWR came out to the community, held a public workshop, and outlined the tools under the water law that the State has to manage water overuse and highlighted the main tool is curtailment. It is curtailment by a priority to conform to priority rights. The State's message at that time was, here is the hammer we have, but we would like you as a local community to come up with solutions. Figure it out. It is your ideas, but it would all be voluntary. We could not point to any statute, to any sideboards, to determine what the local community could do. Again, another message, why did that effort not move forward in 2009? Lack of clarity, lack of capacity, nobody in the driver's seat. It was hard to move forward.

Fast forward to the 2011 Legislative Session. Then-Assemblyman Goicoechea sponsored Assembly Bill 419, and that bill did pass with overwhelming support. That created the statute that allows for the State Engineer to designate—on his own or by petition of a majority of groundwater rights holders in any basin—a critical management area. If a critical management area is designated under that new statute, it starts a ten-year stopwatch where it incentivizes people to start doing something locally. Again, establishes the goalposts, the sideboards, and it tells people if you do not come together and make progress and establish a plan within ten years, the statute says the State Engineer at the end of that ten years shall regulate groundwater rights to conform to the priority system. That authority did not exist until 2011. There were some fits and starts after that legislation. There was a lot of discussion about trying to move towards that path in Diamond Valley.

In 2014, the State Engineer's Office came back out to the community and pretty much gave the same presentation they had in 2009. But said now we have some statutory strictures that allow you, as a community, to come together and develop a Groundwater Management Plan, but we have to designate the valley as a critical management area to be able to do that. There were different thoughts from various folks. Some felt that we do not want to designate the valley as a critical management area because of the stigma that it may bring or the impact on property values. There were a lot of those types of thoughts that were kicking around the community, but the core group of folks in the valley felt we need this designation because we cannot get everybody to come to the table without some formal hammer hanging out there over everybody's head. Jason King, the State Engineer at the time, basically left that workshop in 2014 telling the community, "You need to make progress. We are not going to kick the can down the road much longer on this. You need to make progress. Either come together as a community, or we are going to have to do something." There were efforts behind the scenes trying to garner support for that. Eventually, in August 2015, the State Engineer did designate Diamond Valley as a critical management area. Around the same time frame, the State Engineer also restarted the adjudication process for all the rights in Diamond Valley that had started back in the 1980s.

Even after this designation of Diamond Valley as a critical management area, there was a lot of muddling and fits and starts, and it was hard to get things on track. Again, lesson learned, why? There was nobody in the driver's seat. There was no capacity. There was a critical management designation, but who is supposed to lead it? The State was not providing the resources; they did not have them to support; there were no local resources available for that. It was basically factions of people talking about it. There was no formalized approach. It was not until Eureka County agreed to allow me—they did not

request I do this, but they agreed to allow me in my roles as the Natural Resource Manager, and I also serve on the Eureka Conservation District, to facilitate the process; to be the person to help set up the meetings, do all the logistics, put the words down on paper that the people wanted. I am not trying to toot my own horn. I am saying you need somebody; you need the human capacity to be able to do that. With that, Eureka County also provided the conservation district a grant of funds. These types of processes, locally-driven solutions, take money. There are the simple things from the paper, the printing, the mailings, and the food to get people; there is a cost to doing this. That was something the County stood up and provided that opportunity.

Fast forward—I will not go through all the minutia, but the plan was developed; it got a petition signed by a majority of the water rights holders that met the standard under the law at that time. But like all things water, it was litigated. The previous State Engineer, Jason King, did approve that Groundwater Management Plan, I believe on his last day of work as the door was hitting him as he walked out kind of thing. But it was litigated. It went through a couple of years' worth of litigation. It went its way all the way to the State Supreme Court. The Supreme Court upheld the plan. It was a split decision, a narrow majority. Even the Supreme Court had mixed feelings on the plan, but it was upheld at the Supreme Court. Last session, Senate Bill 113 was brought forward by Senator Goicoechea at the request of the Nevada Farm Bureau to address some of the issues of the Supreme Court opinion that some felt were there and provided more statutory clarity on groundwater management plans moving forward, how they can operate within the systems of prior appropriation. The plan has been in effect for two full seasons. We are starting the third. It is working great so far. There has been nearly 100 percent compliance with the plan. There has not been a need to have any heavy-handed type of getting people to comply. It is greatly incentivized conservation. It is a market-based approach, but it is greatly incentivized conservation in Diamond Valley. There is a lot of understanding that people are gaining over the two years of what the plan means, and that it is the law of the land now in Diamond Valley. Last year's pumping in Diamond Valley—and Mother Nature helped a lot last year—if you look at that in accordance with what we call the benchmark reductions under the plan, their pumping was at year 17. That is how much people have given thought and put in the conservation technologies to be able to do that.

