

WATER PROBLEMS IN THE STATE



Bulletin No. 81-5

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

October 1980

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FILE NUMBER...131..

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study water problems and priorities for water usage in the state.

WHEREAS. Most of the land in Nevada is climatically a desert, a condition which has historically presented water problems for its residents; and

WHEREAS. The growth of population in certain areas of the state threatens to place a severe strain on the available supplies of water in those areas; and

WHEREAS. It is crucial to the economy of Nevada and the welfare of its residents that the water supplies in the state be distributed to all users on an equitable basis; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission conduct a study of the water problems of the state and that the study include:

1. An examination into the present and probable future demands upon the available water supplies;
2. A review of the existing laws regulating the appropriation of surface water and ground water in designated and undesignated basins; and
3. A consideration of possible revisions to the laws to ensure that they provide the most equitable methods of allotting and distributing the water for domestic, commercial, industrial, agricultural and municipal purposes;

and be it further

Resolved, That the results of the study and any recommended legislation be reported to the 61st session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 61ST SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution No. 46 of the 60th session of the Nevada legislature. A.C.R. 46 directed the legislative commission to study water problems in the state and to recommend any appropriate changes in the state water laws.

In order to conduct the study, the legislative commission appointed a subcommittee with the following members:

Assemblyman Joseph E. Dini, Jr., Chairman
Senator Norman D. Glaser, Vice Chairman
Assemblyman Tod Bedrosian
Assemblyman Robert G. Craddock
Assemblyman John W. Marvel
Assemblyman Dean A. Rhoads

The subcommittee held seven meetings and received testimony from many professionals in the field and interested citizens. This report presents the subcommittee's findings and recommendations. It also contains a summary of the existing state water laws, an explanation of the water resource situation in the state, and a relatively detailed analysis of the issues which the subcommittee addressed. All supporting documents and minutes are on file with the legislative counsel bureau.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
October 1980

LEGISLATIVE COMMISSION

Senator Keith Ashworth, Chairman
Senator Melvin D. Close, Jr., Vice Chairman

Senator Richard E. Blakemore
Senator Carl F. Dodge
Senator Lawrence E. Jacobsen
Senator Thomas R. C. Wilson

Assemblyman Robert R. Barengo
Assemblyman Joseph E. Dini, Jr.
Assemblyman Virgil M. Getto
Assemblyman Paul W. May
Assemblyman Robert F. Rusk
Assemblyman Darrell D. Tanner

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Findings:

The following findings are made:

1. The Nevada water laws have been developed over a number of years and the concepts are basically sound.
2. The state engineer's office (division of water resources) is not able to perform adequately its responsibilities for the following reasons:
 - a. The division is significantly understaffed and underfunded;
 - b. The division's recordkeeping system is outdated, and a computerized system should be instituted; and
 - c. The salaries paid to hydraulic engineers are not adequate to attract and retain capable professionals.
3. NRS 534.120 provides that temporary permits to appropriate ground water may be issued and that they may be revoked if and when water can be furnished by an entity such as a water district or municipality. This provision remains an appropriate and positive statement of legislative action and deserves continued endorsement and support, even though court cases have arisen which question its applicability.
4. Original agreements among the participants indicated that approximately 16,900 acre-feet per year of water from Stampede Reservoir would be allocated to municipal and industrial uses in the Reno-Sparks area, and this water should be made available.

Recommendations

1. Provide funds for 12 new positions in the division of water resources. (BDR 48-87)
2. Provide funds to the division of water resources for computerization of records. (BDR 48-87)
3. Increase the salaries for hydraulic engineers in the division of water resources to be commensurate with comparable positions in government and private industry.
4. Amend NRS 533.135 and 533.435 to include the following revisions in the fees which are charged by the state engineer's office:

REVISED FEES

<u>Type</u>	<u>Fee</u>
1. Application	\$150
2. Permit	\$200 per second-foot, except \$100 per second-foot for stock watering
3. Application to change	\$150
4. Extension of time	\$ 25
5. Protest	\$ 10
6. Proofs	
a. Commencement	\$ 10
b. Completion	\$ 10
c. Beneficial use	\$ 10
7. Proofs of appropriation (NRS 533.135)	\$100
8. Transfer of title	Costs incurred up to \$10
9. Dam application	\$100 plus cost of inspection
(BDR 48-87)	

5. Specify that the statute relative to forfeiture of water rights (NRS 534.090) only applies to conditions that arise after the 1967 effective date of the statute.
(BDR 48-87)

6. Provide that the state engineer, after holding a public hearing and considering certain minimum criteria, may grant extensions of time relative to forfeiture of water rights for nonuse (NRS 534.090). (BDR 48-87)
7. Provide that the state engineer must give municipal and quasi-municipal applicants a minimum of 5 years to prove beneficial use of water, and establish criteria to be considered by the state engineer before approving extensions of time for municipal and quasi-municipal permit holders to prove beneficial use. (BDR 48-87)
8. Include in the report a finding that the statutory provision relative to revocation of temporary permits to appropriate ground water (NRS 534.120) remains an appropriate and positive statement of legislative action and deserves continued endorsement and support, even though court cases have arisen which question its applicability.
9. Establish a system of registration for new domestic wells drilled in the state, utilizing well driller's logs and reports to the state engineer's office as the basis for the registration. (BDR 48-87)
10. Clarify NRS chapter 535 to indicate that the state engineer has the same authority concerning "off-stream" dams as he has relative to dams on a stream. (BDR 48-87)
11. Require that access to water for wildlife remain available as a condition to awarding water rights on surface water resources. Allow the state engineer to waive this requirement when the water will be used for domestic purposes. (BDR 48-87)
12. By resolution, acknowledge that the local governing bodies in Washoe County have begun jointly to address issues relating to shortages of water in the Truckee Meadows, and indicate that an act of the legislature would be appropriate only if these efforts were to fail. Request that the appropriate local governing bodies in Washoe County make recommendations regarding

the use of water meters as a guide to any modification of the statutes restricting their use, or plan to limit growth to the amount which can be supported within the current natural resource capabilities. Also suggest that the local entities pursue all reasonable avenues to develop the capacity to store water upstream.
(BDR 92)

13. By resolution, make a finding that original agreements among the participants indicated that approximately 16,900 acre-feet per year of water from Stampede Reservoir would be allocated to municipal and industrial uses in the Reno-Sparks area, and state that this intent should be followed and the water should be made available.
(BDR 108)
14. By resolution, commend the U.S. Air Force for following the Nevada water laws in applying to appropriate water, and support a position that the Air Force should restrict its use of water to that which is unappropriated and should make the commitment not to condemn or usurp existing water rights. (BDR 93)
15. By resolution, support U.S. Senator Paul Laxalt's effort to obtain financing for rehabilitation of the facilities in the Newlands Project. Also urge that funds be sought to rehabilitate facilities on the Carson River. (BDR 95)
16. By resolution, declare that all agencies of the United States Government seeking to acquire water rights in the State of Nevada should apply for those rights pursuant to the state water law. (BDR 94)
17. Expand the jurisdiction of the public service commission to include small water companies, cooperative associations, and nonprofit corporations or associations.
(BDR 58-91)
18. Recommend that an analysis be undertaken to determine the most appropriate method of approving the adequacy of designs for water systems for land divisions into four or fewer lots, which are not subject to review under the laws relative to subdivisions.

19. Request that the officials of Carson City provide to the next session of the legislature a reasonable proposal concerning the city's obtaining water from the Marlette water system, unless the local officials would prefer that the legislature make its determinations without benefit of Carson City's recommendations.
20. By resolution, oppose any designation of wild and scenic rivers in the state. (BDR 107)
21. By resolution, urge the U.S. Congress to ratify the California Nevada Interstate Water Compact. (BDR 106)

REPORT TO THE LEGISLATIVE COMMISSION FROM THE SUBCOMMITTEE
TO STUDY WATER PROBLEMS AND PRIORITIES FOR
WATER USAGE IN NEVADA

I. INTRODUCTION

The 60th session of the Nevada legislature in 1979 adopted A.C.R. 46 which directed the legislative commission to conduct a study of water problems in the state. The study specifically called for an examination into present and probable future demands upon water supplies and a review of the existing water laws which would include consideration of needed revisions to these laws.

The subcommittee which conducted the study held a total of seven meetings in Carson City, Las Vegas, Reno, Winnemucca and Elko. The initial meeting was devoted to gathering background information about water utilization and supply in the state. Relatively detailed explanations of the state water laws were also provided. Subsequent meetings emphasized public input and discussion of the water-related issues facing the people of Nevada.

Many issues were addressed at the subcommittee meetings. However, two fundamental points were expressed repeatedly by the people who attended the meetings. These two points are as follows:

1. The Nevada water laws have been developed over a number of years and the concepts are basically sound.
2. The state engineer's office (division of water resources) does not have enough financing or personnel to perform its duties adequately.

Based on these two fundamental points, the subcommittee developed its findings and recommendations.

II. BACKGROUND OF THE WATER LAW

Western Water Law

Through history, two distinct philosophies for the management of surface water resources have been developed. Both of these approaches have influenced the water laws in the western United States.

The riparian doctrine was developed in England and the eastern United States where the climate is humid and water is relatively abundant. The basic principle of the riparian doctrine is that each person owning land along a surface water body (a riparian owner) is entitled to a "reasonable use" of water from that source. Each riparian owner has an equal right to use water, and no priority system exists to allocate water during times of decreased flow. The riparian right exists perpetually, even without use, while the land remains adjacent to the water source. Riparian rights are not limited to a fixed quantity of flow or volume; and, therefore, no administrative system was incorporated into the doctrine.

The appropriation doctrine, or the doctrine of prior appropriation, developed in the semi-arid western states which were unsuited to the riparian doctrine. Early large-scale uses of water in the West were mining and irrigation. Minerals and irrigable land were not necessarily located near surface water bodies. Thus, water had to be diverted and used away from the source. The appropriation doctrine was developed over the years to address the special water problems in the arid area.

The most significant principles of the appropriation doctrine are:

1. Beneficial use is the basis of the right.
2. The rule of priority controls in times of shortage.

In all western states, the waters are declared to be the property of the public or state. Under the appropriation doctrine, most states employ a permit system through which water may be appropriated for beneficial use based upon availability of unappropriated water and nonimpairment of existing rights. Once the water has been put to beneficial use, a water right is granted to the user. This right is a real property right which can be defined, sold, transferred, mortgaged, or bequeathed.

The cornerstone of water allocation under the appropriation doctrine is that "beneficial use is the basis and measure of the right to use water." In order to use water, it must be taken for a beneficial purpose, and the amount of water actually used for this beneficial purpose defines the quantity of the right. Under this concept, non-use of the water leads to loss of the right.

In disputes over water, the early westerners applied the rule of "first in time, first in right." The courts later adopted the rule, and it also was adopted as a primary principle of the appropriation doctrine. Under this concept, the holders of earlier rights have a priority for use of water in times of shortage.

Each of the 17 western states has adopted the doctrine of prior appropriation. The following less arid western states also apply the riparian doctrine to lands adjacent to surface water bodies: Washington, Oregon, California, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

Ground water legislation occurred much later than surface water doctrines. This was due in part to adequacy of surface water supplies, lack of economically efficient technology to produce ground water, and lack of knowledge about ground water supplies. Most of the western states adopted ground water laws which incorporated the basic provisions of the appropriation doctrine. However, the specifics of management of the ground water supplies continue to vary considerably among the states and some states, most notably California, have never adopted a ground water law.

History of the Nevada Water Law

Except for a very short period between 1872 and 1885, Nevada water law has always been based upon the appropriation doctrine. Statutes relating to water were enacted by the Nevada legislature as early as 1866. The act of 1866 allowed any person or persons to divert the waters of a river or stream and run the water through any ditch or flume, and also provided for the right of way through the lands of others. Court decisions provided the guidelines which were used to attempt to bring some order out of the chaos created by early mining booms and irrigation development in the semi-arid state. A law designed to adjudicate water rights through the courts was tried in Nevada in the early nineties. The law proved a failure. The determination of water rights through the courts was unsatisfactory, as well as being a long, expensive, and tedious process. Thus the fundamental idea in creating the office of state engineer was to avoid this delay and expense.

The background concept of the present Nevada water law was developed from the Irrigation Act of 1903. The primary purpose of the act of 1903 creating the office of state engineer was to provide a method by which the existing rights to water might be defined. The act declared that all natural water courses and natural lakes, and the waters thereof which were not held in private ownership, belong to the public and are subject to appropriation for a beneficial use. It also stated that the right to the use of water so appropriated for irrigation would be appurtenant to the land to be irrigated, and beneficial use would be the basis, the measure and the limit of the right.

