

REGIONAL WATER AUTHORITIES AND OTHER WATER ISSUES



Bulletin No. 85-10

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1984

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OF THE
LEGISLATIVE COUNSEL BUREAU

STATE OF NEVADA

AUGUST 1984

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SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the feasibility of establishing regional water authorities and prohibiting the transfer of certain water and the state engineer from acting upon applications to export water from certain counties.

WHEREAS, There has been and continues to be a large growth in population and intense residential, commercial and industrial development in the incorporated and unincorporated areas of several counties in this state; and

WHEREAS, The domestic and waste water facilities in such counties have traditionally been operated by several private and municipal utilities that primarily serve city residents; and

WHEREAS, With the development of multiple contiguous communities and suburban living, the existing domestic and waste water facilities are now serving the inhabitants of a large geographical area and increasing numbers of tourists; and

WHEREAS, The multiple corporations and municipalities are unable to operate effectively these domestic and waste water facilities because the vast amount of money required for maintenance and capital improvements is not available to the municipalities or private corporations through issuance of the types of securities permitted by law; and

WHEREAS, A regional governmental corporation would accommodate the expanding urban population, provide adequate funding and establish the administration necessary to ensure adequate services to the region within the boundaries of such counties; and

WHEREAS, The creation of a regional governmental corporation is a matter of public necessity and would serve a public purpose and promote the general welfare by facilitating adequate domestic and waste water services; and

WHEREAS, There may be alternative solutions to the domestic and waste water problems in such counties; and

WHEREAS, The export of water from such counties may frustrate and negate the planning efforts of those counties; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is hereby directed to conduct a study of the feasibility of creating, governing and financing a regional authority to provide domestic and waste water services in an area which includes all or part of such a county; and be it further

Resolved, That the study include the storage of water and other measures to conserve water in such counties; and be it further

Resolved, That the study include the consideration of recommendations from the governing bodies of such counties and cities within such counties, other persons and companies that are engaged in supplying such services and from any regional planning agencies in the area; and be it further

Resolved, That the results of the study be submitted to the 63rd session of the Nevada legislature; and be it further

Resolved, That the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:

1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; and

2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned; and be it further

Resolved, That the state engineer shall not allow any water to be transferred from Washoe Valley to any other area until the legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned; and be it further

Resolved, That the state engineer shall report to the 63rd session of the legislature the nature and status of applications and permits for exporting water from a county having a population of more than 13,000 to a county having a population of 250,000 or less, and the quantity of water being exported pursuant to such permits.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 63RD SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 45 of the 62nd session of the Nevada legislature, which directs the legislative commission to study the feasibility of establishing regional water authorities and other issues pertaining to water. The resolution also prohibits the state engineer, division of water resources, state department of conservation and natural resources, from acting upon applications to export water from certain counties to certain other counties.

On June 30, 1983, the legislative commission appointed a subcommittee to conduct this study. The subcommittee was composed of Assemblyman Leonard V. Nevin who served as chairman, Senator Randolph J. Townsend as vice chairman, Senator Alan H. Glover, and Assemblymen Erik Beyer, Bruce R. Bogaert and Charles G. Bourne.

In this report, the subcommittee has attempted to present its findings and recommendations in a concise form. Only that information which bears directly upon the scope of the study and the subcommittee's recommendations is included. All supporting documents, including minutes, staff reports and other research materials, are available and on file with the research library of the legislative counsel bureau.

Thanks are extended to those persons who participated in meetings of the subcommittee, particularly those who provided written information. At least a few of the participants should be mentioned for their assistance. These include representatives of the Washoe County Metropolitan Water Authority, the cities of Reno and Sparks, Carson City, Churchill County, Douglas County, Lyon County, Washoe County, Sierra Pacific Power Company, Nevada's department of conservation and natural resources, the United States Geological Survey, the Builders Association of Northern Nevada, the Truckee-Carson Federal Water Master, and many others. It should also be noted that Washoe County provided the funding necessary to conduct this study.

This report is transmitted to the members of the 1985 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
August 1984

* * * * *

LEGISLATIVE COMMISSION

Senator James I. Gibson, Chairman

Senator Thomas J. Hickey	Assemblyman Louis W. Bergevin
Senator Robert E. Robinson	Assemblyman Joseph E. Dini, Jr.
Senator Randolph J. Townsend	Assemblyman John E. Jeffrey
Senator Sue Wagner	Assemblyman Michael O. Malone
	Assemblyman David D. Nicholas
	Assemblyman John M. Vergiels

SUMMARY OF RECOMMENDATIONS

The legislative commission's subcommittee studying regional water authorities and other water issues recommends for the consideration of the 63rd session of the Nevada legislature that:

1. Section 445.017 of the Nevada Revised Statutes be amended to require the installation of indoor water-saving faucets in buildings constructed after January 1, 1986, in addition to the shower apparatus presently regulated by this section. (BDR 40-140)
2. Line 20 of page 2227 of the Statutes of Nevada, 1983, (Senate Concurrent Resolution No. 45 of the 62nd session, File No. 158) be amended by deleting the word "and" which separates subsections 1 and 2, as cited below, and inserting the word "or." (BDR 144)

* * * the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:
 1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; [and] or
 2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned. * * *
3. The Nevada Revised Statutes be amended to establish a permanent fund or account for water resources research. All of the fees collected on an annual basis by the state engineer should go into that account or fund, with the exception of up to \$25,000, which must be used by the state engineer, after obtaining matching money from the Federal Government, to microfilm the records of water rights maintained in his office. (BDR 48-141)
4. Chapter 487 of the Statutes of Nevada, 1983, be amended to provide that a two-thirds vote of the full membership of the board of directors of the Washoe County Metropolitan Water Authority be required for all official actions of that body. (BDR S-143)
5. Section 704.230 of the Nevada Revised Statutes be amended to provide that in cities and towns containing more than 7,500 people, but less than 250,000 people, the local governing body may not require the installation of watermeters or similar mechanical devices unless approved by a vote of the public. (BDR 58-142)

6. An official high water level for Washoe Lake be designated. In this regard, the subcommittee further recommends that:
 - a. The staff of the research division of the legislative counsel bureau identify and prepare a list of those persons who own land located around the edges of Washoe Lake.
 - b. The staff of the research division also identify and prepare a list of those persons and entities who may be affected by the establishment of an official high water level, including the Federal Water Master for the Truckee and Carson Rivers, state agencies, ditch companies and homeowners' associations.
 - c. The chairman of the subcommittee send letters to the persons on the list provided by legislative staff. The letters are to suggest that meetings be held to determine the feasibility of reinitiating the legal proceeding of the Federal Water Master to establish an official high water level for Washoe Lake. The letters to the state agencies (e.g., transportation, wildlife and parks) should emphasize strongly mutual cooperation and the establishment of a unified position by the state.
 - d. The Federal Water Master reinitiate legal proceedings to establish an official high water level for Washoe Lake if the affected landowners, agencies and other entities are able to agree on the issue.
7. The legislature and other entities in Nevada continue or initiate studies regarding additional facilities for the storage of water.
8. The state engineer be prudent in his review and possible approval of interbasin transfers of water within and between counties.
9. It be respectfully requested that all proposed legislation pertaining to the Washoe County Metropolitan Water Authority be submitted to members of the legislature's subcommittee studying regional water authorities and other water issues for review prior to the 1985 legislative session. This will enable better coordination of such legislation.