I was not going to mention this, but I have a little side note about the Water Retirement Program because I know you are going to ask me that question, Madam Chair. Mr. Fontaine already covered that there are a lot of applications from Diamond Valley. Related to that, regardless of whether we retire water through a program like that, you keep hearing about over-appropriation and over-pumping statewide. There is no doubt there are currently irrigated lands that must come out of production. We cannot balance the books in this State without doing that. There is no reality any of us can live in that we do not have to take some agriculture out of production, at least irrigated agriculture. That is a reality. When we are talking about water issues, we have land use issues we have to address. You have lands now that have been disturbed and irrigated for decades, and then they come out of production. What do we do with those lands? Do we let them go to weeds, rodents, and fugitive dust, or can we transition them? We need to be thoughtful about that. With that, Eureka County and Eureka Conservation District have partnered with The Nature Conservancy doing a couple feasibility studies looking at the potential opportunity of transitioning these lands to help meet the renewable energy needs of the State and building in an agrivoltaics-type of operation where you could have both agriculture and photovoltaic solar options taking place. I think the State would be wise in developing good public policy on matters like that.

The last thing I want to say is if you look at the NRS, they are peppered with various provisions that seem to allow local tools or local engagement, but there is no empowerment. There are acknowledgments, but there is no empowerment in a lot of that. I could point to a lot of different examples. One of them being NRS 534, the groundwater boards. Mr. Fontaine got to a slide about their recommendations. That is something we feel, and many other counties feel, there could be some adjustments in how you stand up local groundwater boards and empowering them to affect some change at the local level. *Nevada Revised Statutes* 278—the planning statutes mandate water resource planning at the local level. In fact, SB 150 a couple sessions ago reinforced that mandate on counties to update and keep a current master plan and certain components that are supposed to be in that related to water. On one hand, we have good public policy about planning water at the local level, but then what about the tools to allow the counties to implement and get the things done at the local level that they put in their plan? There is somewhat of a disconnect there we think can be strengthened. My last plug will be NRS 548 related to conservation districts. I am a strong believer in conservation districts in this State. They are locally led; they live off that mantra of locally led conservation. They can provide a huge service to citizens of the State if we provide them the capacity to do what their powers and authorities are. They have great powers and authorities to build consensus and to work on locally supported conservation, but they do not have the capacity to be able to back that up. That could be something that I think would be a huge tool in helping address some of our water issues statewide.

I will close that we do strongly believe that empowering local solutions with clear sideboards, while it is not a silver bullet everywhere, will greatly assist us in moving the needle towards long-term sustainable water use and management as we move forward. With that, I stand for any questions.

Chair Scheible:

Do we have questions from Members of the Subcommittee? I will go to Assembly Member DeLong first.

Assemblyman DeLong:

You mentioned empowering at the local level. From the State's perspective, are you saying to put more "shalls" into NRS? Are you talking about money? Are you talking about both? Are you talking about something different?

Mr. Tibbitts:

I think it is an all-and-above approach. From our perspective, it is providing incentives for action, and it is about risk aversion. Looking at the Water Retirement Program as an example, we do not have anything on the books for that. It is this one-shot thing. I strongly believe the reason that all the applications for the funding in the Central Nevada region—many other basins could have put in applications, but there were no other applications than from Diamond Valley. I believe the reason for that is because folks in Diamond Valley have a hammer hanging over their head. They have a critical management area. The playing field has been outlined for them, and they know the writing on the wall. This over-appropriation, over-pumping issue has existed for decades in areas, and folks continue to do what they are doing with no feelings or repercussions from that. I do believe that outlining—when I talk about laying out the playing field, putting the goalposts where a community knows we are not going to continue to allow you to do what you are doing. We authorized you to do that in the first place, but we cannot continue to allow it. We are going to provide you tools for

the soft landing or tools that are the best at the local level. Those may be “shalls,” but some of that will be funding. I do not think we can address local issues without having the funding to be able to do that.