In 1913, the water law was rewritten, and this 1913 law provides the basic principles that have remained in the state's water law through the succeeding years. The 1913 act included an early provision for the conservation of underground water in the State of Nevada. By this act, underground water was fully recognized, "The waters of all sources of water supply within the boundaries of the state, whether above or beneath the surface of the ground, belong to the public." A declaration was made that beneficial use of water is a public use; and therefore, the right of eminent domain may be exercised. Regulations as to the abandonment of rights were set forth,

and provision was made for rotation in the use of water. A more substantial code for the determination of vested water rights was established and regulations were set forth concerning reservoir permits.

The 1939 legislature provided a great many additions to meet the rapidly growing demands for water. For the first time, the legislature declared that all underground waters were subject to appropriation under the state laws relating to appropriation. Thus, percolating water was included under the water laws. This law expanded the law of 1913 which required that water from an artesian or definable aquifer be subject to the state law regarding appropriation. Domestic wells not exceeding 2 gallons per minute (2,880 gallons per day) were declared exempt from the water code.

It is to be noted that the State of Nevada was one of the early states to develop a ground water law.

Summary of Current Nevada Water Laws and Procedures

There are two ways to acquire a water right in the State of Nevada. One is by the adjudication of right beneficially used prior to the enactment of the water law. The other is by filing an application to appropriate the public water in accordance with statutory procedures. Administration of these procedures may be described within the following three categories:

1. Adjudication;
2. Distribution;
3. Appropriation.

Adjudication:

Surface water rights initiated by applying water to beneficial use prior to March 1, 1905, and which have been perpetuated or continuously used through the years are known as vested water rights. NRS 533.090 through 533.320 provides the procedure by which the limit and extent of vested water rights are determined by the district court. In addition to defining the nature and extent of vested rights, the water law provides for systematic state control over the distribution of water under these rights.

The 1939 Ground Water Act (Statutes of Nevada 1939, chapter 178) defined vested rights as applied to water from wells. Such a vested right is a right to the use of underground water acquired from an artesian well or from a definable aquifer prior to March 22, 1913, and an underground water right on percolating water, the course and boundaries of which are incapable of determination, acquired prior to March 25, 1939.

The law provides that any water user on a stream system or any claimant of a vested underground water right may petition the state engineer to begin an adjudication of the water rights, or without such petition, the state engineer may initiate such proceedings on any stream. The various steps followed in the adjudication procedure may be summarized as follows:

1. After a field investigation, the state engineer enters an order granting the petition for adjudication, if he deems an adjudication to be appropriate.
2. The state engineer gives notice of the pending proceedings
3. A notice and order for taking proofs of appropriation (claims of vested rights) is published in a local newspaper in the county where the stream is located, and a period of not less than 60 days for taking proofs is established.
4. Following the period for taking proofs, the state engineer prepares an abstract of all claims filed and a preliminary order of determination.
5. A period for inspection of proofs is set for at least 20 days.
6. The state engineer next sets a time and place for the hearing of objections to his preliminary order of determination.
7. Following the hearing, the state engineer prepares the final order of determination and files this with the district court, together with all other evidence in connection with the adjudication proceedings.

8. When the court sets the time and place for hearing of exceptions to the order of determination, the state engineer gives notice of the pending court hearing.
9. The court then hears the exceptions to the order of determination.
10. The findings of fact, conclusions of law, and decree are entered by the district judge.

As noted, the adjudication procedure applies both to surface water and to ground water. A large number of surface water systems have been adjudicated by this procedure in Nevada. However, to this date there has been no adjudication of the relative rights of ground waters in any hydrologic basin. The time required to adjudicate a stream is at least 1½ years, if there is no delay in the regular proceedings.

Distribution:

The state engineer, through NRS 533.270-533.320, has primary responsibility for distribution of all water in Nevada except federally decreed stream systems. Stream systems which have been adjudicated are distributed by water commissioners in accordance with the decree. These water commissioners are appointed by the state engineer, subject to confirmation by the court, and are supervised by the state engineer through the supervising water commissioner.

NRS 533.300 provides authority for the creation of water districts. In areas where an irrigation district has been formed, the water is distributed within the district by their personnel. However, in accordance with NRS 533.305, the state engineer retains the responsibility for proper distribution. On interstate streams, a federal water master is designated by the court having jurisdiction, and he distributes the water under the federal decree.

In the case of intrastate streams where distribution is required, the state engineer is required to set up a distribution budget as provided under NRS 533.280. In most cases, the court decree specifies the quantity of water that is allocated to various parcels of land included in the decree. All costs of distribution (water commissioners' wages, transportation, stream measurement and related items) are

included in the budget. The particular stream budgets are based on the total acre-feet owned by each user so that each will be assessed a just and proportionate share of costs.

NRS Chapter 534 provides that in the event investigations by the office of the state engineer show the need for the supervision of the ground water within any basin, the state engineer is responsible for employing well supervisors and other necessary assistants required for the proper administration of that basin. If a ground water basin has been adjudicated and vested ground water rights determined, those adjudicated rights are included within the distribution of the waters of the basin. Authority exists under NRS 534.040 for the county commission to levy a special tax to provide finances to administer the ground water basin.

Appropriation:

NRS 533.325 through 533.435 provides the complete procedure for appropriation of the public waters of the state, whether above or beneath the surface of the ground. A discussion of the procedure as outlined by statute is as follows:

1. The person who desires to use water files his application, accompanied by a map prepared by a licensed water rights surveyor, with the division of water resources.
2. A summary of the application is noticed in the newspaper.
3. A 30-day period exists for interested parties to file protests.
4. The state engineer may hold field investigations and hearings relative to the application, if he deems these necessary.
5. The state engineer grants or denies the application, based upon availability of supply and relationship to existing rights. Any aggrieved party may appeal the decision to the district court.
6. The state engineer issues a permit to appropriate a specific amount of water at a specified point of diversion and use the water at a specified location. The permit

also contains additional conditions and information, including the date of priority.

7. The permittee must file within specified time limits:
 - (a) Proof of commencement of construction of the works of diversion;
 - (b) Proof of completion of the works of diversion; and
 - (c) Proof of placement of the water to beneficial use.
8. Upon request, the state engineer may grant extensions of time.
9. After all proofs have been filed and compliance with the other terms of the permit has been shown, the state engineer records a certificate of the water right in his office and sends a copy to the permit holder.

In Nevada, water may be appropriated subject to availability of supply and existing rights. Where there is unappropriated water in the source, and where the proposed use or change does not tend to impair the value of existing rights, or to be otherwise detrimental to the public interest, the state engineer is required by statute to approve the application.

The general policy of the state engineer is to limit ground water withdrawals from a basin to the average annual recharge to the ground water basin or its "perennial yield." "Perennial yield" of a ground water basin may be defined as the maximum amount of natural discharge that can be salvaged each year over the long-term by pumping without bringing about some undesired result. An example of an undesirable result, would be a decline in the static water level beyond a reasonable limit.

Under NRS 534.030, the state engineer is given the authority to "designate" a ground water basin if he determines that the basin is "in need of administration." The criterion which he typically employs as a guide for determining when to designate a basin is the time that the use of water approaches the annual recharge. In designated basins where

the ground water is being depleted, the state engineer is authorized to make such rules, regulations or orders as are deemed essential for the welfare of the area involved, and he is directed to designate preferred uses of water. In designated basins, he may also issue temporary well permits which are revocable when water can be furnished by a municipality or water district, prohibit the drilling of domestic wells where water can be provided by an entity engaged in furnishing water, limit the depth of domestic wells, and deny application to appropriate ground water for any purpose in an area served by an entity that furnishes water. A list of the basins which are designated as of July 1980 is contained in appendix A. The Las Vegas Artesian Basin is the only designated ground water basin in which temporary permits have been issued.

Several additional Nevada statutes deal with specific elements within the water appropriation procedures. Some of the most significant are as follows:

1. NRS 533.440 provides for primary and secondary permits to store water in a reservoir.
2. NRS 534.180 states that chapter 534 does not apply to wells for domestic purposes where the water use does not exceed 1,800 gallons per day.
3. NRS 534.090 provides that if a holder of a right fails for 5 successive years to use beneficially all or part of his permitted underground water, he forfeits the right to use that water to the extent of the non-use.
4. NRS 534A makes geothermal water and steam subject to appropriation under NRS chapters 533 and 534, and provides for confidentiality of information associated with geothermal drilling.

Appendix B contains a list of significant court decisions and attorney generals' opinions relative to water.

Additional Duties of the State Engineer

The law prescribes several additional duties for the state engineer and the division of water resources which he administers.

NRS chapter 535 makes the state engineer responsible for the safety of dams within the state. It provides that any person or entity wishing to build or reconstruct a dam which will impound more than 10-acre feet of water or which will rise more than 10 feet from the channel bottom must obtain a permit. Inspection and final approval of the dam are required before water may be impounded in the reservoir.

The National Dam Safety Program (PL 92-367) calls for inspection of dams where the potential for a high loss of life or property exists if the dam were to fail. In Nevada, the division of water resources is responsible for inspecting 16 such dams. In addition, the division is required to visit and gather information on all other privately-owned dams which are more than 25 feet in height or which impound more than 50-acre feet of water. There are approximately 170 dams in Nevada which fall within these parameters.

Under provisions of NRS chapter 278, the state engineer is required to approve water availability for new subdivisions. Within 15 days of receipt of a tentative map, the state engineer must recommend approval, conditional approval or disapproval of the tentative map. His signature is also required on the final subdivision map.

NRS 534.140 provides for licensing of well drillers through the division of water resources, and NRS 533.080 provides for licensing of water right surveyors.

A water right is a property right, and transfer of ownership of a water right is binding only between the parties until a copy of the instrument of transfer, certified by the county recorder, is filed with the state engineer. Upon checking for proper chain of title, the state engineer makes the "assignment" of the water right a matter of record.

Also among his duties, the state engineer sits on the Nevada commission of the California-Nevada Interstate Compact Commission, the Nevada commission of the Columbia Basin Interstate Compact Commission, the state environmental commission and the review board for public lands.

III. THE WATER RESOURCES SITUATION

Introduction

In 1969, the Nevada legislature authorized the division of water resources to develop a comprehensive water resources plan for the state. As part of this effort, a tremendous amount of water resource information was accumulated and analyzed. Two series of reports were compiled. One series, Water For Nevada, addresses statewide data inventory and projections and also includes several studies of specific sites or subjects. The other series, Alternative Plans for Water Resource Use, analyzes the issues and alternative courses of action in different regions of the state. Appendix C includes a list of the documents contained in these two series.

In 1977, the legislature created the division of water planning with the mandate to assist local governments in planning the use of water resources, develop forecasts for water supply and demand, investigate new sources of water, analyze the state's water policies, and provide pertinent advice and recommendations relative to the economic and social effects of these water policies (NRS 540). As part of fulfilling this mandate, the water planning division is producing an Information Series of reports on specific subjects and has compiled a major study of the water resource situation in the Truckee Meadows of Washoe County. Appendix C lists the documents that have been prepared by the division of water planning.

Statewide Overview

Nevada is an arid to semi-arid state. The average precipitation statewide is 9 inches annually with large variations among different areas. Sunny dry days predominate most of the year.

The surface water system consists of a few rivers, many streams and several relatively large lakes. However, these surface water bodies represent only 1 percent of the state's

total area. The Humboldt River is the only major river which lies entirely within Nevada. Rising in mountainous territory in eastern Nevada, it winds westward for 1,000 miles (four times its airline length) to the Humboldt Sink southwest of Lovelock. Three western Nevada rivers, the Walker, Carson and Truckee, rise in the Sierra Nevada and flow generally eastward to end in Walker Lake, the Carson Sink and Pyramid Lake, respectively. The many mountain ranges throughout the state provide watersheds which accumulate snow during the winter. Heavy runoff from streams in these watersheds occurs during the early spring, but diminishes late in the year to a flow that is usually maintained only by springs. Large lakes at least partially in the state include Pyramid, Walker, Tahoe, Mead, Mohave, and Topaz.

A summary of statewide data relative to surface water is as follows:

Surface Water Statistics (Statewide) (Acre-Feet/Year)	
Estimated runoff from mountains	3,200,000
Estimated inflow crossing the state line (excluding the Colorado River)	1,300,000
Colorado River	9,700,000
*Estimated outflow crossing the state line (excluding the Colorado River)	700,000
Colorado River	9,400,000
Surface water storage capacity (excluding Nevada's portion of Lake Mead, Lake Mohave, Lake Tahoe and Topaz Lake in ac. ft.)	25,000,000
Lake Mead (Total capacity, ac. ft.)	29,700,000
Lake Mohave (Total capacity, ac. ft.) ...	1,820,000
Lake Tahoe (Total capacity, ac. ft.)	122,000,000
Topaz Lake (Total capacity, ac. ft.)	59,400
*Includes 1970 flow to Lake Mead from Las Vegas Wash.	