REPORT TO THE 63RD SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
STUDYING REGIONAL WATER AUTHORITIES
AND OTHER WATER ISSUES

I. INTRODUCTION

A. PROHIBITION OF CERTAIN ACTIONS BY THE STATE ENGINEER

Senate Concurrent Resolution No. 45 of the 62nd session was designed to address a number of different issues. With strong support from Washoe County, Nevada, legislators, this measure was partially a response to an application filed by Carson City to export some 3,000 acre-feet of water per year from the southern portion of Washoe County (Washoe Valley) into Carson City.

For a number of years, Carson City has been attempting to acquire an additional source of water for its expanding population. For example, Carson City has made serious efforts to acquire additional water from both Douglas County and the Marlette-Hobart water system of the State of Nevada.

In order that the state engineer of Nevada's division of water resources, department of conservation and natural resources, may have a better understanding of the hydrology of Washoe Valley before acting upon the applications of Carson City and other entities, S.C.R. 45 requires, among other things, that studies of water supply and management first be completed. In particular, it was hoped that the study of Washoe Valley by the United States Geological Survey (USGS) could be completed and reviewed by the state engineer prior to his official action. It should be noted that the report of the United States Geological Survey was released in June 1984 and is now being reviewed by the state engineer and other affected entities. The report, titled Hydrology of Washoe Valley, Washoe County, Nevada,³⁰ contains the conclusions which follow:

Any major development of the water resources of Washoe Valley that causes significant lowering of the water table will upset the rather delicate balance between inflow and outflow that now exists. The primary buffer that currently reflects changes in these water budget components is Washoe and Little Washoe Lakes. Following periods of less than normal precipitation Little Washoe Lake dries up and Washoe Lake is reduced in area. Following periods of greater than normal precipitation, Washoe Lake increases in area, Little Washoe Lake comes into existence, and outflow to Steamboat Creek increases.

Water resource development in most basins in Nevada requires the lowering of ground water levels and the salvage of evapotranspired natural discharge. Most other basins in Nevada do not have a permanent lake in them. A similar approach to water resource development in Washoe Valley will have a direct and fairly rapid impact on Washoe and Little Washoe Lakes. Lowered ground water levels will allow greater infiltration of surface runoff, reducing the amount entering the lakes. Ground water discharge directly to the lakes will be reduced and eventually will stop. The net result will be the eventual destruction of the lakes. Only after the lakes have been significantly impacted can any salvage of evapotranspiration be expected. Direct development of surface water resources will have the same impact on the lakes.

B. INTERIM STUDY BY THE LEGISLATIVE COMMISSION

The other primary thrust of S.C.R. 45 was to direct the legislative commission to study regional water authorities and other water issues. With passage of Senate Bill No. 417 (chapter 487 of the Statutes of Nevada, 1983) (Appendix A) by the 1983 legislature, the Washoe County Metropolitan Water Authority was created. As such, both the legislative commission and the new authority are responsible to study a regional authority to provide domestic and waste water services in Washoe County. Both entities also are directed to report back to the legislature with their findings and recommendations.

In addition to its responsibilities regarding a regional water authority, the legislative commission also was directed to specifically study other water issues. These other issues, because of the population limits specified in S.C.R. 45, were only examined for certain counties in the state (Carson City, Churchill, Douglas, Elko, Lyon and Washoe). The other water issues which were studied by the subcommittee of the legislative commission may be summarized as follows:

1. Alternative solutions to the domestic and waste water problems in such counties.
2. The export of water from such counties, which may frustrate and negate the planning efforts of those counties.
3. The storage of water and other measures to conserve water in such counties.

C. PUBLIC MEETINGS OF THE SUBCOMMITTEE

The subcommittee, which was appointed by the legislative commission to conduct the S.C.R. 45 study, held a total of six public meetings. The initial meeting was held in Reno and emphasized the programs and projections of the Sierra Pacific Power Company which supplies water to 80 percent of the population of Washoe County. Subsequent meetings were held in the Reno City Council Chambers, the Renewable Natural Resources Center of the University of Nevada, the Sparks City Council Chambers and the Washoe County Commission Chambers. The final meeting and work session of the subcommittee was held in the legislative building in Carson City.

II. REGIONAL WATER AUTHORITIES

Clark County

The history of regional water authorities in Nevada dates back to 1947, when the legislature created the Las Vegas Valley Water District. The bill which was enacted by the legislature was Senate Bill No. 63, introduced by Senator C.D. Baker of Clark County. This statute does not appear in the Nevada Revised Statutes (NRS) because of its specific nature, but instead appears as chapter 167 of the Statutes of Nevada, 1947 (Appendix B). The summary of this law reads as follows:

An Act to create a water district in the Las Vegas Valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, municipal, and domestic uses; to provide for the conservation of the ground water resources of the Las Vegas Valley, and to create authority to purchase, acquire, and construct the necessary works to carry out the provisions of this act; to authorize a tax levy for the payment of obligations during the organizational period, and to provide for the issuance of district bonds to be paid solely from the operating revenues of such district.

Today, the Las Vegas Valley Water District provides water service to approximately 75 percent of the population of Clark County, or roughly 410,000 persons. The cities of Boulder City, Henderson and North Las Vegas operate their own water systems as does Nellis Air Force Base. It is estimated that approximately 75 percent of the water used by the Las Vegas Valley Water District comes from the Colorado River, with the remaining 25 percent from wells.

Other details concerning the Las Vegas Valley Water District which may be of interest when considering a regional authority in Washoe County include the following:

1. The seven Clark County commissioners comprise the board of directors of the district.
2. The district currently has an authorized staff of 326 persons, including 65 who are working on the Southern Nevada Water System under contract to the State of Nevada.
3. Water supplies in the Las Vegas Valley should be adequate until sometime between the years 2000 and 2020.
4. The average water consumption of customers of the district is 23,400 gallons per month, or approximately 290 gallons per person per day.
5. The monthly service charge for residential customers of the district is \$7.45 plus 66 cents for each 10,000 gallons of water used.

Other Locations in Nevada

In other parts of Nevada, a much different approach has often been used to supply water for new development. The following section of Public and Private Water Systems in Nevada¹³ provides a good description of this approach.

Development in Nevada has frequently relied on small, privately owned water systems which were created specifically for the subdivision and sale of lands or houses. Present conditions indicate that these small water systems very seldom are profitable and usually suffer from lack of capital. With more stringent requirements for water quality, many of these small companies may not be able to meet the drinking water requirements and be profitable. As a result, many of these private systems will either convert to a public system or be purchased by larger privately owned systems. Regardless of which alternative may occur, the users may be faced with financial or water quality related impacts.

Washoe County

The primary provider of water in the Truckee Meadows area of Washoe County is Sierra Pacific Power Company (SPPCo.). The Truckee Meadows, it should be noted, contains both the cities of Reno and Sparks as well as additional unincorporated areas of Washoe County. Approximately 78,500 acre-feet of municipal and industrial (M and I) water rights are controlled by Sierra Pacific Power Company in the Truckee Meadows. This

water is primarily from the Truckee River and its tributaries, but some 12,000 acre-feet come from ground water sources. Appendix C of this report contains additional details concerning water supply in the Truckee Meadows.

In terms of residential use only, Sierra Pacific Power Company currently serves approximately 80 percent of the population of Washoe County--or roughly 175,000 persons. State law (NRS 704.230, "Installation, use of watermeters"--see Appendix D) currently prohibits the use of residential watermeters in the cities of Reno and Sparks unless consented to by the customer and utility. More recent development in the Truckee Meadows, however, has been equipped with "meter related facilities" by Sierra Pacific Power Company which will greatly reduce the cost of possible future conversion to a system of watermeters. Approximately 15 percent of the households served by Sierra Pacific Power Company have been so equipped.