Chair Scheible:

Vice Chair Anderson.

Vice Chair Anderson:

I want to go back to the big idea of the fact that this is the only basin that is currently designated as a critical management area. How do they get out of that designation, or is it once you have the scarlet letter, you always have it?

Mr. Tibbitts:

The statute requires that the Groundwater Management Plan outlines the steps to remove the basin as designation as a critical management area. That is the requirement of the plan. Based on the statute today, if you are an over-appropriated basin, you cannot be a critical management area; you have to be over-pumped. That is the criteria, and it is consistently pumped above the perennial yield. I think that is the only time in the statute it uses the words “perennial yield,” but I could be wrong on that. The way we viewed it in Diamond Valley is the criteria to become a critical management area is consistently pumping above the perennial yield. The inverse of that is—to not be a critical management area—you have to be pumping below the perennial yield. The Diamond Valley plan is built on reductions over time built in a water market to incentivize conservation. That is what the plan reaches, pumping below the perennial yield. But more importantly, it is stabilizing the drawdown of the water resource. That is the ultimate goal in the Diamond Valley plan. Other valleys or other basins, if they were to move this path, there may be totally different circumstances there, but you have to identify ways that help you to remove your designation at some point.

Chair Scheible:

I have a couple of questions. When you are talking about developing new policies that have the goal posts and the sidelines, are you talking about an alternative to a critical management area since we have not seen other areas designated under the current statute?

Mr. Tibbitts:

I may be shooting from the hip, but there were efforts in prior sessions to do just this. They tended to be saddled with the poison pills. Right now, under critical management area, it is your critical management area. You develop a plan or are regulated by priority. There is nothing currently in the statute about a basin—people coming up with a voluntary plan without having to be a critical management area. What about a basin that is not over-pumped, but it is over-appropriated? They can come up with local ways to ensure they are not over-pumped in the future. Currently, there is nothing in place guiding how that process would work if folks voluntarily did that. I think people can. I think the DWR is open to working with communities. They have proven that, but we do not have the statutory sideboards and the goalposts. Outlining what is allowed through voluntary plans if you are not a critical management area could be an important thing for many basins in the State.

Chair Scheible:

I agree. I have sat on the on the Senate Committee on Natural Resources for six years now. I have sat on the Joint Interim Standing Committee on Natural Resources. It has been my experience that there are other communities with their own water issues where the community is willing to come together and create some kind of plan, create what you are talking about, a voluntary agreement. Since this is the purpose of an interim committee, if we are going to design that piece of legislation, I would think the people we would want at the table would be the members of those other communities to come to the table and tell us, "Where we live, this is the plan we are envisioning, but we do not have the statutory authority or structure to do it." Then another community comes in and says, "This is what we are envisioning, but we do not have the statutory authority or structure to do it." As the person who did bring together some contentious, opposed stakeholders, how do you bring all those people together to have the conversation now before we go to the 2025 Session to craft the policy?

Mr. Tibbitts:

That is a tough lift between now and the session, but we are not starting from scratch. We have had multiple sessions where there have been bills about refining what can be in a groundwater management plan. Many of those discussions have happened. There is a lot more work, but we would not be starting from scratch. There are folks already talking about ideas moving forward. It may not be this next session, but there can be a lot of effort to use now and through the next session to build what the playbook would be. I keep giving that illusion of the playing field and the goalposts. The playbook—one basin may only use three plays where another needs—it is the toolbox concept: you outline what can be done or what cannot be done and then let any individual basin or community to pull whatever wrench or screwdriver they want out of the toolbox.

Chair Scheible:

I think those are both apt metaphors. That is why we use the toolbox metaphor so often. Unless you are in a smaller district where you have a tool belt. This is more of a statement for all our partners who are here. The Interim Subcommittee on Public Lands does get to recommend BDRs to the larger Interim Committee on Natural Resources. At our August meeting, we will have a work session where we will be talking about the bills we want to present. I try hard in all the committees I Chair to have a balance of being open and public and having these conversations on the record without wasting anybody's time. There is certainly work to be done in between the interim meetings to get stakeholders together to develop this kind of language and policy. Part of the advantage of an interim committee, as opposed to a regular session committee, is we do not have to have all of the language, all of the contours of a piece of legislation, in order to talk about it at our next meeting, in our third meeting, and in our work session. I hope we will all continue to work on this because it has been such a persistent issue throughout Nevada. All the people here are evidence of how many people care about solving these problems. There are still other questions from my colleagues. Senator Goicoechea.