Source: Water for Nevada, Report No. 3, "Nevada's Water Resources," p. 12.

A summary of ground water data on a statewide basis is as follows:

Ground Water Statistics (Statewide) (Acre-Feet/Year)	
Ground water: (Ground water budget for valley-fill reservoirs)*	
Estimated ground water inflow	2,000,000
Estimated ground water outflow	2,000,000
Ground water recharge from precipitation	2,200,000
Perennial yield of valley-fill reservoirs	1,700,000
Ground water stored in upper 100 feet of saturated valley fill (ac. ft.)	250,000,000
Estimated transitional storage reserve (ac. ft.)	84,000,000
Estimated inflow crossing the state line	3,000
*Water underground in a given valley.	

Source: Water For Nevada, Report No. 3, "Nevada's Water Resources," p. 12.

Report No. 3, "Nevada's Water Resources," which is in the Water for Nevada series, contains statistics compiled on the basis of hydrographic regions. Charts and a map provide data relative to runoff, perennial yield, storage, surface and ground water flows, and quantities of diversions from ground water, surface and spring sources.

Statewide and county statistics relative to water use and demand are contained in Report No. 2, "Estimated Water Use in Nevada," part of the Water for Nevada series. However, this document is based on 1969 data and much of the information is outdated. More current water use statistics for most areas of the state are available through the local public works departments and the state division of water resources.

Clark County

As population has grown in recent years in Clark County, the requirement for water has expanded. Prior to 1971, almost all water delivered to municipal and industrial users in the Las Vegas Valley was ground water. The cities of Boulder City and Henderson received all of their water from Lake Mead (Colorado River) through the federally constructed Boulder City System and the Basic Management System, respectively. Additionally, prior to 1971, the Las Vegas Valley Water District obtained Colorado River water via an extension of the Basic Management System. No ground water is supplied in either Boulder City or Henderson.

The first stage of the Southern Nevada Water System, consisting of the federally-funded pipeline and pumping system and the state-funded water treatment facility, was completed in 1971. It is capable of annually delivering 132,200 acre-feet of water to the five water-using entities of North Las Vegas, Henderson, Boulder City, Nellis Air Force Base, and the Las Vegas Valley Water District. In 1979, the Southern Nevada Water System delivered 97,237 acre-feet of water to these five users. The major portion of the water delivered in 1979 was to the Las Vegas Valley Water District--approximately 78,788 acre-feet. The first stage of the Southern Nevada Water System has a capacity of 200 million gallons per day and cost about \$60 million. (325,829 gallons equals 1 acre-foot)

Through U.S. Supreme Court action in Arizona v. California, et al, in 1963, Nevada was allocated 300,000 acre-feet of water per year from the Colorado River. In 1979, about 124,600 acre-feet of water from the Colorado River was diverted for uses in southern Nevada. Thus, approximately 175,400 acre-feet of Nevada's allocation was not utilized. It is anticipated that a decrease in ground water use as a result of the revocation of temporary well permits, coupled with continued population growth, will result in a rapid increase in utilization of Colorado River water over the next decade. To facilitate this increased use, the second stage of the Southern Nevada Water System was initiated and will be completed by the summer of 1982. The combined first

and second stage Southern Nevada Water System will be capable of delivering 299,000 acre-feet of Colorado River to the Las Vegas Valley and Boulder City areas. The maximum daily delivery capability will be 400 million gallons. The second stage is estimated to cost \$180 million. It is projected that, with the Southern Nevada Water System and the current ground water pumping capabilities, the Las Vegas-Boulder City areas will have sufficient water supplies through the year 2000.

It is a management objective in the Las Vegas ground water basin to pump a maximum of 50,000 acre-feet of water per year. Presently, approximately 75,000 acre-feet of water is being pumped annually, thus establishing an overdraft of 25,000 acre-feet per year. An intensive management program is required if the objective is to be achieved and degradation of the ground water quality is to be prevented. The availability of Colorado River water and the cost factors associated with that supply appear to be conducive to the needed ground water management program.

Washoe County

The water resource situation in the Truckee Meadows area of Washoe County is rapidly approaching the critical stage. The ground water basin is designated and the surface waters have been allocated. Several court cases are pending which could have significant impacts on the water situation in the area.

The Truckee River presently provides the primary water supply for the Reno-Sparks metropolitan area and for some 15,000 acres of irrigated lands within the Truckee Meadows area. In addition, the river provides irrigation water for approximately one-half of the 62,000 irrigated acres of the Newlands Project in the adjacent Carson River Basin, and is essentially the only inflow to Pyramid Lake. Rapid urbanization of the Truckee Meadows area has created a dynamic situation with respect to water requirements, with urban water supply replacing agricultural irrigation as the principal water user. This situation has brought about a number of questions regarding future water requirements and supply availability, as well as the suitability of existing institutions to effectively manage the water resources of the Truckee Basin.

In order to address these issues, the division of water planning initiated, early in 1978, a comprehensive analysis of the water resources of the Truckee River Basin. The results of this study are presented in a series of five technical memoranda. (See appendix C.) During this same time period, the Sierra Pacific Power Company, which is the major purveyor of water in the Truckee Meadows, completed a detailed analysis of the water situation in the area. These two entities agree on the basic statistics and issues.

The current water supply situation for the Sierra Pacific Power Company service area in the Truckee Meadows may be summarized as follows:

1. Sierra Pacific Power Company is presently allocated 24,572 acre-feet of water from the Truckee River; 5,500 acre-feet from Hunter Creek; 26,619 acre-feet in purchased ex-irrigation rights; and, 12,000 acre-feet in ground water rights. These rights total 68,691 acre feet.
2. The actual yield from these rights in a normal year is 68,200 acre-feet; the yield in a critical year is 56,400 acre-feet.
3. The present rights owned by Sierra Pacific Power Company will meet the demands of its service area in the Truckee Meadows until 1982.
4. Approximately 28,000 acre-feet of water rights in the Truckee Meadows are currently divided among small lot owners and assumed to be available for purchase. These rights at one time belonged to ranches. When the ranches were subdivided, the rights automatically became the property of the lot purchasers. Chain of title has not been maintained through the years on these rights, and they are to a degree "lost in the system." If Sierra Pacific Power Company could purchase these rights, the company could meet the water demands for its service area in the Truckee Meadows until 1988.

5. Litigation is in progress relative to supply of approximately 16,900 acre-feet of water from Stampede Reservoir for municipal/industrial purposes in the Reno-Sparks area. If this water actually becomes available for use, and the 28,000 acre-feet of rights mentioned in number 4 above can be purchased, Sierra Pacific Power Company projections indicate that it could meet the demands in its service area in the Truckee Meadows until 1991.

It is clear that substantive steps must be taken very soon if the future demands for water in the Truckee Meadows are to be met.

IV. ISSUES RELATED TO WATER RESOURCES

In the course of its study, the legislative subcommittee identified several issues related to water resources in the state. Some of these problem areas are associated with the water law or its administration, while others relate directly to the water resource itself. A summary and discussion of the most significant issues which were raised is as follows:

Issues Related Directly to the State Engineer's Office

1. Issue - Inadequate finances for the state engineer's office (the division of water resources).

Discussion:

Fully half of the people who testified before the subcommittee indicated that the state engineer's office is significantly understaffed and underfinanced.

Applications to appropriate water and protests have increased dramatically in recent years, as the following chart indicates:

<u>Applications and Protests</u>			
<u>Year</u>	<u>Applications Filed</u>	<u>Average/Month</u>	<u>Protests Filed</u>
1979	3,797	316	241
1978	1,569	131	205
1977	3,840	320	235
1976	1,097	91	158
1975	764	64	169
1974	1,139	95	121
1973	764	64	108
1972	752	63	74
1971	558	46	104
1970	493	41	146

Source: Division of Water Resources.

The division of water resources is staffed and budgeted to process approximately 100 new applications per month. As the chart indicates, over 300 applications per month are being received. As of January 2, 1980, the division was 7½ months and 1,941 applications behind in processing new applications.

Adjudication proceedings are in progress in 20 areas, and claims for vested water rights (those acquired before the initiation of the water law) have also increased dramatically in recent years, as the following chart indicates:

<u>Vested Rights Filings</u>		
<u>Year</u>	<u>Number</u>	<u>Average/Month</u>
1979	180	15
1978	109	9
1977	84	7
1976	49	4
1975	19	1.6
1974	14	1.1
1973	17	1.4
1972	90	7.5
1971	32	2.7
1970	8	.7

Source: Division of Water Resources.

A recent Nevada supreme court decision will also cause additional workload for the division of water resources. The court found that a party aggrieved by a decision of the state engineer in an appropriation hearing is not entitled to a de novo hearing in the district court. The division interprets this decision to mean that a complete record must be established at the administrative hearing. A significant amount of additional work will be involved in preparing the extensive background information and record.

When requested to outline his staffing and budgetary needs, the state engineer indicated that he needed 12

new positions and a computerized capability to store and retrieve records. The total budget for salaries, travel and operating expenses for the new positions was estimated to be \$295,325 per year. The development cost of the computerized records system was estimated at \$36,000 and the operating costs were set at approximately \$1,400 per month. A list of the titles of the 12 new positions is as follows:

<u>Title</u>	<u>Number</u>
Hydraulic Engineer III	2
Hydraulic Engineer II	3
Hydraulic Engineer I	2
Engineering Technician IV	1
MC/ST Operator.....	1
Administrative Aid II B	2
Administrative Aid I A	1
TOTAL	<u>12</u>

2. Issue - Low salaries for professional engineers in the state engineer's office.

Discussion:

Testimony from professional engineers in the private field and the state engineer indicated that salaries for engineers in the division of water resources are not adequate to attract and retain capable professionals. The state personnel division is conducting a survey of salary levels for all state positions in relationship to their counterparts in the other western states. The results of this survey and the personnel division's recommendations will be presented to the 1981 session of the legislature.

3. Issue - Fees for water-related applications.

Discussion:

The fees which the state engineer charges for the processing of various applications are specified by statute. Testimony to the subcommittee indicated that these fees could be raised without working a hardship on the applicants. However, comparisons with similar fees in other western states show Nevada's existing fee schedule to be much like those of the other states.

4. Issue - Forfeiture of water rights after 5 successive years of nonuse.

Discussion:

NRS 534.090 provides that a water right which is not used for 5 successive years is forfeited to the extent of the nonuse. Testimony contended that this provision has not been fairly applied because the state engineer enforces it on a complaint basis rather than through systematic inspection. The law makes no provision for extensions of time, and people were concerned that it might be applied retroactively prior to the 1967 date of its enactment. Several people felt that some provision should be made for taking extenuating circumstances into account before declaring a water right to be forfeited.

5. Issue - Subdivisions not being able to establish beneficial use of water because of slow build-out, and financing for developments being limited because of uncertain time periods to show beneficial use.

Discussion:

For the past couple of legislative sessions, bills have been introduced which would have ensured longer periods of time for subdivisions to prove beneficial use of water. Arguments may be presented for both sides of the issue. A person who buys a lot and wants to build on it several years later may find that he has no right to use water because the time limit for showing beneficial use has been exceeded. Conversely, the water law is based on the premise that water rights are granted for the use of water, rather than the nonuse. The principle is that large blocks of water should not be reserved for long periods of time when other people could put the water to use immediately. For the past 2 sessions, the legislature has decided to retain the law in its present form without amendment.

Under current law, the state engineer has the discretion to establish any time limits up to 10 years for proving beneficial use. Traditionally, he has given subdivisions 5 years to prove beneficial use, and he has granted extensions if the developers are showing diligence in completing the project. Testimony indicated that financing

for subdivision development is sometimes difficult to obtain because of the uncertainty perceived to be built into the state engineer's discretion.

6. Issue - Revocation of temporary permits to appropriate ground water.

Discussion:

Under NRS 534.120, the state engineer may issue temporary permits to appropriate ground water and revoke these permits when water can be furnished by a municipality or water district. Only in the Las Vegas area of Clark County has this provision been utilized. Temporary permits were issued with the understanding that they would be revoked when water became available through the second phase of the Southern Nevada Water Project. Water is now available and temporary permits were being revoked. However, a court case has been filed seeking to stop the revocations because of a claimed inequity in that the water being provided through the Southern Nevada Water Project is more expensive to use than that from the wells which were granted temporary permits.