Because the residential customers of Sierra Pacific Power Company are not on a system of watermeters, these customers pay a flat rate which is not based on consumption. As such, water consumption on a per capita basis in the Truckee Meadows is higher than that in similar jurisdictions which do have a system of watermeters.

Another water-related issue in Washoe County concerns future supplies of water. Officials of Sierra Pacific Power Company are concerned that the current water available to them may not be sufficient to adequately supply the future needs of the Truckee Meadows, particularly during periods of drought.

An equally important issue is the litigation concerning Truckee River water which has been filed by the Pyramid Lake Paiute Indian Tribe. If the Tribe is successful regarding any of this litigation, supplies of water available in the Truckee Meadows would most likely be reduced from current levels. It is important to note that the Tribe has very consistently demanded that watermeters be a condition of any settlement proceedings concerning its litigation. Appendix E of this report provides a summary of litigation involving water in western Nevada.

Because of these and other water-related issues in the Truckee Meadows, the 1983 Nevada legislature passed Senate Bill No. 417 (Appendix A). In this act, the legislature made several determinations, findings and declarations which led to the creation of a water authority serving the Truckee Meadows. For example, subsection 6 of section 2 of the bill states that:

6. The necessity for this act results from:

(a) The large population growth in the urban area hereby included within the district, constituting a major portion of the state's population;

(b) The numerous capital improvements and large amount of improved real property situated within such urban area;

(c) The arid or semiarid nature of the urban area, the scarcity of water therein, the necessity of the development of a larger water supply for the urban area and of a larger regional system for the acquisition and transmission of water supplies to the urban area;

(d) The division of the urban area into large areas of incorporated areas and unincorporated areas;

(e) The fragmentation and proliferation of powers, rights, privileges and duties pertaining to water supply within the urban area among a substantial number of public bodies, corporations and other persons;

(f) The resultant problems in water supply require extensive management and planning of the use of the water supplies existing within the district and require that appropriated water used in the district and unappropriated water found within the district must remain in the district unless its export is approved by the board as part of a comprehensive plan; and

(g) The close interrelationship between the allocation and distribution of surface and subsurface water for domestic, commercial and industrial use.

The water authority created by Senate Bill 417 is cited in the law as the Washoe County Metropolitan Water Authority. Since passage of this act, the board of directors of the authority have independently decided to call this entity the Truckee Meadows Water Authority. Regardless of its name, the authority has been given limited powers but is permitted to "plan for the present and future use of water resources within the jurisdiction or at the disposal of the authority, and prepare and recommend legislation concerning the authority."

The legislature's subcommittee studying regional water authorities and other water issues was required by law to complete its work during the summer of 1984. Unfortunately, legislation which may be proposed by the water authority was not available for review by the legislative subcommittee prior to the preparation of this report.

III. OTHER ISSUES RELATED TO WATER RESOURCES

In accordance with the direction established by S.C.R. 45, several other water issues were discussed by the subcommittee. These issues specifically included water storage,

water conservation, intercounty transfers of water, and problems relating to domestic and waste water. In addition to these issues, the subcommittee received testimony regarding other issues related to water resources. Appendix F of this report, which was provided by Louie Gardella, a long-time expert concerning the water resources of western Nevada, includes additional details for many of these issues.

A summary and discussion of the most significant issues related to water which were discussed by the subcommittee follows.

A. WATER CONSERVATION

Issue

Future growth and development in the Truckee Meadows and other portions of western Nevada are limited by a general lack of available surplus water. Because of this, water conservation measures will become increasingly important in the years to come.

Discussion

Many persons who testified before the subcommittee agreed that western Nevada will face serious water shortages in the future unless appropriate water conservation measures are adopted within the next few years.

Carson City was used by some as an example of a community which has implemented several water conservation measures, including: watermeters with a rate structure which increases per unit of water used as water usage increases; alternate days of lawn watering between May 15 and September 15 of each year, based upon odd or even numbered street addresses; watering of lawns restricted to morning or late evening hours; water waste, including water allowed to flow onto sidewalks or streets, is prohibited and violators may be fined. The need to stress voluntary conservation of water was also advocated by several persons.

It was pointed out that the average residential consumption of water in Carson City is 187 gallons per person per day. On the other hand, residents of the cities of Reno and Sparks, which are not on a system of watermetering or water conservation, use an average of 275 gallons per person per day.

A representative of the Sierra Pacific Power Company informed the subcommittee that the following items need to be taken into consideration regarding conservation programs and watermeters:

1. Conservation programs and watermeters change demand. These measures would allow Sierra Pacific Power Company to spread its present rights over a larger number of people.
2. One numerical figure showing the anticipated decrease in demand must be agreed upon so the citizens have an idea of what the effect will be.
3. Many cities have experienced a decrease in demand when meters were initiated, but as time passed the demand increased somewhat.
4. Meters mainly affect water used in yards for lawn and landscape irrigation purposes rather than in the home.
5. In order to enforce water conservation measures, reasonable restrictions are necessary.

In respect to the Truckee Meadows area of Washoe County, representatives of Sierra Pacific Power Company stated that:

1. The watermeter installation cost for existing residential customers without meter provisions would be approximately \$400 to \$500.
2. Residences built after 1981 are equipped with watermeter facilities except for the meter itself. Installation of the meter is estimated to cost \$75.
3. Depending on a residential customer's landscaping and lot size, the monthly metered water bill would probably not increase from the present figure of \$21.
4. Approximately 6 months ago, Sierra Pacific Power Company estimated that the total expense to install residential watermeters in Washoe County would be \$25 million. This amount depends on the necessity to retrofit a residence and the manner in which the public service commission of Nevada (PSCN) allows Sierra Pacific Power Company to be reimbursed for its expenditures. (See also Appendix G of this report.)
5. There are presently 4,500 to 5,000 commercial customers of Sierra Pacific Power Company in Washoe County on watermeters. State law prohibiting watermetering in the cities of Reno and Sparks applies only to residential customers.
6. The installation of watermeters in the residential areas of Reno and Sparks would decrease water demand and consumption by an estimated 15 to 20 percent.

7. As noted earlier, the Pyramid Lake Paiute Indian Tribe has specifically requested that watermeters be used in the Truckee Meadows as a conservation measure. Operating criteria which will satisfy the needs of the endangered Cui-ui fish is also a settlement requirement of the Tribe.
8. It is probably not a good idea to require that future residential areas to be built in Reno and Sparks be on a system of watermetering if existing residential areas are not. Sierra Pacific Power Company is concerned there would be claims that it discriminates between existing and future water customers.

B. WATER STORAGE

Issue

If adequate amounts of water are to be provided in the future to the Truckee Meadows and other portions of western Nevada, additional water storage facilities may be required.

Discussion

In regard to water storage, the following topics were discussed.

1. General Discussion

For Truckee Meadows, the most effective additional storage may be on the Truckee River itself. Presently, all storage is on tributary streams. However, the most economically and environmentally acceptable sites have already been developed, and there is only a small amount of unappropriated water available for storage.

The key to effective storage is reserving the water during good years and distributing it in dry years. This enables the yield of average and critical years to be almost the same. Without water storage facilities for surplus water produced in good years, the dry year problems will continue. Even though storage facilities are extremely expensive, it is an important issue for the State of Nevada to address as soon as possible.

It was also stated by some that water storage must be a regional program. Creation of a storage facility on the Carson River, such as the Watasheamu Project, should be a priority. The Carson River is the primary remaining source of water available for water storage in western Nevada at the present time. The increased population in Carson City, Gardnerville and Minden demands more water availability, particularly during dry years.