Senator Goicoechea:

Unfortunately, that is where we are; the statute says you will curtail by priority if you are over-appropriated and over-pumped. We have a number of basins that are there. Unfortunately, after 110 years of water law, it is still [an issue], and it is unfortunate. Would you agree that ag and mining are who developed the State, and that is why they are priority rights? It is unfortunate. Seventy percent of the water is dedicated to ag. It is not anywhere

close to being used by ag, but at least that is what is dedicated to ag. We have to deal with this. Unfortunately, there is another piece of statute that talks about property rights and takings. Water belongs to the public in the State of Nevada, but that right is yours and that is what we are struggling with. There is a lot of work to be done yet. I am glad there are these good young minds to take it up because I am done.

Mr. Tibbitts:

The State needs to take ownership in that the over-appropriation was not the fault of people asking for a water right. When people were asking for a water right for some economic use, they were not hydrologists; they were not attorneys; they were asking for something, and they were granted a permit. In my neck of the woods, a lot of folks in Diamond Valley did not know they were a junior water right holder until this process was moving forward. In my handout, you can see there is that graph, it is a straight up-and-down line that is literally separating some of the most junior people from the most senior people by days or months. It is not this big broad separation that you have junior water rights holders and senior. They are separated literally within a year time frame. Many of those that are in that straight line, until they got involved in the Groundwater Management Plan process, did not know they were below that line. They had a 1960 right. They were always told that was one of the oldest rights in the Valley. Well, guess what? That line goes literally straight up and down from 1959 to 1961. If you have a 1960 right, you could be some of the most junior people. The State is culpable for some of that. They granted water rights. They allowed communities to be built on over-appropriation and over-pumping. Curtailment by strict priority would pull the rug out from these communities. We have to have some solution that is in between. I do not know what the magic bullet is at this point, but those conversations need to be had. We cannot continue to kick the can down the road on this.

Chair Scheible:

Other questions or comments from Members of the Subcommittee? We thank you for your presentation. I think we might be seeing you again this interim.

AGENDA ITEM XI—PUBLIC COMMENT

Chair Scheible:

Anybody who wants to give public comment here is welcome to come down to this table in the front. We have some time, so I will not limit you to two minutes. We will let everybody speak who wants to speak. Make sure you turn on the microphone and give us your name and spelling if it is uncommon.

Serrell Smokey, Chairman, Washoe Tribe of Nevada and California:

[Spoke in Washoe] I also serve as the President of the Inter-Tribal Council of Nevada with the representatives from all 28 tribes in the State of Nevada. I will be brief because I am limited on time right now. First and foremost, I am not a water expert. We have teams of people that do that. The Washoe Tribe's water rights are mainly coming out of the Carson River through the Alpine Decree. I know our team does work with the Carson Watershed Group. We have been in more collaborations in recent years. One issue, for your knowledge, is something we are working on as tribes; a lot of tribes do not have the first rights to water in their areas. We, as the Washoe Tribe, have the first slough that comes out of the canyon for the East Fork Carson River, yet we have the last rights to it. What I have noticed in talking with other tribal leaders is a lot of times there could be things that affect above stream that are affecting the tribe's original water rights. I will give an example. For

us specifically, within that canyon there is a long tube that drives down there for the past seven or eight years, and they are pumping water out of there right before it hits our slough. We have enough trouble pumping water through there because of the flood of 1997, which damaged the slough and lowered the water table completely. Throughout the years, there have been a lot of issues like that. A lot of them have not been resolved or may not have been brought up. That is something I, as well as other tribal leaders, are working towards along with the Nevada Indian Commission as well. There was an initiative started to collaborate direct specifically for tribal water because we all do things on our own right now. We do not have a coalition to all come together as tribes specifically for water rights. That is something we are working on, and you may see in the near future.