7. Issue - Lack of control over domestic water wells.

Discussion:

Domestic wells which draw less than 1,800 gallons of water per day are not subject to the provisions of the Nevada water law. Testimony from several areas indicated that the proliferation of these domestic wells is causing a ground water management problem. This position was voiced in testimony from Clark County, Humboldt County and the City of Carlin. Accurate information relative to the numbers and locations of domestic wells is not available. The numbers are estimated to be great in some areas, and it would be a major task to establish administration of all domestic wells under the provisions of the existing water law. Discussions of this subject at the hearing revolved around establishing a registration system for domestic wells or designing a permit system that would be less detailed than the procedures for nondomestic wells.

8. Issue - Authority to approve plans for and inspect "off-stream" dams.

Discussion:

By state law (NRS chapter 535) and through a federal program, the division of water resources approves the plans for and inspects certain dams in the state. Some controversy has arisen over whether the division has the authority to perform these functions in relationship to dams which are not on streams or drainages. Examples of these "off-stream" dams include cooling water ponds for power generation plants, and tailings dams which are not on a drainage channel. Testimony from the state engineer is that he should have authority over these "off-stream" dams.

Issues Related to Irrigation Districts

Testimony from the irrigation districts generally indicated that the statutes on this subject should be updated. After most of the issues were discussed, it was the consensus of those interested in this subject that the irrigation district should prepare a unified package of recommendations to be introduced during the next legislation session.

1. Issue - Inadequate elections procedures.

Discussion:

Testimony suggested that the voting authority relative to trusts and partnerships should be clarified in the statutes (NRS 539.123). It was also recommended that notices of elections be made through the local media, rather than by public posting (NRS 439.125).

2. Issue - Outdated and/or expensive procedures related to financial management of the districts.

Discussion:

The existing limitations for irrigation districts relative to indebtedness and purchasing are considered to be unreasonably low. NRS 539.480 provides that the board of directors may incur an indebtedness not exceeding the sum of \$50,000 nor \$1 per acre. In order to expend more

than these amounts, the district must issue bonds under NRS 539.540-539.613, and this action requires a vote of the members. The cost of purchasing virtually every piece of needed equipment exceeds the limits and requires a vote of the members. NRS 539.237 and 539.240 provide limits on the amount of money that can be spent in purchasing electric power or transmission lines. Likewise, NRS 539.515 limits the amount of money from the general fund which can be spent for the development, operation and maintenance of recreational grounds. It was suggested that all of these financial limitations be raised.

It was also recommended that the statutes be reviewed to determine if an increase in compensation for directors is warranted. Another recommendation was to change the requirement that disbursements be published monthly to a requirement that they be posted at the irrigation district office (NRS 539.435).

Research shows that the debt limitations for irrigation districts have not been raised since 1960, while inflation has been something over 250 percent since then. Also, directors of irrigation districts receive \$35 per day, while members of other similar boards receive \$40 per day.

Issues Related to Wildlife

1. Issue - Protection of access to water.

Discussion:

The state department of wildlife explained to the subcommittee that they are presently protesting all applications to appropriate water from seeps and springs. The department desires to ensure that access to the water will be allowed for wildlife. These applications are usually for stock watering, and generally at the field investigations an agreement can be reached between the rancher and the department of wildlife to preserve access to the water for wildlife. The department of wildlife felt that this access should be made a condition of all permits associated with springs and seeps. Several ranchers voiced the opinion that they did not

object to allowing access by wildlife, but that each situation is different and the state engineer should have the discretion to evaluate each situation separately on its merits.

2. Issue - Wildlife as a beneficial use of water.

Discussion:

Under Nevada law, wildlife is not specified as a beneficial use of water. However, by administrative procedure the state engineer includes wildlife as a part of recreational use which is acknowledged to be a beneficial use (NRS 533.020). The division of water resources has approved two applications strictly for wildlife use--one on Goshute creek and the other on flood waters into Walker Lake. These two applications were processed like all other applications and given a priority ranking associated with their date of filing. Questions about specifying wildlife as a beneficial use centered upon the possibility that this designation would lead to claims of vested rights for wildlife.

3. Issue - Vested rights for wildlife.

Discussion:

Vested rights (uses prior to enactment of the water law) for wildlife are an extremely controversial subject. If vested rights were granted to wildlife, these rights might pre-date rights for other uses which have been granted since enactment of the water law. Under this situation, in a drought year the rights for wildlife would have to be fulfilled before water could be used to satisfy the later rights. The U.S. Bureau of Land Management has filed two claims for vested rights that list wildlife and fish as the only use--Rock Creek and Mattier Creek.

4. Issue - Minimum stream flows for fisheries.

Discussion:

Preservation of in-stream flows for fisheries has become a controversial topic across the country. In the semi-arid West it is especially important because of the

scarcity of water. This subject is closely allied with the topics of wildlife as a beneficial use of water and vested rights for wildlife. The department of wildlife is currently undertaking studies to identify the amount of flow that would be necessary to protect particular types of aquatic habitat.

Issues Related to the Truckee Meadows

1. Issue - Inadequacy of water supply for the future.

Discussion:

See page 16 of this document for a discussion of the water resource situation in the Truckee Meadows.

Issues Related to the Proposed MX Missile System

The entire morning session of one of the subcommittee meetings was devoted to taking testimony on water issues related to the proposed MX missile system. Presentations were made by Colonel Lawrence B. Molnar, U.S. Air Force, Deputy Program Manager for MX; James A. Goodrich of FUGRO, Inc, a geo-consultant to the Air Force; and Connie Ashcraft, former director for Nevada's MX field office.

1. Issue - Water availability for the MX system.

Discussion:

Testimony indicated that water needs for domestic uses and construction associated with the MX project will peak in 1986-1987 at approximately 30,000 acre-feet per year. This demand will level off during the operations phase to about 13,000 acre-feet per year. By comparative standards, this demand is not an exceptionally great amount of water.

Studies are being conducted by the Air Force to identify the quantities and qualities of water available in the basins of southeastern Nevada. A study of the deep carbonate aquifers is also being undertaken.

The state engineer testified if the Air Force continues to follow state water laws, that he believes they can work together to locate appropriate sources and also protect existing uses. However, some interbasin transfers would probably be required. He voiced concern that use of water from the deep carbonate aquifers could endanger the continued existence of springs which are believed to depend on these aquifers.

2. Issue - Following of state water laws and procedures.

Discussion:

A very early concern relative to the MX project was whether the Air Force would follow state water laws and procedures. As this report shows, Nevada has invested a number of years in developing its water laws to properly manage the resource. There was some question about whether the Air Force would attempt to invoke the "reserved rights" or the "nonreserved rights" doctrine to claim water without going through the state law. Under the "reserved rights" principle, it is contended that when public domain land is specifically reserved for a special use, the water necessary to accomplish that use is automatically reserved along with the land. Under the "nonreserved rights" doctrine, some entities would contend that the Federal Government can use water which is on and beneath the public domain lands simply because they have control over the land itself, without regard to state water laws.

Representatives of the Air Force were very clear in their testimony that the Air Force would follow state water laws and procedures, and that it is not their intention to attempt to utilize the "reserved rights" or "nonreserved rights" doctrines to obtain water.

3. Issue - Adequate time to review Air Force proposals.

Discussion:

If it is undertaken, the MX missile project will be the largest single military construction activity in the history of the United States. Many people who provided input to the subcommittee were concerned that enough

time be allowed for the Air Force proposals to be fully evaluated and the socioeconomic impacts in Nevada completely analyzed. The time frames established to allow review of less massive projects will not be adequate in the case of extensive actions like the MX proposal.

4. Issue - Water impoundments to provide recreational opportunities in the affected portions of the state.

Discussion:

Opportunities for water-based recreation in southeastern Nevada are probably not adequate to supply the needs of the expanded population which would be induced by the MX project. Representatives of the Air Force indicated that "consideration" would be given to the idea of federally funded dam projects to increase opportunities for water-based recreation in the region. See page 31 for additional discussion of this subject.

5. Issue - Condemnation of water rights.

Discussion:

Water rights are property rights, and as such they are subject to condemnation and other government action that would be applicable to other property rights. Several people voiced concern to the subcommittee that the Air Force might attempt to condemn privately owned land with water rights or condemn only the water rights themselves. The state engineer expressed his belief that if the Air Force continues to follow state water laws, he believes they can work together to locate appropriate sources and also protect existing uses. For this reason, it would appear that condemnation of water rights would not be necessary. Representatives of the Air Force stated that they have not "given consideration" to the idea of "buying out" landowners in order to obtain water rights.

Miscellaneous Issues

1. Issue - Maintenance of structures associated with the Newlands Project.

Discussion:

The Newlands Project was one of the Nation's first reclamation projects. Many facilities in the Newlands Project need repair and improvement. U.S. Senator Paul Laxalt has requested the Water Resources Subcommittee of the Senate Appropriations Committee to allocate \$15 million to undertake what are considered to be minimum needed repairs. These repairs include rehabilitation of Lake Tahoe Dam and Derby and Carson diversion dams, rehabilitation of the Truckee Canal and the Lahontan Swingle Bench Pumping Plant, modifications and automation of several canal checks and turnouts, concrete lining of 22.3 miles of canals and laterals, purchase of measuring devices, and initiation of a comprehensive drainage study.

2. Issue - Filings for water rights by agencies of the Federal Government.

Discussion:

The U.S. Bureau of Land Management (BLM) has filed 45 applications to appropriate water for stockwatering, recreation, and/or wildlife use. The U.S. Forest Service has filed 22 applications for recreation, wildlife, and/or domestic uses. These agencies have also filed approximately 200 claims for vested rights. Virtually all of the claims for vested rights include stockwatering as a use. Seventy-seven include wildlife uses, and 15 incorporate fish propagation as a use. Two claims are strictly for wildlife and fish use.

BLM protests of ranchers' applications to appropriate water are also part of this general issue. In cases where the spring or creek is on public lands, the BLM is protesting the ranchers' applications on grounds of a claim of federal ownership of the property, the nonpermanent nature of grazing leases, and vested rights for wildlife.

The responsibilities of federal agencies to follow state water laws and procedures are also part of this issue. The "reserved" and "nonreserved" water rights doctrines were discussed previously under the topic of "Issues Related to the Proposed MX Missile System."

3. Issue - Dam siting and construction for water conservation and recreation.

Discussion:

In December of 1974, the U.S.D.A. Nevada River Basin Planning Team prepared a document entitled "Potential Nevada Reservoir Sites with Estimates of Major Uses." It includes potential sites listed by region and county, and acre-feet of potential water for such uses as irrigation, flood control, municipal and industrial, and recreation. The state engineer's office and University of Nevada-Reno division of agriculture and resource economics published in December of 1973 Water for Nevada, Report Number 7, "Water Related Recreation in Nevada, Present and Future." In this document, estimates of current and future water-based recreational activity and associated water requirements are provided. A discussion of economic value is also presented.

Although the subcommittee did not analyze the situation completely, it was evident that the state's general population growth and the population growth associated with the proposed MX missile system will necessitate construction of more dams in the future. The existing facilities will not be adequate to accommodate the needs. The subcommittee members also supported the concept that the reservoirs so created should be managed under a multiple-use philosophy with emphasis placed upon enhancing recreational opportunities, fisheries and water conservation. Although no effort was made to list potential dam sites in order of priority, the consensus of the subcommittee was that the Federal Government should develop additional water-based recreation facilities, especially in relationship to mitigating the impacts of the proposed MX missile system. See page 28 for additional discussion of this topic.

4. Issue - Importation of water into the state.

Discussion:

The subcommittee received a considerable amount of testimony and information relative to the feasibility of importing water into the state. Between 1963 and 1967,

several proposals for importation of water into southern California were analyzed. The two which received most consideration, the "Western Water Plan" and the "Sierra Cascade Plan," would have brought water from the Columbia River through Nevada for storage in Lake Mead.

In 1969, the U.S. Congress adopted legislation that prohibited studies by the Bureau of Reclamation or other federal agencies on the exportation of water from the Columbia Basin. This legislation was a 10-year moratorium that expired in 1979. However, it is still apparent that Congress will not adopt any legislation which would allow diversion of the Columbia River or its tributaries above the Bonneville Dam near Portland, Oregon.

Possibly the most pertinent testimony on the issue of importing water included estimates of potential costs which were unreasonably great when compared to potential benefits. The time frames involved in obtaining approvals and constructing the necessary facilities were also judged to be prohibitive.

5. Issue - Regulation of small water companies.

Discussion:

From information gathered by the subcommittee, it has become apparent that there are several problem areas relative to small water companies. Regulation of rates and quality of service has been an issue for the past several years. Testimony was also received which indicated that water systems for small water companies are not adequately designed or maintained.