Map 1 and the factual data contained in Appendix H of this report describe the Washoe Project of the U.S. Bureau of Reclamation for western Nevada and adjacent portions of California.

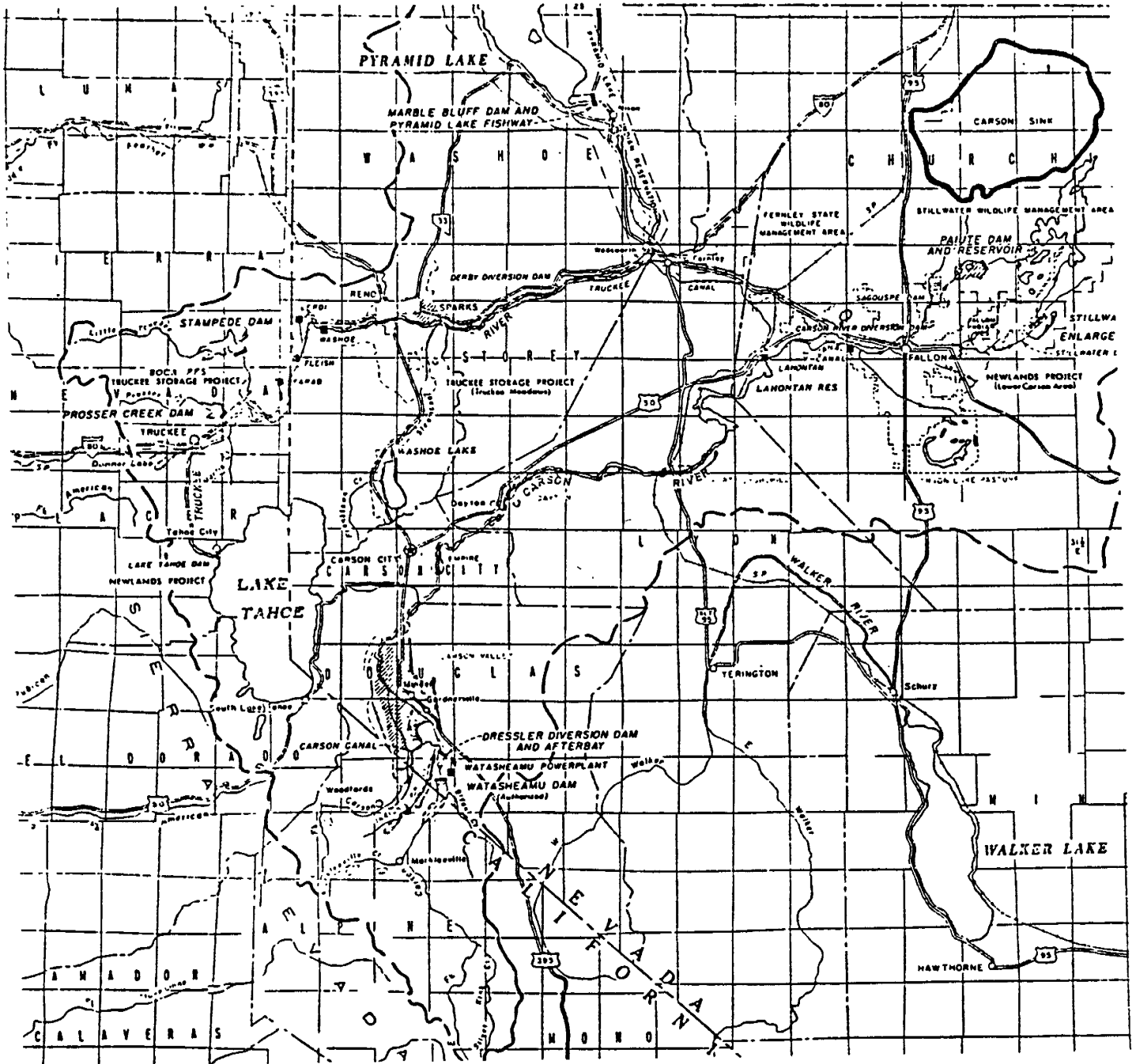
2. Stampede Reservoir

The use of Stampede Reservoir is presently a very important water issue in the Truckee Meadows. When Stampede Reservoir was constructed, the definite plan report specified that 57 percent of the reservoir yield was to be used for M and I purposes in Reno and Sparks, 23 percent for M and I purposes in California and 20 percent for fishery improvements in the lower river around Pyramid Lake. Since completion of the reservoir, the Pyramid Lake Indian Tribe has claimed the water stored in the reservoir and indicated it should only be used for fishery improvements. Because of related litigation, no water from Stampede Reservoir has yet been made available in Reno or Sparks. Attempts to purchase the water from the United States Department of the Interior for use in the Truckee Meadows have failed because of problems with the Tribe.

Litigation on Stampede Reservoir and the Truckee River system involves the following:

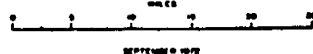
- a. In 1976 the Carson-Truckee Water Conservancy District, which is the repayment agency for Stampede Reservoir, and Sierra Pacific Power Company filed suit against the United States Department of the Interior to receive Stampede water. The issue was whether the Tribe needed it under the Winters' right to water. The Federal Government was not providing water to Sierra Pacific Power Company through the conservancy district because the government felt it had an obligation to the Tribe. The Endangered Species Act was also raised, but it was not a serious issue at the time of filing and during negotiations.
- b. In 1978, Tennessee Valley Authority v. Hill (snail darter case) raised the importance of the Endangered Species Act.
- c. Pyramid Lake Indian Tribe v. Environmental Protection Agency and Pyramid Lake Indian Tribe v. Environmental Protection Agency and the Cities of Reno and Sparks. In the first suit the Tribe claims it should be allowed to set its own water quality standards on the Reservation because the existing standards are not beneficial to endangered species. In the second suit the Tribe claims that the conditions set in the joint sewage treatment plant have not been met.

MAP 1



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
WASHOE PROJECT
NEVADA-CALIFORNIA

MAP NO 320-208-35
MILES



- BUREAU OF RECLAMATION
COMPLETED OR AUTHORIZED
- DAM AND RESERVOIR
 - PROJECT HEADQUARTERS
 - BUREAU OF RECLAMATION PROPOSED CANAL
 - DAM AND RESERVOIR
 - CANAL
 - SUPPLEMENTAL IRRIGATION SERVICE LAND
 - DRAINAGE SERVICE LAND
 - PRESENTLY IRRIGATED LAND (NONPROJECT)
 - PROJECT BOUNDARY
 - POWERPLANT (PRIVATE)
 - POWERPLANT (FEDERAL)
 - CANAL

- d. In Nevada v. the United States (also known as the Truckee Carson Irrigation District Decision), the Tribe claimed the Winters' right to water with an 1859 priority. The U.S. Supreme Court agreed with the State of Nevada, Truckee Carson Irrigation District and Sierra Pacific Power Company that the issue of the Tribe's water right was resolved in the Orr Ditch Decree. This decision removed a cloud on the title of all water rights in the Truckee Meadows.

C. INTERCOUNTY TRANSFERS OF WATER

Issue

The transfer of water from one water basin to another, or from one county to another, may frustrate the planning efforts of local governments.

Discussion

There are currently three interbasin diversions existing between the Truckee and Carson River systems:

1. Disposal of sewage water from Lake Tahoe entering the Carson River system. This diversion is a result of an interstate compact.
2. Derby diversion into the Lahontan Reservoir (Carson River basin) from the Truckee River. This diversion is fully covered under the Truckee River Decree.
3. Diversion of Marlette Lake water (Truckee River basin) into Carson City.