For the Washoe Tribe an issue—I do not know what the solution is. It was mentioned earlier, the Pine Nut Mountain Range. Almost all the Washoe tribal allotment lands are scattered throughout the whole entire range. All the way from—I cannot remember the name of the canyon in Carson City at the Pine Nut Mountain Range there—all the way south into California. We have allotment lands that go into California as well. Those mountain ranges are being sucked dry. It is a combination of things. I would say it is not only more people moving out in the areas and putting more wells into the ground for personal use, but it is a combination of that as well as the change in climate. I have been saying this in multiple areas that whether we believe in climate change or not, things are happening. They are happening harshly in that area, especially in Douglas County. Going back to the East Fork Carson River, is there a possibility to store water above stream was mentioned. You got the answer for that, but one of the things that was not mentioned are the effects of water quality by mines. You go to the East Fork Carson River. You go upstream, and at a certain point, you will get the runoff from the Leviathan Mine. That is something the Washoe Tribe has been dealing with for many years. It is not clean. It will never be clean. We know from scientific fact. It will be clean in about 3,000 years. The water runoff is always going to go through there. It is always going to go into the Carson River. It is always going to have impacts for the rest of our lives.

Speaking of mining—we have been talking about water, and this has been brought up amongst other tribal leaders and myself—there are over 30 requests for new mines in the State of Nevada right now. More than likely, a lot of those are going to get approved. More mining calls for more water, and where exactly is that going to come from? We heard from all the stakeholders about future planning, but these may come faster; they may come slower. Regardless, it is going to not only raise the consumption level of water because mining requires more water than if you have regular households developed in the area, but then what happens afterwards? For example, the runoff in the disposals. We have better quality laws in place now, but still, mining is never clean no matter which way you put it. It is never clean. That does cause a huge concern to tribes. A lot of the work I do with the local, state, and mostly federal government is that it has been passed down to me that the lobbying has already started in Congress to acquire—whether it be purchasing or going through different avenues—water rights for these mines as applications are being processed. It is happening in special committees and hearings right now in Washington, D.C. I wanted to bring those things to your attention. Again, I am not an expert in this field. I am sharing knowledge for the Subcommittee. I appreciate the time.

Chair Scheible:

We appreciate you. Thank you. Anybody else wishing to give public comment in person here?

James Phoenix, Member, Pyramid Lake Paiute Tribe:

Early in the meeting, you talked about the secretarial election. If you look under the Code of Federal Regulations (CFR) 81, I think you will find it. Generally speaking, the tribes have to call for a secretarial election. Once they do that, they will contact the Western Nevada Agency here in Carson. Then they go to the region down there in Arizona. Then what they will do is they will take this information, and they will give it to the BIA solicitors, their attorneys basically. They will come back with that informal review and meet with the tribes. Then they will make the formal request to actually go for it, and then they will make those changes there. A lot of groundwork has to go forward with educating the community and actually doing stuff like that in order to have them make that vote. You were right. She was talking earlier about one-third of the membership. That is all the membership. It is tough and it is challenging to actually make those changes. Next was groundwater management. I was happy to hear a lot more about it. In my short tenure with the Council, one of the things we were worried about is making sure there is some type of groundwater management going in and around the areas of the tribes, not just the Pyramid Lake Paiute Tribe. We are monitoring and managing that. In addition, I liked TMWA's presentation in regard to TROA. It works up north. I do not know how it works down south. Some of that was clarified, which I thought was great. That leads into what I want to tell you, that not every tribe meets the fundamental model for water management or any other natural resources. All of them have different capacities, which was brought up. I want to make sure you understood that. As laws are being brought up and made, do not forget the tribes and how that will help and assist them. That is one thing I want to make sure I point out. Then I could not forget all the staff that put it together. This would not happen without them putting all this Information Technology (IT) stuff together. We cannot forget them. I want to make sure they were mentioned. Last but not least, I want to conclude by saying thank you for coming in person and having a face-to-face. It goes a long way with building that trust, not only with tribal communities but other rural county communities. They have a chance to come out and meet you instead of it being on an IT or watch that webinar later on. I appreciate that. That is all I wanted to say. Thank you.

Chair Scheible:

Thank you. Anybody else?