Water companies which are defined as public utilities are regulated by the public service commission. However, exempted from the definition of public utilities are:

Corporations, cooperatives, nonprofit corporations or associations, partnerships, sole proprietorships, associations of natural persons, their lessees, trustees or receivers appointed by the

court whatsoever, engaged in the business of furnishing, for compensation, water or sewer services, or water and sewer services, to persons within this state if:

- (a) They serve 25 persons or less, or
- (b) Their gross sales for water or sewer services, or water and sewer services, amounted to \$5,000 or less during the immediately preceding 12 months, and in either case they do not own or control any other such business entity furnishing water or sewer service or water and sewer service within this state." (NRS 704.030, subsection 3.)

Therefore, these "small water companies" are not regulated by the public service commission.

However, the boards of county commissioners in Nevada counties have the authority to regulate these small water companies by ordinance if they so choose. NRS 704.681 reads as follows:

The board of county commissioners of any county may regulate by ordinance any person or firm furnishing water for compensation to persons within such county except those persons or firms regulated by the commission, the service furnished to its residents by a political subdivision, and services furnished to its members by a nonprofit association in which the rights and interests of all its members are equal.

Assembly Bill 17 from the 1979 session (chapter 674 of the Statutes of Nevada 1979) provides that:

The commission (public service commission) shall adopt regulations which provide a simplified procedure for a change of rates for those public utilities which furnish water or sewer service, or both, to persons within this state for compensation, and which:

1. Serve 1,200 persons or less;
2. Had during the immediately preceding 12-month period, gross sales for water or sewer service, or both, amounting to \$150,000 or less; and
3. Do not own or control any other business entity furnishing water or sewer service, or both, within this state.

The public service commission is presently reviewing draft regulations to implement this mandate for simplified procedures for a change of rate.

Heber Hardy, chairman of the public service commission, has stated his opinion that the very small water companies should not be regulated by the commission. However, he has also indicated that if the simplified procedures work well for somewhat larger companies, it might be useful to regulate the small water companies under these same simplified procedures.

In many instances, when small water companies become part of larger purveyors like Sierra Pacific Power Company or the Las Vegas Valley Water District the entire smaller system must be reconstructed. NRS 704.679 calls for review and approval of subdivision maps for developments which contemplate utilization of small, private water systems prior to their approval by local governments. However, this procedure has generally been overlooked in the past. If this requirement were put into practice, the design aspects of virtually all small water systems would be reviewed prior to their construction. The reason that the provision has not been enforced in the past is not clear. The remainder of the requirements for subdivision approval are contained in NRS chapter 278, and many professionals in the planning and development field simply are not aware of the requirement in chapter 704. In previous years, the public service commission has indicated that they are not adequately staffed to perform the function. There is also some uncertainty about whether this review would be a duplication of the review performed by the division

of environmental protection prior to approval of a subdivision.

6. Issue - Priorities in the Marlette water system.

Discussion:

The Marlette water system is owned by the State of Nevada. Portions of the system were originally constructed to take water from the Sierra Nevada to the Comstock mining area. It now provides water for the Comstock area, the state government complex in Carson City, and the Lakeview subdivision on the Carson City-Washoe County line. For the past several years, Carson City has considered several strategies whereby the city could obtain water from the Marlette system. However, no acceptable proposal has been provided to the legislature.

V. FINDINGS AND RECOMMENDATIONS

Findings:

The following findings are made:

1. The Nevada water laws have been developed over a number of years and the concepts are basically sound.
2. The state engineer's office (division of water resources) is not able to perform adequately its responsibilities for the following reasons:
 - a. The division is significantly understaffed and underfunded;
 - b. The division's recordkeeping system is outdated, and a computerized system should be instituted; and
 - c. The salaries paid to hydraulic engineers are not adequate to attract and retain capable professional
3. NRS 534.120 provides that temporary permits to appropriate ground water may be issued and that they may be revoked if and when water can be furnished by an entity such as a water district or municipality. This provision remains an appropriate and positive statement of legislative action and deserves continued endorsement and support, even though court cases have arisen which question its applicability.
4. Original agreements among the participants indicated that approximately 16,900 acre-feet per year of water from Stampede Reservoir would be allocated to municipal and industrial uses in the Reno-Sparks area, and this water should be made available.

Recommendations:

The following recommendations are made:

1. Provide funds for 12 new positions in the division of water resources (BDR 48-87)
Discussion: See page 19.

2. Provide funds to the division of water resources for computerization of records. (BDR 48-87)
Discussion: See page 19.
3. Increase the salaries for hydraulic engineers in the division of water resources to be commensurate with comparable positions in government and private industry.
Discussion: See page 21.

This report, with finding 2 and this recommendation highlighted, is to be transmitted to the appropriate agencies and committees in the executive and legislative branches of government.

4. Amend NRS 533.135 and 533.435 to include the following revisions in the fees which are charged by the state engineer's office:

REVISED FEES

<u>Type</u>	<u>Fee</u>
1. Application	\$150
2. Permit	\$200 per second-foot, except \$100 per second-foot for stock watering
3. Application to change	\$150
4. Extension of time	\$ 25
5. Protest	\$ 10
6. Proofs	
a. Commencement	\$ 10
b. Completion	\$ 10
c. Beneficial use	\$ 10
7. Proofs of appropriation (NRS 533.135)	\$100
8. Transfer of title	Costs incurred up to \$10
9. Dam application	\$100 plus cost of inspection

(BDR 48-87)

Discussion: See page 21.

5. Specify that the statute relative to forfeiture of water rights (NRS 534.090) only applies to conditions that arise after the 1967 effective date of the statute. (BDR 48-87)
Discussion: See page 22.
6. Provide that the state engineer, after holding a public hearing and considering certain minimum criteria, may grant extensions of time relative to forfeiture of water rights for nonuse (NRS 534.090). (BDR 48-87)
Discussion: See page 22.
7. Provide that the state engineer must give municipal and quasi-municipal applicants a minimum of 5 years to prove beneficial use of water, and establish criteria to be considered by the state engineer before approving extensions of time for municipal and quasi-municipal permit holders to prove beneficial use. (BDR 48-87)
Discussion: See page 22.
8. Include in the report a finding that the statutory provision relative to revocation of temporary permits to appropriate ground water (NRS 534.120) remains an appropriate and positive statement of legislative action and deserves continued endorsement and support, even though court cases have arisen which question its applicability
Discussion: See finding 3 and page 23.
9. Establish a system of registration for new domestic wells drilled in the state, utilizing well driller's logs and reports to the state engineer's office as the basis for the registration. (BDR 48-87)
Discussion: See page 23.
10. Clarify NRS chapter 535 to indicate that the state engineer has the same authority concerning "off-stream" dams as he has relative to dams on a stream. (BDR 48-87)
Discussion: See page 24.
11. Require that access to water for wildlife remain available as a condition to awarding water rights on

surface water resources. Allow the state engineer to waive this requirement when the water will be used for domestic purposes. (BDR 48-87)

Discussion: See page 25.

12. By resolution, acknowledge that the local governing bodies in Washoe County have begun jointly to address issues relating to shortages of water in the Truckee Meadows, and indicate that an act of the legislature would be appropriate only if these efforts were to fail. Request that the appropriate local governing bodies in Washoe County make recommendations regarding the use of water meters as a guide to any modification of the statutes restricting their use, or plan to limit growth to the amount which can be supported within the current natural resource capabilities. Also suggest that the local entities pursue all reasonable avenues to develop the capacity to store water upstream. (BDR 92)
Discussion: See page 16.
13. By resolution, make a finding that original agreements among the participants indicated that approximately 16,900 acre-feet per year of water from Stampede Reservoir would be allocated to municipal and industrial uses in the Reno-Sparks area, and state that this intent should be followed and the water should be made available. (BDR 108)
Discussion: See finding 4 and page 16.
14. By resolution, commend the U.S. Air Force for following the Nevada water laws in applying to appropriate water, and support a position that the Air Force should restrict its use of water to that which is unappropriated and should make the commitment not to condemn or usurp existing water rights. (BDR 93)
Discussion: See page 29.
15. By resolution, support U.S. Senator Paul Laxalt's effort to obtain financing for rehabilitation of the facilities in the Newlands Project. Also urge that funds be sought to rehabilitate facilities on the Carson River. (BDR 95)
Discussion: See page 29.

16. By resolution, declare that all agencies of the United States Government seeking to acquire water rights in the State of Nevada should apply for those rights pursuant to the state water law. (BDR 94)
Discussion: See page 30.
17. Expand the jurisdiction of the public service commission to include small water companies, cooperative associations, and nonprofit corporations or associations. (BDR 58-91)
Discussion: See page 32.
18. Recommend that an analysis be undertaken to determine the most appropriate method of approving the adequacy of designs for water systems for land divisions into four or fewer lots, which are not subject to review under the laws relative to subdivisions.
Discussion: See page 32.
19. Request that the officials of Carson City provide to the next session of the legislature a reasonable proposal concerning the city's obtaining water from the Marlette water system, unless the local officials would prefer that the legislature make its determinations without benefit of Carson City's recommendations.
Discussion: See page 35.
20. By resolution, oppose any designation of wild and scenic rivers in the state. (BDR 107)
21. By resolution, urge the U.S. Congress to ratify the California Nevada Interstate Water Compact. (BDR 106)

VI. LIST OF SELECTED DOCUMENTS

1. Dall, Benjamin V. and Chen, Hsiu-Hsiung, "Economies and Finance of Nevada Public Water Systems," Project Report No. 34, Center for Water Resources Research, Desert Research Institute, University of Nevada System, May 1975.
2. Excerpts from "Water Law Short Course," February 27-March 1, 1979, by the Natural Resources Law Institute, Portland, Oregon, and the U.S. Fish and Wildlife Service, Fort Collins, Colorado, including the following sections:
 - a. Hutchins, Wells A., "Water Rights in Nineteen Western States;"
 - b. Summary of the Appropriation Doctrine;
 - c. Summary of the Reserved Water Rights Doctrine; and
 - d. "The Reserved Water Rights Doctrine, Its Origin and Development."
3. Las Vegas Valley Water District Act, Act of 1947 with subsequent amendments.
4. Legislative Committee on Trade and Economic Development, State of Oregon, "Report of the Advisory Committee on Water Policy," December 1978.
5. Nevada Division of Water Planning, Department of Conservation and Natural Resources, Water Supply Series, Report No. 1, "Truckee River - Summary and Recommendations;" Report No. 1, "Truckee River - Technical Memoranda."
6. Nevada Division of Water Resources, Department of Conservation and Natural Resources, Water for Nevada Series.
 - a. "Special Summary Report - Nevada State Water Plan," November 1974;

- b. "Special Information Report - Water, Legal and Administrative Aspects," September 1974;
 - c. "Guide to Nevada State Water Planning Reports," June 1976.
7. Press Release and Solicitor's Opinion on Federal Water Rights of the National Park Service, Fish and Wildlife Service, Bureau of Reclamation and the Bureau of Land Management, U.S. Department of the Interior, (commonly referred to as the Krulitz opinion on nonreserved water rights), June 23, 1979.
 8. Radosevich, George E., "Western Water Law," in Water Spectrum, Vol. II, No. 3, Summer 1979, published by the U.S. Army Corps of Engineers.
 9. Rock Creek Recreational Use and Management Board, "Preliminary Proposal - Rock Creek Reservoir," February 1979.
 10. Simms, Richard A. (General Counsel, New Mexico Water Resources Division), "National Water Policy in the Wake of *United States v. New Mexico*," January 1980.