Existing diversions out of the Truckee River basin include the diversion into the Feather River of California, which is known as the Sierra Valley Diversion. This diversion comes out of the Little Truckee River, just above Independence Creek, and takes water out of Weber Lake, enters the middle fork of the Feather River and goes west through Quincy. The diversion originated in 1870 and is related to the Orr Ditch Decree and Truckee River Decree.

Other out-of-basin diversions involving the Truckee River include:

1. Sewage diversions into the Carson River basin.
2. Pacific Gas and Electric diversions into the American River.
3. Diversions to Carson City and Virginia City from Marlette Lake.

4. The Sierra Valley diversion.
5. The Derby Dam diversion.
6. The Stead diversion. (Established under emergency circumstances.)

A proposed bill was presented to the subcommittee by representatives of Washoe County which would place additional review requirements on actions of the state engineer concerning proposed intercounty transfers of water. Appendix I of this report is a copy of that proposal which is discussed in greater detail in "Final Issues and Recommendations."

D. AVAILABILITY OF WATER

Issue

There is concern that water supplies in the Truckee Meadows, particularly during periods of drought, may be insufficient in the near future.

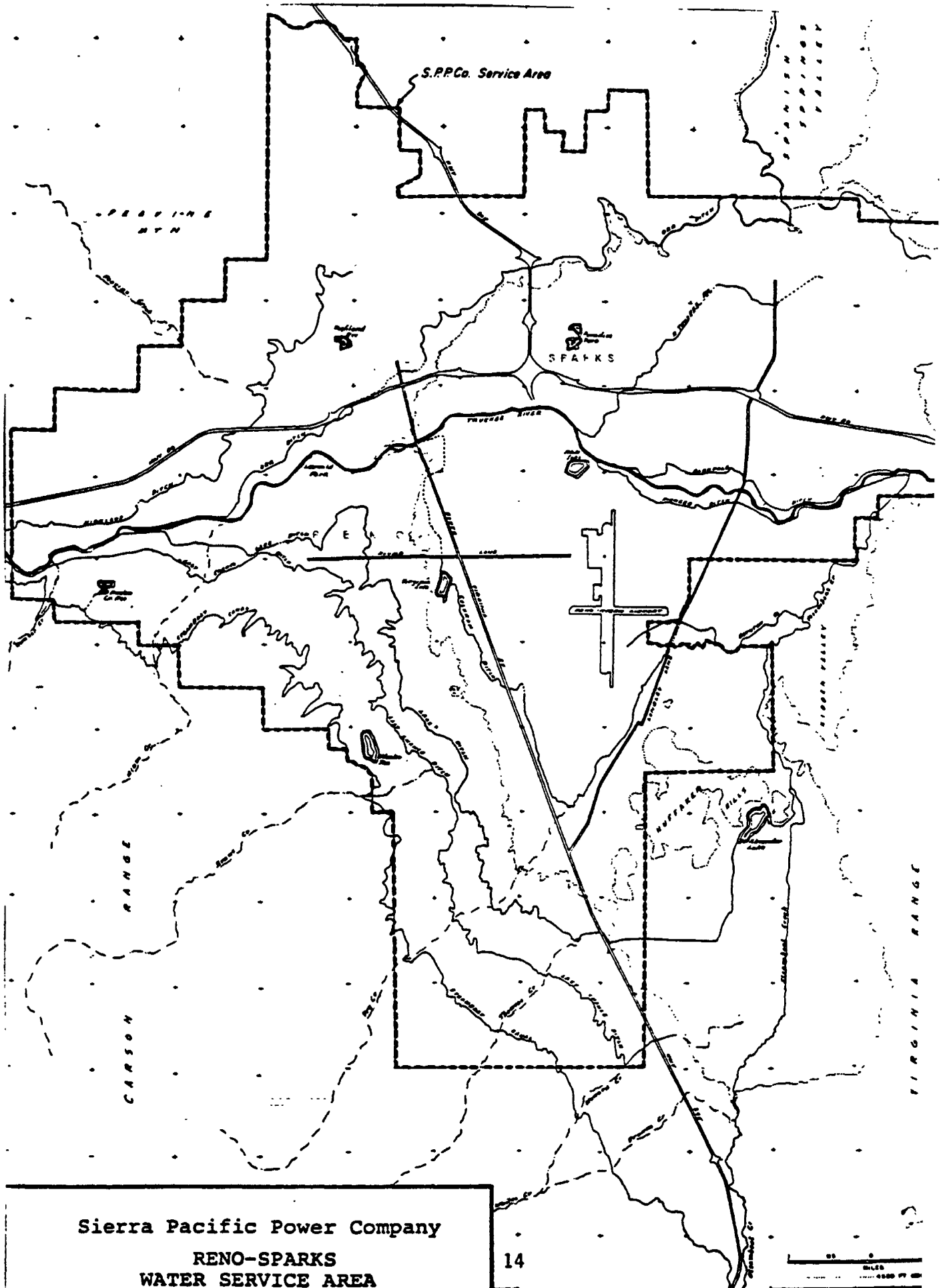
Discussion

In the long-term, the Regional Administrative Planning Agency of Washoe County has projected a population of 353,000 in Washoe County by the year 2002. An estimated 117,667 acre-feet of water would be needed to serve this population based on current levels of usage and mixtures of uses.

In respect to Sierra Pacific Power Company, this entity presently provides water to 80 percent of the population of Washoe County (approximately 175,000 people). Water rights of that company are currently estimated to be 78,500 acre-feet. Map 2 shows the boundaries of the water service area for Sierra Pacific Power Company in the Truckee Meadows.

If one assumes a 3 percent annual growth rate in Washoe County, the following applies to the provision of water by Sierra Pacific Power Company:

1. The average year yield is adequate until 1993 and the critical year yield is sufficient to 1985.
2. With present rights plus the purchase of the 32,000 acre-feet of rights identified as possibly being available for purchase, the average year yield is adequate through 2008 and the critical year yield is satisfactory until 1995.
3. With present rights plus Stampede rights, the average and critical years would become the same and water supply would be adequate through the year 2005.



Sierra Pacific Power Company
RENO-SPARKS
WATER SERVICE AREA

E. WATER AUTHORITY JURISDICTION

Issue

It may not be proper for the Washoe County Metropolitan Water Authority to serve certain areas which are already receiving adequate water service, nor may it be proper for the authority to tax areas unless actual service is provided.

Discussion

The Sun Valley Water and Sanitation District informed the subcommittee that their district is successful and, therefore, should be excluded from the Washoe County Metropolitan Water Authority. The district has two major objections to being included with the authority:

1. Taxation without representation. If it is included with the authority, the district should be represented on the board of directors of the authority.
2. Taxation without receiving services. If it is included with the authority, actual services should be provided to residents of the district if they are to be taxed by the authority.

Members of the subcommittee expressed their desire that legislation involving the authority should clearly identify the scope of its taxing and assessment powers.

F. WATER RESOURCES RESEARCH

Issue

Another key to the future in the Truckee Meadows and other portions of western Nevada will be the availability of better research information and studies pertaining to water resources.

Discussion

Both the Water Resources Division of the U.S. Geological Survey, located in Carson City, and the water resources center of the desert research institute (DRI), located in Reno, collect, interpret and disseminate information on surface water, ground water and water quality. It was stated that it is very important to have good hydrologic data to serve as a base upon which important land use and water decisions may be made.