Mr. Wright, Previously Identified:

I have some notes this time. I too am from Pyramid Lake. I want to thank Chairman Smokey for the comments on the mining. That is what I was going to talk about. I certainly agree with what he is talking about with the long-term impact and the toxicity of the waste that is a product of mining. My comment was going to focus on reclamation. The State needs to look at an enforceable mechanism for reclamation on all of these mining operations. You do not see that, and reclamation tends to be the one neglected component of mining. We need to look over the hill at Anaconda Copper Mine and of course, it always comes with a cost. I had an opportunity to speak to the Environmental Protection Agency (EPA) Administrator Michael Regan back in 2022. At that time, we had found out that Senator Rosen had opened the door on certifying exploration mining permits for lithium mines in Nevada. I found out earlier in January that there is up to 2,000 exploration permits for lithium mining now in the State of Nevada. Thank you to our Senator. I am going to talk about the politics in a little bit. We saw what happened in 2022 with Senator Cortez Masto's election and what the mining industry did with her and how she rolled on to support the mining industry. We can see how the control factors impact our political leaders; it is all through money. What I told Administrator Regan was that tribes are not opposed to

renewable energy. However, when you are looking to exploit mining to extract lithium, you have a long-term waste product. What are you going to do with that toxic product that is there for generations after we are all gone? No one is looking at that. The EPA has a reactive mode of operation. They want to wait until the toxic waste is present, then they will be looking at clean up. They do not try to be proactive and start and get involved at the beginning. This is what I was trying to encourage the EPA to do. Whether we made any progress on it, I have yet to see it.

I wanted to talk about our corporate industrial polluters. It was said earlier about how companies will have their teams of experts, their hydrologists, lawyers, engineers, and geologists, and everybody is taking sides to talk about how pollution is okay. But then you are going to have the other sides. You are always going to have competing interests on each side. The bottom line here is those that control the rules, those that create the playbook, that build the toolbox, that control the funding, those individuals are our politicians; they are controlled by those that are giving them billions of dollars in campaign contributions. That is the root of the problem. When I take a look at these issues we are talking about today, we always have to be thinking beyond what we are seeing in black and white. Just because it is in black and white, does not make it right. Just because you have a federal official standing there in a uniform, that does not make them right. When we look at these things—I come from a background of natural resources protection and natural resources management, trying to make sure things are sustainable.

The last thing I want to talk about is what was said at the end about agriculture. I am an aggie, by the way. I grow hay myself. One of my first trades out of college was being a butcher. I recognize that way of life of many people in Nevada that have chosen to grow hay, raise cattle, process beef, whatever they do. In my early tenure at Pyramid Lake, when I was on the Tribal Council in 1994, our attorney convinced us that agriculture was over with. It was the end of agriculture, and we could close the Truckee Canal and we went for it. Here we were 20 years later with our last negotiations with TCID. Our late Chairman Burke and I were sitting at breakfast in Fernley, and we were going down to Fallon to go meet with the TCID Board. He said, "I want you to tell TCID we are not going to close the canal." I said, "Why?" He said, "I know it is a federal project. They would have closed it by now." I said, "You are right." The first thing I said in that first negotiation we had with TCID was just that. Our lawyer, our consultant, our engineer about fell out of their chairs, but it was the truth. You heard from TCID today about them lining the canal. They are not going to close the canal. They are lining the canal. Efficiency is important. Water savings is important, especially on the Truckee Canal. The more water we can save that is diverted to the Newlands Project, the more water will flow to Pyramid Lake or be a supply for Pyramid Lake. Truckee-Carson Irrigation District agrees that efficiencies are good. I talked with Ted deBraga, Bill Shepard, Bob Oakden, and some of those folks in Fallon. We do understand each other. We do understand we have to share this resource. I thought it was good.

Getting back to the ag. I remember telling our Tribal Council this: when a person gets hungry, what are they going to do? They are going to eat. What are they going to eat? They are going to eat something that is produced from the ground. Whether that crop that was produced from the ground is a vegetable or hay that is fed to an animal that is butchered and put on the table, everything that is going to be consumed is going to come from the ground in some regard. We cannot discount the importance of agriculture. It is always going to have a place in our community, in our society. I think technology, as it evolves, we have to be careful with it because you see all the genetic engineering, you see all of the steroids being produced to make things bigger and better. They are altering nature. They are interfering with nature. It is happening with us right now at Pyramid Lake with our fisheries.

As long as we can let nature take its course, let it select what will survive, that is what is important. I want to thank you again for taking the time today and hearing everybody. I learned some good things today with each of these basins. Thank you.