A P P E N D I X A

NEVADA DESIGNATED GROUND WATER BASINS

NEVADA DESIGNATED BASINS

Basin Name	County	Hydrographic Region	Area	Order Number	Date First Designated
1. Las Vegas Valley	Clark	13	212	175	3-10-1941
2. Pahrump Valley	Nye	10	162	176	3-11-1941
3. Smith Valley	Lyon	9	107	245	6-27-1960
4. Diamond Valley	Eureka	10	153	277	8-05-1964
5. Antelope Valley	Lander	4	57	276	8-05-1964
6. Middle Reese Valley	Lander	4	58	276	8-05-1964
7. Quinn River Valley Orovada Subarea	Humboldt	2	33A	285	4-28-1965
Quinn River Valley McDermitt Subarea	Humboldt	22	33B	285	4-28-1965
8. Lovelock Valley, Oreana Subarea	Pershing	4	73A	369	2-25-1969
9. Lemmon Valley, Western Part	Washoe	7	92A	391	7-14-1971
Lemmon Valley, Eastern Part	Washoe	7	92B	391	7-14-1971
10. Muddy River Springs	Clark	13	219	392	7-14-1971
11. Paradise Valley	Humboldt	4	69	408	10-22-1971
12. Eagle Valley	Carson City	8	104	424	2-23-1972
13. Grass Valley	Humboldt	4	71	464	7-24-1972
14. Dayton Valley	Lyon	8	103	487	2-22-1973
15. Spanish Springs Valley	Washoe	6	85	533	3-10-1975
16. Winnemucca Segment	Humboldt	4	70	534	5-06-1975
17. Desert Valley	Humboldt	2	31	535	5-09-1975
18. Kelley Creek	Humboldt	4	66	536	5-09-1975
19. Cold Springs Valley	Washoe	7	100	606	1-18-1977
20. Warm Springs Valley	Washoe	6	84	607	1-18-1977
21. Mason Valley	Lyon	9	108	627	1-20-1977
22. Carson Valley	Douglas	8	105	684	6-14-1977
23. Churchill Valley	Storey, Lyon, Churchill	8	102	689	8-23-1977
24. Fernley Area	Churchill, Lyon, Storey, Washoe	5	76	699	12-30-1977

NEVADA DESIGNATED BASINS

Basin Name	County	Hydrographic Region	Area	Order Number	Date First Designated
25. Clover's Area	Humboldt, Elko, Lander	4	64	700	12-30-1977
26. Mesquite Valley	Clark	10	163	701	1-05-1978
27. Inlay Area	Pershing	4	72	702	1-31-1978
28. Fish Lake Valley	Esmeralda	10	117	704	2-10-1978
29. Tracy Segment	Washoe, Storey, Lyon	6	83	705	3-01-1978
30. Truckee Canyon Segment	Washoe	6	91	706	3-01-1978
31. Washoe Valley	Washoe, Carson City	6	89	707	3-01-1978
32. Truckee Meadows	Washoe	6	87	708	3-01-1978
33. Sun Valley	Washoe	6	86	708	3-01-1978
34. Pleasant Valley	Washoe	6	88	709	3-01-1978
35. Pine Forest Valley	Humboldt	2	29	711	5-01-1978
36. Penoyer Valley	Lincoln, Nye	10	170	712	5-03-1978
37. Antelope Valley	Douglas	9	106	714	5-25-1978
38. Pleasant Valley	Pershing	10	130	715	6-08-1978
39. Jersey Valley	Pershing, Lander	10	132	715	6-08-1978
40. Dixie Valley	Pershing, Churchill	10	128	715	6-08-1978
41. Fairview Valley	Churchill	10	124	715	6-08-1978
42. Eastgate Valley	Churchill	10	127	715	6-08-1978
43. Cowkick Valley	Churchill	10	126	715	6-08-1978
44. Stingaree Valley	Churchill	10	125	715	6-08-1978
45. Carson Desert	Pershing, Churchill, Lyon	8	101	716	7-06-1978
46. Packard Valley	Pershing	8	101A	716	7-06-1978
47. White Plains	Churchill	4	74	716	7-06-1978
48. Antelope Valley	Washoe	7	93	718	8-03-1978
49. Bedell Flat	Washoe	7	94	718	8-03-1978
50. Redrock Valley	Washoe	7	99	718	8-03-1978
51. Stone Cabin Valley	Nye	10	149	720	8-31-1978
52. Amargosa Desert	Nye	14	230	724	5-14-1979
53. Big Smoky Valley- Tonopah Flat	Mineral, Esmeralda, Nye	10	137	725	5-14-1979
54. Lake Valley	Lincoln, White Pine	10	183	726	6-11-1979
55. Indian Springs	Clark, Nye	10	161	728	8-01-1979

NEVADA DESIGNATED BASINS

	Basin Name	County	Hydrographic		Order Number	Date First Designated
			Region	Area		
56.	Steptoe Valley	Elko, White Pine	10	179	731	9-21-1979
57.	Buena Vista Valley	Churchill, Pershing	10	129	732	10-02-1979
58.	Panaca Valley	Lincoln	13	203	734	1-17-1980
59.	Salmon Falls Creek	Elko	3	40	736	2-15-1980
60.	Salmon Falls Notice of Curtailment	Elko	3	40	737	2-15-1980
61.	Lower Reese River Valley	Lander, Eureka	4	59	739	3-27-1980
62.	Kings River Valley	Humboldt	2	30	740	4-02-1980
63.	Oasis Valley	Nye	14	228	741	4-02-1980
64.	Ralston Valley	Esmeralda, Nye	10	141	742	4-22-1980
65.	Kings River Valley Notice of Curtailment	Humboldt	2	30	743	4-24-1980
66.	North Fork Area	Elko	4	44	744	5-28-1980
67.	Three Lakes Valley (Southern Part)	Clark	13	211	745	5-28-1980
68.	San Emidio Desert	Wasnoe, Pershing	2	22	746	5-28-1980

A P P E N D I X B

SIGNIFICANT COURT DECISIONS AND ATTORNEY GENERALS'
OPINIONS RELATIVE TO WATER

SOURCE: "Special Information Report, Water - Legal and
Administrative Aspects," Water for Nevada, State
Engineer's Office, September 1974.

SIGNIFICANT COURT DECISIONS AND ATTORNEY GENERALS'
OPINIONS RELATIVE TO WATER

1. EARLY APPLICATION OF APPROPRIATION DOCTRINE
Lobdel vs. Simpson, 2 Nev. 783 (1866).
2. EARLY APPROPRIATION DOCTRINE ON PUBLIC LANDS
Ophir Silver Mining Co. vs. Carpenter, 4 Nev. 534, 543 (1869).
3. NEVADA RIPARIAN DOCTRINE
Vansickle vs. Haines, 7 Nev. 249, 256, 257, 260-261, 265, 285 (1872).
4. REPUDIATION OF RIPARIAN DOCTRINE
Jones vs. Adams, 19 Nev. 78, 84-88; 6 Pac. 442 (1885).

Reno Smelting Works vs. Stevenson, 20 Nev. 269 (1889).
5. WATER RIGHT APPURTENANT TO LAND
Prosoli vs. Steamboat Canal Co., 37 Nev. 154, 161; 140 Pac. 720; 144 Pac. 744 (1914).
6. BENEFICIAL USE
Union Mill and Mining Co. vs. Dangberg, 81 Fed. 73, 97 (D. Nev. 1897).

State of Nevada Ex Rel Hugh Shamberger vs. United States, 165 F. Supp. 600 (D. Nev. 1958).
7. DOCTRINE OF RELATION
Ophir Silver Mining Co. vs. Carpenter, 4 Nev. 534, 543-544 (1869).
8. ABANDONMENT AND FORFEITURE
In Re Waters of Manse Spring, 60 Nev. 280 (1940).
9. CONDEMNATION
Thorn vs. Sweendy, 10 Nev. 251 (1877).

10. DEVELOPED WATERS
Cardelli et al vs. The Comstock Tunnel Co., 26 Nev. 284 (1901).

Attorney General's Opinion No. 331, dated April 25, 1966, regarding the appropriation of developed water.
11. WASTE WATERS
Bidleman vs. Short, 38 Nev. 467 (1915).
12. PRESCRIPTIVE RIGHT
Application of Filippini, 66 Nev. 17 (1949).
13. GROUND WATER
Strait vs. Brown, 16 Nev. 317 (1881).
14. DIVERSION NECESSARY FOR APPROPRIATION
Walsh vs. Wallace, 26 Nev. 299 (1902).
15. CONSTITUTIONALITY
Ormsby County vs. Kearney, 37 Nev. 314 (1914).

Vineyard Land and Stock Co. vs. District Court, 42 Nev. 1, (1918).
16. LIMIT OF WATER RIGHT
Barnes vs. Sabron, 10 Nev. 217 (1875).
17. NAVIGABILITY OF CARSON RIVER
State of Nevada vs. Julius Bunkowski, et al, 1972.
18. DOCTRINE OF RELICTION
State Engineer vs. Cowles Bros., 86 Nev. 872.
19. WATER RELATED ATTORNEY GENERALS' OPINIONS
Opinion No. 133, June 4, 1973. The Truckee River is a navigable stream and ownership of the streambed is vested in the State.

Opinion No. 331, April 25, 1966. Water developed during a mining operation is subject to appropriation under the Nevada water law and the precedent established under Cardelli et al vs. The Comstock Tunnel Co., 26 Nev. 284 (1901) is superceded.

Opinion No. 107, December 15, 1972. The U.S. Supreme Court opinion and decree in Arizona vs. California, 373 U.S. 546 (1963) and 376 U.S. 340 (1964), interpreting the provisions of the Boulder Canyon Project Act, 45 Stat. 1057 (1928), 43 U.S.C. 617-617t, have to a large extent preempted state water laws governing appropriation of public waters from the Colorado River. But state water permits are still required of those parties contracting with the Secretary of Interior where the purpose is to gather necessary information for the state engineer's records and to facilitate the administration of other water resources.

Letter Opinion, August 12, 1965. Geothermal steam is considered water and, as such, use of it must comply with the provisions of the Nevada water laws.

A P P E N D I X C

LIST OF WATER PLANNING DOCUMENTS COMPILED BY
THE DIVISIONS OF WATER RESOURCES AND WATER PLANNING

PLANNING DOCUMENTS COMPILED BY THE DIVISIONS OF WATER
RESOURCES AND WATER PLANNING

Division of Water Resources

1. Water for Nevada, Report No. 1, "Guidelines for Nevada Water Planning," January 1971.
2. Water for Nevada, Report No. 2, "Estimated Water Use in Nevada," January 1971.
3. Water for Nevada, "Special Planning Report (Summary), Water Supply for the Future in Southern Nevada," January 1971.
4. Water for Nevada, "Special Planning Report, Water Supply for the Future in Southern Nevada" (Detail), January 1971.
5. Water for Nevada, "Special Report, Reconnaissance Soil Survey of Railroad Valley," May 1971.
6. Water for Nevada, Report No. 3, "Nevada's Water Resources," October 1971.
7. Water for Nevada, "Special Report, Hydrologic Atlas," June 1972 and subsequent.
8. Water for Nevada, Report No. 4, "Forecasts for the Future - Mining," February 1973.
9. Water for Nevada, Report No. 5, "Forecasts for the Future - Population, February 1973.
10. Water for Nevada, "Special Report, The Future Role of Desalting in Nevada," April 1973.
11. Water for Nevada, Report No. 6, "Forecasts for the Future - Fish and Wildlife," September 1973.
12. Water for Nevada, Report No. 6, "Forecasts for the Future - Fish and Wildlife, Appendix D, Stream and Lake Inventory," September 1973.

13. Water for Nevada, Report No. 7, "Water Related Recreation in Nevada - Present and Future," December 1973.
14. Water for Nevada, Report No. 7, "Water Related Recreation in Nevada - Present and Future, Appendices, Water Based Recreation Inventory," December 1973.
15. Water for Nevada, Report No. 8, "Forecasts for the Future - Agriculture," January 1974.
16. Water for Nevada, "Special Report, Reconnaissance Soil Survey of Dixie Valley," February 1974.
17. Water for Nevada, Report No. 9, "Forecasts for the Future - Electric Energy," August 1974.
18. Water for Nevada, Report No. 9, "Forecasts for the Future - Electric Energy, Appendices," August 1974.
19. Water for Nevada, "Special Report, Input-Output Economic Models," September 1974.
20. Water for Nevada, "Special Report, Water-Legal and Administrative Aspects," September 1974.
21. Water for Nevada, "Special Report, Nevada State Water Plan References," June 1976.
22. Alternative Plans for Water Resource Use, Walker River Basin, Area I, September 1973.
23. Alternative Plans for Water Resource Use, Carson-Truckee River Basins, Area II, December 1973.
24. Alternative Plans for Water Resource Use, Humboldt River Basin, Area III, February 1974.
25. Alternative Plans for Water Resource Use, Central Region, Area IV, April 1974.
26. Alternative Plans for Water Resource Use, Colorado River Basin, Detail Report, Area V, April 1974.

27. Alternative Plans for Water Resource Use, Colorado River Basin, Summary Report, Area V, April 1974.
28. Alternative Plans for Water Resource Use, Snake River Basin, Area VI, June 1974.
29. Water for Nevada, "Special Summary Report, Nevada State Water Plan," November 1974.

Division of Water Planning

1. Water Supply Series, Report No. 1, "Truckee River - Summary and Recommendations," September 1978.
2. Water Supply Series, Report No. 1, "Truckee River - Technical Memoranda, " September 1978.
3. Water Planning Reports, Report No. 1, "Water Conservation in Nevada," August 1979.
4. Water Planning Reports, Report No. 2, "Land Application of Wastewater in Nevada," September 1979.
5. Water Planning Reports, Report No. 3, "Evaluation of Empirical Methods for Estimating Crop Water Consumptive Use for Selected Sites in Nevada," January 1980.
6. Bulletin, "Nevada Water Facts," September 1980.

A P P E N D I X D
SUGGESTED LEGISLATION

SUGGESTED LEGISLATION

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SUMMARY--Provides for extensions of time for use of appropriated water and for registration of certain wells.