In respect to the Water Resources Division of the USGS:

1. In the early 1970's, the division entered into a cooperative agreement with the Nevada bureau of mines and geology to evaluate Nevada's environmental problems involving flood plain zoning and defining flood frequency and magnitudes. For example, maps are available for planners to utilize which show the area of deposition and flooding where the Ophir Creek flood occurred.
2. In the early 1960's, the Water Resources Division and the Nevada department of conservation and natural resources entered into a cooperative agreement to define the water resources of the state. This study provided estimates of water availability in virtually every hydrologic unit in the state. The Water Resources Division reexamined the densely populated areas where problems were occurring because of the impact of development on the water resource.
3. The Water Resources Division has worked with the Washoe Council of Governments in reviewing the water resources of Lemmon Valley, Spanish Springs Valley, parts of the Truckee Meadows and Washoe Valley.
4. In cooperation with the cities of Reno and Sparks and Nevada's division of environmental protection, state department of conservation and natural resources, the Water Resources Division has a water quality model in progress on the Truckee River. Preliminary runs with the model have shown that at low flow (somewhere under 500 cubic feet per second) the output of the sewage treatment plant has very little impact on Pyramid Lake. As part of the same investigation, it was discovered that phosphorus loads to the Truckee River far exceed the loads currently being introduced from the sewage treatment plant.
5. Water resources research is often a cooperative program funded by matching federal and state moneys. Annually, approximately \$3/4 million dollars is available for Nevada. Increasing state funds would allow for an additional \$300,000 to \$400,000 of federal money to become available to Nevada. The USGS scientific project in Nevada would be more efficient as a result of additional matching funds from the state. Projects are generally prioritized by the USGS on their scientific worth and local needs.

One specific project now underway at the Water Resources Center of DRI is an experimental effort to capture some of the excess water flowing from the mountains around Golden Valley, north of Reno. If approved, the project will involve a recharge of the ground water table through reinjection of this water. If this project, and a similar project in Hualapai Valley north of Gerlach, prove successful, there may be additional hope for some of Nevada's valleys with limited supplies of water.

G. LAND AND WATER PLANNING

Issue

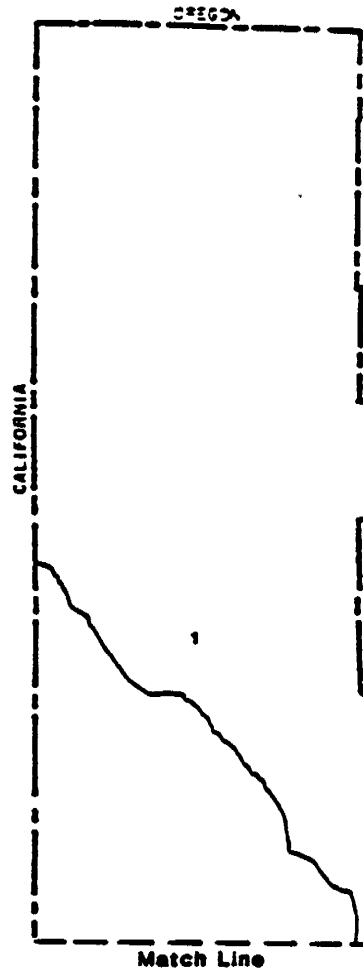
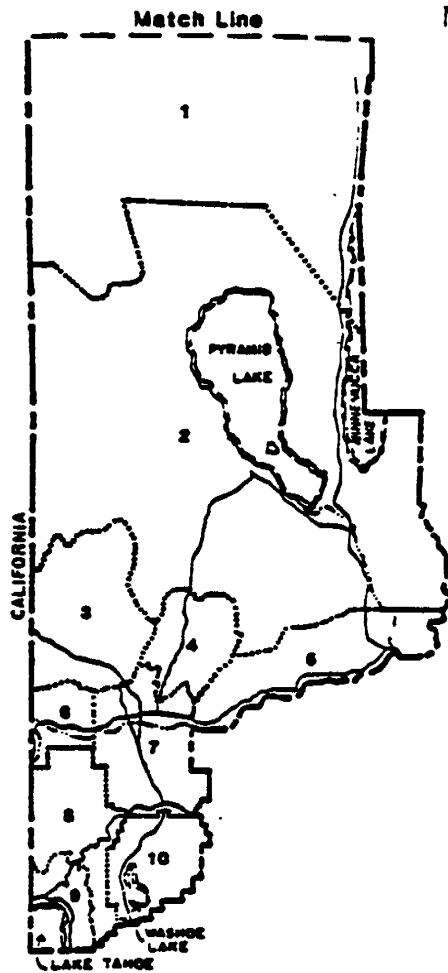
Land use planning and zoning, among other things, must be based upon natural resource limitations including water availability.

Discussion

1. Regional Administrative Planning Agency of Washoe County

- a. The Regional Administrative Planning Agency approaches planning in Washoe County on the basis of:
 - (1) A countywide perspective.
 - (2) The planning area.
- b. The Regional Administrative Planning Agency is working with the USGS on water planning and water resource evaluation projects in Washoe County.
- c. The Regional Administrative Planning Agency is concerned about ground water rights in the South Valleys planning area exceeding available water resources and has, therefore, adopted three policies for this area:
 - (1) Certificates of water rights should be used only for development.
 - (2) The size of lots on the east side of Washoe Lake must be limited to a minimum of 5 acres.
 - (3) Water should not be transferred out of the basin unless the economic and social impacts are addressed.
- d. Map 3 provides detailed population and water projections for Washoe County planning areas to the year 2002.

MAP 3



**PROJECTED POPULATION
BY WASHOE COUNTY PLANNING AREAS, 2002**

PLANNING AREA	PROJECTED POPULATION
1. High Desert	1,000
2. Pyramid	1,000
3. North Valleys	34,000
4. Spanish Springs	9,000
5. Truckee Canyon East	2,000
6. Verdi	5,000
7. Truckee Meadows	271,000
8. Forest	4,000
9. Tahoe	17,000
10. South Valleys	9,000
TOTAL	353,000



NO SCALE



PROJECTED ANNUAL WATER NEEDS 117,667 ACRE-FEET*

*Projected Water Needs Based on Current Level of Usage
and Mixture of Uses

2. City of Sparks Planning Commission

The Sparks Planning Commission addressed the problem of water planning for future growth when it adopted its master plan in 1980. Sparks will again address this issue as it updates its population plan.

A portion of the "Master Plan for Growth Management," which was adopted by the City of Sparks in 1980, reads as follows:

Water is an inescapably regional issue. Residents of all three jurisdictions in the Truckee Meadows obtain water from the Truckee River and no single entity can avoid the water-related consequences of poor planning or indecision on the part of its neighbors. Whatever Sparks may do to accommodate its growth to the water supply situation is of little value without the support of neighboring jurisdictions. At present, most water supply decisions are being made by Sierra Pacific Power Company. An industrial-owned utility's interests do not necessarily coincide with those of the public and until there is a regional water plan for the Truckee River basin, the long-term interests of the Truckee Meadows residents will not be adequately protected.

Virtually all of the nonurban land included in the Sparks Master Plan is irrigated. The primary mechanism for providing water to new development projects in Sparks is the conversion of agricultural water rights to M and I use.

The City of Sparks adopted an ordinance which requires developers to turn over their water rights to the city. This device has been reasonably effective. A regional water plan is the only solution to the water problems facing Reno, Sparks and Washoe County. The City of Sparks urges the completion of a regional water plan as soon as possible.

The population of Sparks, including the Spanish Springs area, will be 80,000 to 90,000 by the year 2002, it is estimated.

3. Douglas County Planning Commission

There are three planning development areas in Douglas County:

- a. Lake Tahoe.
- b. Carson Valley.
- c. An area located on the California and Nevada state-line, near Topaz Lake.