Chair Scheible:

Thank you. I do not see anybody else coming up for public comment. We will go to public comment on the phone. Broadcast and Production Services, do we have anybody on the line to give public comment?

BPS:

If you would like to participate in public comment, please press *9 now to take your place in the queue. Chair, you have no callers wishing to participate in public comment at this time.

Chair Scheible:

I have bit of housekeeping. I also want to profusely thank our staff here. They are all from the LCB, our nonpartisan staff at the Legislature. I neglected to introduce them to you at the beginning. Jann Stinnesbeck is our Policy Analyst. You may have heard from him as we were preparing today. He may have contacted you about giving a presentation. He absolutely made this happen with little direction from me. We also have our Legal Counsel, Erin Sturdivant, here who answers our legal questions on the fly as well as Deputy Legal Counsel, Jeffrey Chronister. We have our Secretary, Lisa Creamer. During sessions, sometimes we have as many as three secretaries for one committee. Miss Creamer is doing this all by herself and doing an awesome job. We are grateful to her. She has worn some other hats today as well. We have IT staff and BPS, our broadcasting system here. You see all the equipment they have to travel with now. They have turned into a road show from being in residence at the Legislature. I can speak on behalf of my whole Subcommittee and say how grateful we are for making it a reality that we can have our meetings out here and learn so much from being on tribal land and from our tour this morning, all because you are willing to put in the time on a Friday and turn this meeting space into what we need it to be for the Legislature. Thank you.

Other housekeeping matters—we will be meeting again in July. I know it is a bit far out. We have the Committee on Natural Resources meetings in April, May, and June. I have spoken to my colleague, Senator Goicoechea, and we do have permission to go to Eureka. That is where we plan to meet in July. Of course, as long as you are signed up for our updates through the Legislature's website, you will get all the details on that. I would encourage anybody who has additional topics they want to cover in the Subcommittee on Public Lands to reach out to me and let us chat about it before one of the next meetings. Right now, our final meeting is scheduled for August. That one we plan to have in Carson City. Those are the things I wanted to let all of you know, and to thank everybody for taking the time to come out here and meet with us.

Additional written public comment was submitted and compiled as (Agenda Item XI).

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Seana McManus
Research Policy Assistant

Jann Stinnesbeck
Principal Policy Analyst

APPROVED BY:

Senator Melanie Scheible, Chair

Date: _____

MEETING MATERIALS

| AGENDA ITEM | PRESENTER/ENTITY | DESCRIPTION |
|------------------|---|--|
| Agenda Item III | <p>Andrea Martinez, Chairwoman, Walker River Paiute Tribe</p> <p>Crystal Miller, Member, Walker River Paiute Tribe</p> | <p>PowerPoint Presentation</p> <p>This is on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6825.</p> |
| Agenda Item IV | Bert Bryan, General Manager, Walker River Irrigation District | PowerPoint Presentation |
| Agenda Item V | Ben Shawcroft, General Manager and General Counsel, Truckee-Carson Irrigation District | PowerPoint Presentation |
| Agenda Item VI | Edwin James, General Manager, Carson Water Subconservancy District | PowerPoint Presentation |
| Agenda Item VII | Jeff Fontaine, Executive Director, Humboldt River Basin Water Authority and Central Nevada Regional Water Authority | PowerPoint Presentation |
| Agenda Item VIII | <p>Nathan Allan, Director of Natural Resources, Truckee Meadows Water Authority</p> <p>Kara Steeland, Senior Hydrologist and Watershed Coordinator, Truckee Meadows Water Authority</p> | PowerPoint Presentation |
| Agenda Item IX | Chaunsey Chau-Duong, Public Affairs Supervisor, Southern Nevada Water Authority | PowerPoint Presentation |
| Agenda Item X | Jake Tibbitts, Natural Resources Manager, Eureka County | Handout—Diamond Valley Groundwater Management Plan Overview |

| AGENDA ITEM | PRESENTER/ENTITY | DESCRIPTION |
|----------------|------------------|---|
| Agenda Item XI | | <p>Compilation of written comments received from members of the public who did not speak during the meeting. These comments are posted individually on the Legislature's website for this meeting and can be found at the address below:</p> <p>https://www.leg.state.nv.us/App/InterimCommittee/REL/Interim2023/Meeting/34512</p> |

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