(BDR 48-87)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: Contains Appropriation.

AN ACT relating to water; revising certain provisions of law relating to the time within which appropriated water must be put to a beneficial use; clarifying the date after which a period of nonuse of water works a forfeiture of rights; requiring well drillers to furnish copies of certain records to the state engineer; providing for the registration of certain wells; requiring access to water for wildlife; authorizing the state engineer to inspect and regulate reservoirs; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.135 is hereby amended to read as follows:

533.135 1. At the time of submission of proofs of appropriation, where the necessary maps are prepared by the state engineer, the fee collected from such claimants [shall] must be the actual cost of survey and preparation of maps.

2. The state engineer shall collect a fee of [\$10] \$100 for a proof of water used for domestic purposes or any other character of claim to water.

3. All fees collected as provided in this section [shall] must be accounted for in detail and deposited with the state treasurer once in each month.

Sec. 2. NRS 533.380 is hereby amended to read as follows:

533.380 1. In his endorsement of approval upon any application, the state engineer shall:

(a) Set a time [prior to] before which actual construction work [shall] must begin, which [shall] must not be more than 1 year from the date of [such] the approval, and order that the work [shall] be prosecuted diligently and uninterruptedly to completion unless temporarily interrupted by the elements.

(b) Set a time [prior to] before which the construction of the work must be completed, which [shall] must be within 5 years of the date of [such] the approval.

(c) [Set a time prior to] Except as provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which [time shall not exceed] must not be more than 10 years from the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land for which a final subdivision map has been recorded pursuant to chapter 278 of NRS must not be less than 5 years.

2. The state engineer may limit the applicant to a [less amount] smaller quantity of water, [than that applied for,] to a [less] shorter period of time for the completion of work, and [a less] , except as provided in paragraph (c) of subsection 1, to a shorter

period of time for the perfecting of the application than named in the application.

3. [The] Except as provided in subsection 4, the state engineer [shall have authority,] may, for good cause shown, [to] extend the time within which construction work [shall] must begin, [within which] construction work [shall] must be completed, or water must be applied to a beneficial use under any permit therefor issued by [the state engineer;] him; but an application for such an extension must in all cases be made within 30 days following notice by registered or certified mail that proof of [such] the work is due as provided for in NRS 533.390 and 533.410.

4. Whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land for which a final subdivision map has been recorded pursuant to chapter 278 of NRS requests an extension of time to apply the water to a beneficial use, the state engineer shall, in determining whether to grant or deny the extension, consider, among other reasons:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels of land and commercial or residential units which are contained in or planned for the subdivision;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use; and

(d) Any delays in the development of the subdivision which we caused by unanticipated natural conditions.

Sec. 3. NRS 533.410 is hereby amended to read as follows:

533.410 [Should] If any holder of a permit from the state engineer [fail, prior to] fails, before the date set for [such] filing in his permit [,] or the date set by any extension granted by the state engineer, to file with the state engineer proof of application of water to beneficial use, and the accompanying map if [such] a map is required, the state engineer shall advise the holder of the permit, by registered or certified mail, that [the same] his permit is held for cancellation. [Should] If the holder within 30 days after the mailing of [such advice, fail to file] that advice, fails to file with the state engineer the required affidavit and [map, if such map is required, or either of them, with the state engineer,] any required map, or an application for an extension of time to file the instruments, the permit [shall] must be canceled and no further proceedings [shall] may be had thereunder. For good cause shown, upon application made [prior before the expiration of [such] the 30-day period, the state engineer may [, in his discretion,] grant an extension of time in which to file the instruments.

Sec. 4. NRS 533.435 is hereby amended to read as follows:

533.435 1. The [following fees shall be collected by the state engineer:] state engineer shall collect the following fees:

For examining and filing an application for a
permit to appropriate water , except in con-
nection with the construction of a dam or a
reservoir.....[\$35.00] \$150.00

[The \$35 fee shall include] This fee
includes the cost of publication [,
which publication fee] which is \$25.

For examining and filing an application for a
permit to appropriate water to be impounded
or diverted by a dam or reservoir, in addi-
tion to the actual cost of inspection..... 100.00

For examining and filing an application for
each permit to change the point of diver-
sion, manner of use, or place of use..... 40.00

[The \$40 fee shall include the cost of per-
mit should the same issue thereunder, and
the] This fee includes the cost of pub-
lication of such an application, which
[publication fee] is \$25.

[For issuing and recording permit to appropriate water for irrigation purposes, for each acre to be irrigated, up to and including 100 acres, per acre.....	\$.10
For each acre in excess of 100 acres up to and including 1,000 acres.....	.05
For each acre in excess of 1,000 acres.....	.03
For issuing and recording permit for power purposes, for each theoretical horsepower to be developed.....	.05
For issuing final certificate under permit for power purposes, for each theoretical horsepower to be developed up to and including 100 horsepower.....	.25
For each horsepower in excess of 100 horsepower up to and including 1,000 horsepower.....	.20
For each horsepower in excess of 1,000 horsepower.....	.15
For issuing and recording permit to store water.....	25.00
For issuing final certificate under permit to store water, for each acre-foot of water stored up to and including 1,000 acre-feet.....	.05
For each acre-foot in excess of 1,000 acre-feet.....	.03]

For issuing and recording <u>each</u> permit to appropriate water for any [other] purpose, <u>except watering livestock</u> , for each second- foot of water applied for or fraction thereof.....	[10.00]	<u>\$200.00</u>
For issuing and recording <u>each</u> permit to <u>appropriate water for watering livestock,</u> <u>for each second-foot of water applied for</u> <u>or fraction thereof.....</u>		<u>100.00</u>
For filing <u>a</u> secondary permit under <u>a</u> reservoir permit.....		5.00
For approving and recording <u>a</u> permit under <u>a</u> reservoir permit.....		5.00
For filing proof of commencement of work.[1.00]		<u>10.00</u>
For filing proof of completion of work...[1.00]		<u>10.00</u>
For filing proof of beneficial use.....[1.00]		<u>10.00</u>
For filing any protest.....		10.00
For filing any application for extension of time within which to file proofs.....[5.00]		<u>25.00</u>
For filing any assignment or water right deed, for each water right assigned , <u>actual cost</u> <u>of the work up to</u>[1.00]		<u>10.00</u>
For filing any other instrument.....		1.00

For making copy of any document recorded or
filed in his office, for the first 100
words..... \$1.00

For each additional 100 words or frac-
tion thereof..... .20

Where the amount exceeds \$5, then only the
actual cost in excess of that amount
[shall] may be charged.

For certifying to copies of documents, records
or maps, for each certificate..... 1.00

For each blueprint copy of any drawing or map,
per square foot..... .15

The minimum charge for a blueprint copy,
per print..... 1.00

2. When fees are not specified in subsection 1 for [such other
work [as may be] required of his office, the state engineer shall
collect the actual cost of the work.

3. The minimum fee for issuing and recording any permit is \$10

4. Except as otherwise provided in this subsection, all fees
collected by the state engineer under the provisions of this sec-
tion [shall] must be deposited in the state treasury for credit to
the general fund. All fees received for blueprint copies of any
drawing or map [shall] must be kept by him and used only to pay
costs of printing and maintenance of printing equipment. Any
publication fees received which are not used by him for publication

expenses [shall] must be returned to the persons who paid the fees. If, after exercising due diligence, the state engineer is unable to make the refunds, he shall deposit the fees in the state treasury for credit to the general fund. The state engineer may maintain, with the approval of the state board of examiners, a checking account in any bank qualified to handle state [moneys for the purpose of carrying] money to carry out the provisions of this subsection. The bank account [shall] must be secured by a depository bond satisfactory to the state board of examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation.

Sec. 5. Chapter 533 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Before a person may obtain a right to the use of water found above the surface of the ground, he must ensure that access for wildlife to such water will remain available, except that the state engineer may waive this requirement for a domestic use of water.

Sec. 6. NRS 534.090 is hereby amended to read as follows:

534.090 1. [Failure] Except as provided in subsection 2, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it [be] is an adjudicated right, an unadjudicated right, or permitted right, and further whether [such right be] the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which [such right shall be] the right is acquired or claimed, [shall work] works a forfeiture of both undetermined

rights and determined rights of the right to the use of [such] the water to the extent of [such] the nonuse. Upon the forfeiture of right to the use of ground water, [such] the water [shall revert reverts to the public and [shall be] is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the person of record whose right has been declared forfeited, [such] that person fails to appeal such ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final.

2. The state engineer may, upon the request of the holder of right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The state engineer may grant any number of extensions, but no single extension may exceed 1 year. In determining whether to grant or deny a request, the state engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for his failure to use all or any part of the water beneficially for the purpose for which his right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder; and

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use.

3. A right to use underground water whether it [be] is vested or otherwise may be lost by abandonment. If the state engineer, in investigating a ground water source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application. If, upon notice by registered or certified mail to the person of record who had the prior right, [such] that person fails to appeal such ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the state engineer becomes final.

Sec. 7. NRS 534.170 is hereby amended to read as follows:

534.170 1. The well driller shall keep:

(a) A log of the depth, thickness and character of the different strata penetrated and the location of water-bearing strata; and

(b) An accurate record of the work, including:

(1) A statement of the date of beginning work;

(2) The date of completion;

(3) The length, size and weight of the casing and how [the same] it is placed;

(4) The size of the drilled hole;

(5) Where sealed off and the type of seal;

(6) The name of the well driller and the type of drilling machine used;

(7) The number of cubic feet per second or gallons per minute of flow from such well when completed; and

(8) The pressure in pounds per square inch if it is a flowing well, and, if nonflowing, the static water level, and the water temperature.

2. The well driller shall furnish a copy of the log and the record of work for every well drilled to the state engineer within 30 days after the well is completed.

3. If the well is to be tested by pumping by the [permittee, immediately following the completion of the test the report shall holder of the permit, the report of the test must include the drawdown with respect to the amount of water pumped [,] and any additional information requested by the state engineer . [, all of which shall be] This information must be reported and verified on forms prescribed by the state engineer . [and shall] The report must be returned [within] :

(a) Immediately following the completion of the test; or

(b) Within 30 days following the completion of the well [. Since record and dates shall become] , whichever occurs later.

4. The log, record of the work and report of the test are a permanent record in the state engineer's office.

Sec. 8. NRS 535.010 is hereby amended to read as follows:

535.010 1. Any person, firm, association or corporation proposing to construct a dam [in any stream of] or other reservoir for water in this state shall, before beginning [the work of such] construction, obtain from the state engineer [, or shall have theretofore obtained from him,] a permit to appropriate, store and use the water to be impounded by [and] or diverted by [such dam.] the dam or reservoir.

2. Any such person, firm, association or corporation obtaining or possessing such a permit shall:

(a) Before constructing, reconstructing or altering in any way any dam [,] or reservoir, notify the state engineer thereof; and

(b) Where the [proposed] dam [, or as the same may be reconstructed,] or reservoir is or will be 10 feet or more in height or is less than 10 feet in height and will impound more than 10 acre-feet of water, submit to the state engineer in triplicate plans and specifications thereof for his approval 30 days before construction [of such dam shall] is to begin.

3. The state engineer shall examine such plans and specifications and if he approves [the same] them he shall return one copy with his approval to the applicant. If the state engineer disapproves any part of such plans and specifications he shall return [the same] them to the applicant for correction or revision.

4. The construction and use of any dam or reservoir is prohibi
[prior to such official] before approval of the plans and speci-
fications [.] by the state engineer.

5. The state engineer may at any time inspect or cause to be
inspected the construction work while it is in progress in order
determine that it is being done in accordance with the approved
plans and specifications.

6. This section [shall apply] applies to new construction,
reconstruction and alteration of old structures.

7. The provisions of this section relating to approval of plan
and specifications and inspection of dams [shall] or reservoirs d
not apply to works constructed by the United States Bureau of
Reclamation or the United States Army Corps of Engineers; but suc
federal agencies shall file duplicate plans and specifications wi
the state engineer.

8. Any person beginning the construction of any [such] dam or
reservoir before approval of the plans and specifications by the
state engineer, or without having given the state engineer 30 day
advance notice of any proposed change, reconstruction or alterati
thereof, [shall be] is guilty of a misdemeanor. Each day of viol
tion of this section [shall constitute] constitutes a separate
offense and [be] is separately punishable.

Sec. 9. NRS 535.030 is hereby amended to read as follows:

535.030 1. The state engineer from time to time shall:

(a) Make inspections of dams and reservoirs at state expense for the purpose of determining their safety; and

(b) Require owners to perform at their expense such work as may be necessary to supply the state engineer with information as to the safety of [such] dams [.] or reservoirs.