Douglas County and the USGS are presently studying the county's ground water quality and quantity in an effort to determine the status of its water resources.

Douglas County has adopted the following policies:

- a. The county's use of ground water will not exceed its recharge.
- b. The county does not support changing its surface water rights from agricultural purposes to other uses.

Douglas County:

- a. Supports programs that would coordinate its planning activities with those of the state engineer.
- b. Believes that its agricultural areas are important to its character and opposes the conversion of this land to other uses.
- c. Anticipates its study with the USGS to conclude that excess water exists in the county.
- d. Is concerned about the effect its lack of control over parcel mapping has on the ground water resource. State law concerning parcel mapping is believed to be too lenient.
- e. Supports interbasin transfers of water which are properly planned and controlled.

Douglas County currently has a population of approximately 23,000. By the year 2000, this figure is projected to reach 45,000 to 50,000.

4. Carson City Community Development and Planning Department

a. Master Plan.

The board of supervisors, at its meeting of August 18, 1983, adopted a completely revised comprehensive master plan for Carson City. This document is based on the following information:

- (1) Population projection for the year 2000 is 55,000 to 60,000 (3 percent per year growth rate).
- (2) Carson City will expand necessary public services to accommodate the projected growth rate.

(3) The master plan must be reviewed and updated annually.

b. Zoning.

Present zoning ordinance provides various land use categories to adequately accommodate present development needs in the city. The land area within each category is monitored to ensure the availability of appropriate areas for desired expansion.

c. Water plan.

In 1980, the board of supervisors adopted a comprehensive water plan to acquire, develop and deliver water, and to provide waste water treatment and disposal for the master plan's projected population.

H. NORTH VALLEY AREA

Issue

The water basins and valleys north of Reno, commonly referred to as the North Valley area, are facing a crucial shortage of water in many locations.

Discussion

It was pointed out that existing wells are failing in places and approved subdivision lots exceed available supplies of water in some areas. Some persons believe that the only solution to the water problems in the North Valley area is the development of a large entity or authority which could provide necessary water. Others have advocated experimental projects to recharge ground water levels.

Roland D. Westergard, director of Nevada's department of conservation and natural resources, in a letter to Assemblyman Charles G. Bourne, dated April 4, 1984, presented his views regarding the provision of additional water in the North Valley area. In that letter he states:

Ground water resources in the "North Valley area" are for all practical purposes fully appropriated and committed. It has been necessary to deny requests for additional appropriations because of this commitment and because of the necessity of protecting existing rights and the public interest. The only exceptions to denial of applications have been a relatively few instances where small requests were granted when the proposed appropriation and use could be considered a preferred use under criteria set forth in the statutes.

Similarly, limited surface water sources within this area are also fully appropriated for all practical purposes.

There have been discussions in the past about increasing diversions to this area from the Truckee River Stream system. Water supplies and water rights on the Truckee River Stream system have been and continue to be the subject of extensive litigation. I think it is very doubtful that efforts to increase appropriations from the Truckee River for this area would be successful or, in fact, allowed.

If water purveyors or entities are successful in acquiring a portion of the yield of Stampede Reservoir, perhaps consideration could be given to use of such water in the North Valley area. Demands for that limited water supply for use in the Truckee River basin would necessarily be considered. I think there may also be legal ramifications to conveyance of that water outside of said basin.

Several years ago there were extensive considerations and efforts to augment the water supply for Pyramid Lake. In the course of these investigations it was determined that supplies that may potentially be available for import from other areas were extremely limited and any such endeavor would be extremely costly. The results of that investigation would apply to the concept of importing water to the North Valley areas.

Your letter refers to parcels "which are already subdivided." As you are aware, there is an exemption in the statutes to the permit processes for drilling wells for domestic purposes where water is not available from the entity or public district engaged in providing water service. However, because of limitations on supply discussed above, individual domestic wells may not provide a long-term adequate water supply for individual living units.

I think it is necessary to be candid and recognize water supply limitations in the North Valley area. In this respect, I do not anticipate additional water supplies from any source being made available for significant development in that area in the foreseeable future.

I. WASHOE LAKE

Issue

If a comprehensive dredging program were undertaken at Washoe Lake, certain aspects of that lake may be enhanced,

including additional water storage, increased recreational usage and possible commercial development.

Discussion

Two dredging projects in other bodies of water were discussed to determine the feasibility of a similar project at Washoe Lake. These other projects are Mission Bay, in San Diego, California, and Lake Herman, South Dakota.

In regard to the Mission Bay project, the following items were discussed:

- a. This project was initiated in 1945.
- b. Federal, state and public funds provided the necessary financial support.
- c. It includes permanent recreation areas and land is leased for amusement areas, hotels and marinas.
- d. During the first 10 years it was expensive for the City of San Diego to operate, but it is now a "moneymaker" for the city.
- e. Twenty-five percent of the area may be leased for commercial purposes. In 1983, 21 percent of the area had been leased commercially, producing revenues of approximately \$6 million.

For Lake Herman, South Dakota, the dredging project was partially designed to enhance recreation at the state park located on this shallow lake, which is gradually being filled with sediments. Local funds are being used to finance the project in an effort to improve the quality of the boating, fishing and recreational activities of the area.

Possible benefits of a dredging project at Washoe Lake could include the following:

- a. Improved wildlife habitat at the Scripps wildlife area because of more constant lake levels.
- b. Reduced flooding problems and increased water storage in the Washoe Valley area.
- c. Increased water flow from Steamboat Creek to the lower Truckee River which should be positive to the Pyramid Lake Indians.
- d. Increased potential for a commercial recreational area and tourism. Enhanced quality of the beaches, boating, fishing and overall management.

J. ALTERNATIVE SOLUTIONS

Issue

Alternative solutions to the domestic and waste water issues in western Nevada need to be identified.

Discussion

In addition to some of the other topics discussed in this report, Nevada's state engineer presented another alternative for consideration. He stated that several years ago the water planning division of the Nevada department of conservation and natural resources prepared a supply report on the Truckee River area. The report recommends the possibility of transferring water from the Newlands project for M and I purposes in the future. This alternative would involve legal problems because the water right was created to support the Newlands irrigation project and may not be available for other uses.

IV. FINAL ISSUES AND RECOMMENDATIONS

After five public meetings, the subcommittee identified 11 issues for final action at its concluding public work session. These issues are described in the following section along with the final recommendations of the subcommittee.

A. ISSUE NO. 1 - JURISDICTION OF WATER AUTHORITY

At its meeting of April 6, 1984, the subcommittee recommended that a bill be drafted and approved at the next session of the legislature to remove certain areas from within the prescribed boundaries of the Washoe County Metropolitan Water Authority if those areas could not be served by the authority. It was later determined by Nevada's legislative counsel, that such a change in the statute is unnecessary because the authority currently lacks the power to tax or assess these areas.

Recommendation

Based on the determination of the legislative counsel, the subcommittee has no official recommendation on this issue.

B. ISSUE NO. 2 - WATER CONSERVATION

Nevada is regarded by climatologists as the driest state in the Nation. Water conservation must be encouraged and enforced at all levels of government if the availability of water is to keep pace with the population growth.

The State of Nevada has required the installation of water-saving showerheads (not to exceed 4 gallons per minute) in all new hotels, motels, apartments and dwellings since July 1, 1978, (NRS 445.017). The State of Florida adopted a law in 1982 which requires any new building in that state constructed after September 1, 1983, to employ water-saving toilets, showerheads and faucets (section 533.14 of Florida Statutes). The State of California has adopted similar provisions pertaining to showerheads and faucets (section T20-1525 of Title 24 of the California Administrative Code).

