

## Assembly

MINUTES OF MEETING ON AGRICULTURE - 55th Nevada Assembly  
Virgil Getto, Chairman March 6, 1969

Members Present: Close, Howard, Young, Dini, Getto, Brookman.

Absent: Bryan Hafen.

Chairman Getto introduced Mr. Roland Westergaard, Water Resources Division, State of Nevada, whom he said would answer questions in regard to A.B. 369 - introduced by Mr. Howard and Mrs. Tyson, which specifies procedures for obtaining water rights.

Mr. Westergaard read a letter from the Walker River Irrigation District. Chairman Getto asked Mr. Howard if he had any comments to make in regard to this letter. He declined to comment.

Mr. Westergaard said he concurs with Herb Roundtree, "rather than using Walker River and Hoy Canyon, I cited Stampede Dam instead."

Mr. Westergaard said that with all due respect to the sponsors of this bill, in good conscience, he would have to oppose it. "I would not say that improvements could not be made, but at the present time, it would not be in the best interests of the State".

Mr. Howard asked if it wouldn't be better for the Department to cut out the extension of time.

Mr. Westergaard said it would put a responsibility on the State Engineer and staff to determine what would be a valid reason for extension. He said this was one of the services they are obligated to provide.

Mr. Howard said, for instance a man gets a year's extension of time. He said possibly there would be no way a man could get in there in bad weather and complete his well within that time. He said he thought the wording of the bill should be changed to "intention". Mr. Westergaard replied that "intention" or "proof of beneficial use" were areas that he would like to talk over. He said he was not sold on the time limits that were set in this bill. He said he felt it would curtail the people in the office, the people in the field, etc. He said if there was a way that they could help the people to help themselves, that would be helping the Department also.

Mr. Roundtree: It wouldn't eliminate the requirements of any map. By giving them 3 or 4 years to file that one proof, the way it is now, we eliminate a given percentage for failure to file that proof of commencement of work.

Mr. Dini referred to NRS 533.340, "Additional requirements for contents of applications to appropriate water for certain specific uses." He said this refers back to the same sections of the Act we are amending.

Mr. Roundtree replied that this is a little different. He said the Walker River doesn't hold a permit under this 533.340.

## Assembly

Page 2 - Minutes of Meeting of Agriculture Committee March 6, 1969

Mr. Roundtree: "Up in Elko County where the people want to use the water in entity, you are right. They would have to go back and perfect it in accordance with the Statutes that are being changed".

Mr. Close asked Mr. Howard what his real reasons were for wanting to make the proposed changes.

Mr. Howard said first, proof of commencement of work puts these people in a real bind. He said in bad winters such as the one we are having this year, it puts people in a real bind. You can put the well drilling rig in, but in bad weather, there's no telling when you can get back in, and then after a period of a year, they revoke your permit. He said that under the proposed changes, we do away with this proof of commencement of work and "give these people 4 or 5 years to complete this work".

Mr. Young: "If he doesn't want a well that bad, I just can't understand the reasoning."

Mr. Close: "We had a well. It took a long time to develop the property. It took us 7 years. Finally, we developed the land, but we got several extensions, and if we hadn't, we would have been in a real bind. We just wouldn't have developed the property".

Brookman: "Does this cover water for golf courses?"

Westergaard: "Yes". "I would like to comment on Mr. Howard's and Mr. Close's statements. A large operator will come in and apply for 25 claims at one time. This poses a real burden on them to prove commencement. I can say they would like to have 4 or 5 years to get this done, but on the other hand, looking at it from the other way, they might have a neighbor with one claim who might have to wait to see what the developer is going to do before he could go ahead with his."

Howard: "I am referring to the little guy." He said for instance two of the "little fellows" wanted to go out and get a piece of land. They commence drilling a well of say, 50 feet. "They may have enough money to go ahead and drill, or they may not. There is no way you can get enough money to drill all of these wells. It would sure knock out a lot of paper work if you could let these little guys go ahead and get these things started. How about changing that section to 2 years?"

Westergaard: "We require that they have a well rig out there and have started the operation. They can go ahead and complete the well if they have the funds to do it. We accept this in cases of ground or surface water, if they construct a head gate in the channel to physically divert the water, and a year later they have to complete the work. We use the amount of time and effort to establish the amount

## Assembly

Page 3 - Minutes of Meeting of Agriculture Committee March 6, 1969

of beneficial use based on the size of the development. He said regarding commencement of work, they would have had to have started the actual physical drilling operation within 6 months, with one extension of one year, so they actually have 1½ years.