2. The owners shall perform at their expense any other work necessary to maintenance and operation which will safeguard life and property.

3. If at any time the condition of any dam or reservoir becomes so dangerous to the safety of life or property as not to permit sufficient time for the issuance and enforcement of an order relative to the maintenance or operation thereof, the state engineer may [, if he deems it necessary,] immediately employ the following remedial measures to protect either life or property:

(a) Lower the water level by releasing water . [from the reservoir.]

(b) Completely empty the reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

4. The provisions of this section [shall] do not apply to works constructed by the United States Bureau of Reclamation or the United States Army Corps of Engineers.

Sec. 10. NRS 535.040 is hereby amended to read as follows:

535.040 [1.] The provisions of NRS 535.010 to 535.030, inclusive, [shall not be construed as creating any liability for damage against the state or against its officers, agents and employees.

2. No action may be brought under the provisions of NRS 535.010 to 535.030, inclusive, which is based upon:

(a) Failure to inspect any dam or the construction of any dam to determine any hazards, deficiencies or other matters, whether or not there is a duty to inspect; or

(b) Failure to discover such hazard, deficiency or other matter, whether or not an inspection is made.] and the performance by the state engineer of his duties under them do not constitute a warranty in favor of anyone concerning the water to be impounded or diverted.

Sec. 11. 1. There is hereby appropriated from the state general fund to the division of water resources of the state department of conservation and natural resources:

(a) The sum of \$295,325 for the employment of 12 additional persons;

(b) The sum of \$36,000 for the development of a computerized system for filing the records of the division; and

(c) The sum of \$16,800 for the operation of that system.

2. After June 30, 1983, any unencumbered balance of the appropriation made by subsection 1 must not be committed for expenditure and reverts to the state general fund.

SUMMARY--Provides for jurisdiction of public service commission over small water companies. (BDR 58-91)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to public utility regulation; expanding the jurisdiction of the public service commission of Nevada over water companies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.030 is hereby amended to read as follows:

704.030 "Public utility," as used in this chapter, does not include:

1. Corporations, partnerships, sole proprietorships, associations of natural persons, their lessees, trustees or receivers (appointed by any court whatsoever) insofar as they own, control, operate or manage motor vehicles operated as hearses, ambulances or hotel buses engaged in the transportation of persons for hire exclusively within the limits of a city of this state.

2. Corporations, partnerships, sole proprietorships or associations of natural persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

3. [Corporations, cooperatives, nonprofit corporations or associations, partnerships, sole proprietorships, associations of natural persons, their lessees, trustees or receivers appointed by any court whatsoever, engaged in the business of furnishing, for compensation, water or sewer services, or water and sewer services, to persons within this state if:

(a) They serve 25 persons or less; or

(b) Their gross sales for water or sewer services, or water and sewer services, amounted to \$5,000 or less during the immediately preceding 12 months,

and in either case they do not own or control any other such business entity furnishing water or sewer service or water and sewer service within this state.

4.] Any common motor carrier, contract motor carrier of passengers or property, or private motor carrier subject to the provisions of chapter 706 of NRS.

[5.] 4. Corporations or other persons not normally engaged in water production and sales and which sell or furnish water as an accommodation in an area where water is not available from a public utility, [cooperative corporations and associations] or political subdivisions engaged in the business of furnishing water, for compensation, to persons within the political subdivision.

The commission may by subpoena require any person claiming to be exempt from regulation by reason of this section, to appear before

it with all of his relevant books, papers and records, and to testify concerning the scope, nature and conduct of his business.

Sec. 2. NRS 704.675 is hereby amended to read as follows:

704.675 [Every] 1. Except as provided in subsection 2, every
cooperative association or nonprofit corporation or association and
every other supplier of services described in this chapter supplying
those services for the use of its own members only is hereby declared
to be affected with a public interest, to be a public utility, and
to be subject to the jurisdiction, control and regulation of the
commission for the purposes of NRS 703.191, 704.033, 704.035, 704.330,
704.350 to 704.430, inclusive, but not to any other jurisdiction,
control and regulation of the commission or to the provisions of any
section not specifically mentioned in this section.

2. Every cooperative association or nonprofit corporation or asso-
ciation and every other supplier of water or sewerage is subject to
the unlimited jurisdiction, control and regulation of the commission.

Sec. 3. NRS 704.681 is hereby repealed.

SUMMARY--Urges governing bodies in Washoe County to solve issues relating to water. (BDR 92)

CONCURRENT RESOLUTION--Declaring the legislative intent that local governing bodies in Washoe County jointly solve issues relating to water; requesting these bodies to make recommendations regarding the use of water meters; and urging these bodies to develop storage of water upstream.

WHEREAS, Local governing bodies in Washoe County have begun jointly to address issues relating to shortages of water in the Truckee Meadows; and

WHEREAS, The legislature recognizes that quantities of water used are being selectively measured by water meters; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That it is the sense of the legislature that the issues relating to shortages of water can best be resolved by the joint action of local governing bodies in Washoe County, and that an act of the legislature would be appropriate only were these efforts to fail; and be it further

RESOLVED, That the legislature invites the appropriate local governing bodies of Washoe County to make recommendations regarding the use of water meters as a guide to any appropriate modification of the existing statutes restricting their use or jointly to limit the amount of growth in the Truckee Meadows to the availability of water; and be it further

RESOLVED, That the local governing bodies in Washoe County are urged to develop and increase the capability for storage of water upstream.

SUMMARY--Commends United States Air Force for applying for water rights pursuant to state law and urges that only unappropriated water be acquired. (BDR 93)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Commending the United States Air Force for applying for water rights pursuant to state law and urging that only unappropriated water be acquired.

WHEREAS, The water of the State of Nevada is a scarce and valuable resource which is appropriated on the basis of beneficial use; and

WHEREAS, The amount of water which the United States Air Force will require for the construction and operation of the MX Missile installation will constrain the availability of water for other beneficial uses; and

WHEREAS, The United States Air Force has recognized the need of the State of Nevada to appropriate water according to a comprehensive scheme; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY,
That the Nevada legislature hereby commends the United States Air Force for applying for the acquisition of water rights for the MX Missile installation pursuant to the laws of the State of Nevada; and be it further

RESOLVED, That the Nevada legislature urges the United States Force to restrict its use of water to that which is presently unpriated and not to restrict or condemn any existing water rights and be it further

RESOLVED, That a copy of this resolution be immediately transmitted by the legislative counsel to the Secretary of the Air Force and be it further

RESOLVED, That this resolution shall become effective upon passage and approval.

SUMMARY--Requests agencies of the United States to apply for water rights pursuant to state law. (BDR 94)
Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Requesting all agencies of the United States to apply for water rights pursuant to state law.

WHEREAS, Water is a scarce and important resource of the State of Nevada which is subject to many demands for use; and

WHEREAS, The State of Nevada has developed a comprehensive scheme for the allocation of water rights; and

WHEREAS, The effectiveness of this scheme in properly allocating water to meet the needs of this state depends on its comprehensive design; now, therefore, be it

RESOLVED BY THE AND THE OF THE STATE OF NEVADA, JOINTLY, That all agencies of the United States seeking to acquire water rights in the State of Nevada should apply for those rights pursuant to the water law of the State of Nevada; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the United States and to each member of the Nevada congressional delegation; and be it further

RESOLVED, That this resolution shall become effective upon passage and approval.

SUMMARY--Commends Senator Paul Laxalt for his efforts to obtain federal money for repair of Newlands Project and requests further action. (BDR 95)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Commending Senator Paul Laxalt for his efforts to obtain a federal appropriation for repairs to and improvement of the Newlands Project; and urging him to expand his request to include repairs of facilities on the Carson River.

WHEREAS, United States Senator Paul Laxalt has requested the water resources subcommittee of the Senate Appropriations Committee to recommend an appropriation of \$15 million for repairs to and improvement of the Newlands Project; and

WHEREAS, The facilities of the Newlands Project need to be repaired and improved to fulfill the purposes of reclamation for which the project was originally conceived; and

WHEREAS, The facilities on the Carson River constructed upstream from Carson City which are used for local irrigation have been severely damaged and are in need of repair; and

WHEREAS, The continued deterioration of dams, canals and waterways will adversely affect the economic well-being of the communities which they help to sustain; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA,
JOINTLY, That the Nevada legislature commends Senator Paul Laxalt

for his efforts to obtain federal appropriations for repairs to improvement of the Newlands Project and urges him to continue his efforts in this regard; and be it further

RESOLVED, That the Nevada legislature urges Senator Laxalt to expand his request to include money for repairs of the damaged facilities on the Carson River; and be it further

RESOLVED, That a copy of this resolution be immediately transmitted by the legislative counsel to Senator Laxalt and to other members of the Nevada congressional delegation; and be it further

RESOLVED, That this resolution shall become effective upon passage and approval.

SUMMARY--Urges Congress of United States to ratify California-Nevada Interstate Compact. (BDR 106)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging the Congress of the United States to ratify the California-Nevada Interstate Compact.

WHEREAS, After many years of negotiation, the states of California and Nevada reached final agreement in 1971 on the California-Nevada Interstate Compact; and

WHEREAS, Under section 10 of Article I of the Constitution of the United States, and as provided in article 22 of the compact, ratification by the Congress of the United States is required before the compact may become effective; and

WHEREAS, Valuable natural resources would be conserved and important agricultural interests would be benefited by congressional ratification; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA,
JOINTLY, That the Nevada legislature urges the Congress of the United States to ratify the California-Nevada Interstate Compact; and be it further

RESOLVED, That copies of this resolution be immediately transmitted by the legislative counsel to the Vice President of the

United States as presiding officer of the Senate, to the Speaker
the House of Representatives, and to all members of the Nevada
congressional delegation; and be it further

RESOLVED, That this resolution shall become effective upon pas:
and approval.

SUMMARY--Opposes designation of rivers in Nevada pursuant to Wild and Scenic Rivers Act. (BDR 107)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Opposing designation of any river in Nevada as wild, scenic or recreational pursuant to the Wild and Scenic Rivers Act.

WHEREAS, In 1968 the Congress of the United States enacted the Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 et seq.) to preserve certain rivers for the benefit and enjoyment of future generations; and

WHEREAS, The Heritage Conservation and Recreation Service of the United States Department of the Interior has begun to identify rivers which are eligible for designation as wild, scenic or recreational within the national wild and scenic river system; and

WHEREAS, Every river in Nevada which has been identified for inclusion in this system is fully appropriated to beneficial uses pursuant to the water law of this state; and

WHEREAS, Designation of a river as wild, scenic or recreational would create uncertainty regarding existing water rights and future uses, and curtail the ability of this state to manage its water resources properly; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA,
JOINTLY, That the Nevada legislature opposes the designation of any

river in this state as wild, scenic or recreational pursuant to the Wild and Scenic Rivers Act; and be it further

RESOLVED, That copies of this resolution be immediately transmitted by the legislative counsel to the Secretary of the Interior to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

RESOLVED, That this resolution shall become effective upon passage and approval.

SUMMARY--Requests Secretary of Interior to execute Washoe Project Contract and to release water from Stampede Reservoir for municipal and industrial uses. (BDR 108)
Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Requesting the Secretary of the Interior to execute the Washoe Project Contract and to release water from Stampede Reservoir for municipal and industrial uses within the Carson-Truckee Conservancy District.

WHEREAS, The Congress of the United States enacted the Washoe Project Act (§ 1, 70 Stat. 775) which authorizes the Secretary of the Interior to construct, operate and maintain the Stampede Reservoir and to furnish water for beneficial uses; and

WHEREAS, The Washoe Project Contract provides for the release of water from Stampede Reservoir for use within the Carson-Truckee Conservancy District; and

WHEREAS, The Definite Plan Report prepared by the United States Department of the Interior for the Washoe Project allocates 57 percent of the estimated yield of the Stampede Reservoir for municipal and industrial uses within the Carson-Truckee Conservancy District; and

WHEREAS, The Congress of the United States expressed its intent to authorize the release of water from Stampede Reservoir for municipal and industrial uses by amending the federal reclamation laws (43 U.S.C. §§ 421 et seq.) to allow the Secretary of the Interior to do so; and

WHEREAS, Water for municipal and industrial uses is needed because of the increase in population of the cities of Reno and Sparks; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada legislature requests the Secretary of the Interior to execute the Washoe Project Contract in accordance with the expressed intent of the Congress of the United States and to release water from Stampede Reservoir for municipal and industrial uses within the Carson-Truckee Water Conservancy District; and be further

RESOLVED, That copies of this resolution be immediately transmitted by the legislative counsel to the Secretary of the Interior and to all members of the Nevada congressional delegation; and be further

RESOLVED, That this resolution shall become effective upon passage and approval.