Getto: "This puts a little different light on it than you were talking about."

Westergaard: "We grant one extension when the permit is issued."

Howard: "If you will abolish that original intent of commencement of work, you would give them a certain amount of time there."

Young: "The only thing I can see that you are doing is denying some other fellow who might want to come in and develop it."

Close: "If you are giving, as a matter of course, a one year extension, would it save paper work to give a 1½ year limit to start with?"

Westergaard: "Yes, but not everyone files for an extension."

Young: "What do you have to do to show a reason for extension?"

Westergaard: "We mail forms telling them that we will accept an extension of time. Mr. Howard is right. It takes some time to process these things".

Getto: "You say it takes some time. How many man hours? Is it something worth considering?"

Close: "Does it take one employee?"

Westergaard: "In my opinion, the number of permits issued justifies the extensions of time. We normally have a total of completions and beneficial use of 30 or 40 a month. It goes to the man who researches it, then to the clerk who types it and records the filing fee."

Brookman: "Do you ever give considerations to categories? Priorities? In my opinion, this would help".

Mr. Westergaard said, for instance, in a municipality where 10,000 people are depending on the water supply, and his extension has not been filed, "we go along with him, in other words, in the places where the need is, we try to go along".

Mr. Howard said all he was referring to was underground water for agricultural use.

Mr. Burge recommended two years extension.

Mrs. Brookman said that what she meant was that if the water was going to be used, for instance, for a golf course when the little guy needs it, "thats what I mean by priorities.

## Assembly

Page 4 - Minutes of Meeting of Agriculture Committee March 6, 1969

The golf course should wait".

Burge: "That happens around here."

Mr. Burge suggested amendments to A.B. 121.

Brookman moved DO PASS as amended. Dini seconded. Unanimously carried.

Chairman Getto assigned Mr. Howard to oversee that the amendments to A.B. 121 were incorporated into the bill.

A.B. 126 - Chairman Getto said that this bill had been indefinitely postponed, and that Mr. Burge felt that it should be reconsidered and amended.

Close moved to reconsider A.B. 126 and revise it in accordance with Mr. Burge's suggestions.

Dini seconded. Unanimously carried.

Dini moved DO PASS A.B. 126 as amended. Close seconded.

Unanimously carried.

A.B. 125 - Mr. Burge said that this bill was presently in the Senate. He said the agreement was that the weighmaster could write off the ticket for gross weight or tare weight, only, and it was written in when the amendment finally came out that he could write in only net weight. It would also require something in Sec. (d). He asked Chairman Getto's permission to talk to the Senate about this. Chairman Getto concurred.

A.B. 320 - Mr. Burge made suggested changes to Sec. 1, Lines 3 and 4, and Par. 2, "The state forester firewarden or his agents with the approval of the director etc. many (a) enter into cooperative agreements with any state or federal public agency etc. for the purposes set forth in this section".

A.B. 123. Getto assigned Howard to get amendments. Howard moved DO PASS AS AMENDED.

Chairman Getto asked Mr. Burge: "In the sale of milk from the producer to the distributor--

Burge: "Selling by the pound?"

Getto: "We are callibrating by the gallon, but the request has been that we change the callibration charts. The people have requested me to change the charts from the gallon, and we are paid by the pound."

Burge: "No problem".

## Assembly

Page 5 - Minutes of Meeting of Agriculture Committee March 6, 1969

Getto requested that A.B. 123 be held for amendments before passing it out of committee. He said "we will give it a DO PASS after amendments."

He said Mel Close had drawn up a new bill, regarding the action against bonds? (A.B. 39) do you want that as a committee introduction?"

Close: "I would introduce it and put it into Judiciary. It makes the 3-year statute, except as otherwise provided by law."

Dini: Suggested referring back to the Agriculture Committee from Judiciary. Chairman agreed that the bill that had been drafted to replace A.B. 39 would be given a committee introduction, be referred to the Committee on Judiciary, with the request that it then be referred back to the Committee on Agriculture.

The meeting was adjourned.