Recommendation

The subcommittee recommends that a bill be drafted and approved at the next session of the legislature to require the installation of indoor water-saving faucets in all new buildings constructed after January 1, 1986. (BDR 40-140)

C. ISSUE NO. 3 - RESTRICTION ON STATE ENGINEER

Senate Concurrent Resolution No. 45 of the 62nd legislative session, among other things, specifies that:

* * *the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:

1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; and

2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned. * * *

Nevada's legislative counsel has stated that this restriction on the state engineer will remain in effect after the 63rd legislative session has adjourned unless each of the stipulations contained therein has been met. If one assumes that counties having populations within the prescribed limits will be studying water supply and management issues for some time to come, the state engineer could legally be precluded from acting upon intercounty diversions of water for many years.

Recommendation

The subcommittee recommends that a bill be drafted and approved at the next session of the legislature to amend the resolution by deleting the word "and" which separates subsections 1 and 2 in Senate Concurrent Resolution No. 45 as cited before, and insert the word "or." (BDR 144)

D. ISSUE NO. 4 - INTERCOUNTY TRANSFERS OF WATER

A recommendation has been presented to the subcommittee by George Campbell of the Washoe County District Attorney's Office (Appendix H). This recommendation proposes to amend chapter 533 of Nevada Revised Statutes to require the state engineer to refer all applications for intercounty diversions of water, which he has determined he will approve, to the county from which the water is to be diverted. The county has up to 4 years to make a report back to the state engineer regarding the acceptability of the diversion. If the county opposes the diversion for specific reasons, the state engineer must deny the diversion.

The net effect of this proposed legislation would be to give the counties the power to veto decisions of the state engineer which pertain to intercounty diversions of water.

Recommendation

The subcommittee has no official recommendation on this issue.

E. ISSUE NO. 5 - WATER RESOURCES RESEARCH

The state engineer collects a variety of fees authorized by Nevada Revised Statutes 533.435, "Fees of state engineer." These fees are charged to help pay for the processing of permits to appropriate water, permits to construct dams or generate hydroelectric power, the filing of proofs or protests, requests for extensions of time and related matters. Fees collected in 1981 through 1982 amounted to \$236,051.39, while in 1982 through 1983 the fees were \$255,468.63. These fees are all deposited into the state general fund.

Research of the water resources in Nevada will become more and more important in the future to meet the needs of a growing population. Entities such as the Water Resources Division of the United States Geological Survey and the water resources center of the desert research institute are actively involved in research projects for Nevada. However, these research efforts are limited by available funding. For example, the USGS has several hundred thousand dollars available for Nevada each year under its "Co-op Program," but this money must be matched by state or local entities on a 50-50 basis. Because state and local matching money is usually far less than available federal money, the state and its local governments are not taking full advantage of this federal program. If Nevada were to establish a permanent fund to be used specifically for research, the state would be in a much better position to address adequately the issues of future growth and development.

Recommendation

The subcommittee recommends that a bill be drafted and approved at the next session of the legislature to establish a permanent fund or account for water resources research, and all of the fees, with one exception, collected on an annual basis by the state engineer should go into that account or fund. The exception is that up to \$25,000 must be used by the state engineer, after obtaining matching money from the Federal Government, to microfilm the records of water rights maintained in his office. (BDR 48-141)

F. ISSUE NO. 6 - DREDGING OF WASHOE LAKE

The subcommittee discussed Washoe Lake and the issues involving that lake at several meetings. One issue involves the possible dredging of that lake to provide additional water storage capacity and flood control, improve wildlife habitats, and enhance recreational opportunities.

Recommendation

The subcommittee has no official recommendation on this issue.

G. ISSUE NO. 7 - COMPOSITION OF WATER AUTHORITY BOARD

The board of directors of the Washoe County Metropolitan Water Authority is currently made up of nine members: four members of the Reno City Council, plus one representative of the general public designated by the four Reno councilmen; two members of the Washoe County Board of County Commissioners; and two members of the Sparks City Council. The composition of the board of directors is currently based on population and assessed property values in each of the three jurisdictions. However, some people believe that representation on the board should be shared more equally among Reno, Sparks and Washoe County. For example, some persons have advocated that these jurisdictions each have three members on the nine-person board.

Recommendation

Amend chapter 487 of the Statutes of Nevada, 1983, by providing that a two-thirds vote of the full membership of the board of directors of the Washoe County Metropolitan Water Authority be required for all official actions of that body. (BDR S-143)

H. ISSUE NO. 8 - WATERMETERS IN RENO AND SPARKS

Residents of the cities of Reno and Sparks are not currently on a system of residential watermeters. Nevada Revised Statutes 704.230, "Installation, use of watermeters," (Appendix D) provides an exemption for Reno and Sparks.

It was pointed out to the subcommittee by several expert witnesses that residential water consumption and waste in Reno and Sparks is higher on a per capita basis than in other similar urban areas. Residential water customers in Reno and Sparks now pay a flat rate for water, regardless of the actual amount of water used.

It was also pointed out to the subcommittee that the Pyramid Lake Paiute Indian Tribe has continually insisted on additional water conservation measures in the Truckee Meadows as part of the settlement of Indian law suits pertaining to the Truckee River system. Watermeters have specifically been cited as one acceptable form of water conservation.

On the other hand, it was pointed out to the subcommittee that the installation of residential watermeters in the cities of Reno and Sparks, unless subsidized in some manner, would cost residents the following:

<u>Number of Residential Customers</u>	<u>Cost to Install Each Water Meter Facility</u>
3,983	\$ 84
582	115
164	232
452	329
30,487	427
4,130	476
310	769
385	920
230	Between \$6,300 and \$12,600

Recommendation

Amend Nevada Revised Statutes 704.230 by providing that in cities and towns containing more than 7,500 people, but less than 250,000 people, the local governing body may not require the installation of watermeters or similar mechanical devices unless approved by a vote of the public.
(BDR 58-142)

I. ISSUE NO. 9 - LEVEL OF WASHOE LAKE

The level of Washoe Lake varies widely from year to year. The lake has completely dried up at times since 1900 while at other times, as in 1983, the lake was completely full. The problem involves several low-lying residential properties around the lake. When the lake is full behind the existing dam and gates, flooding, high water tables and related problems affect these low-lying properties. It is felt by many that the establishment of a legal high water

level at Washoe Lake would help authorities keep the lake at more consistent levels, particularly during periods of high water.

Recommendations

At its meeting of April 6, 1984, the subcommittee approved the following recommendations:

1. The staff of the research division of the legislative counsel bureau is directed to identify and prepare a list of those persons who own land located around the edges of Washoe Lake.
2. The staff of the research division is also directed to identify and prepare a list of those persons and entities who may be affected by the establishment of an official high water level, including the Federal Water Master for the Truckee and Carson Rivers, state agencies, ditch companies and homeowners' associations.
3. Upon approval of the final report of the subcommittee by the legislative commission, the chairman of the subcommittee is directed to send letters to the persons on the list prepared by legislative staff. The letters are to suggest that meetings be held to determine the feasibility of reinitiating the legal proceeding of the Federal Water Master to establish an official high water level for Washoe Lake. The letters to the state agencies (e.g., transportation, wildlife and parks) should strongly emphasize mutual cooperation and establishment of a unified position by the state.
4. If the affected landowners, agencies and other entities are able to agree on the issue of an official high water level for Washoe Lake, the subcommittee requests that the Federal Water Master then reinitiate legal proceedings to establish this level.

J. ISSUE NO. 10 - WATER STORAGE

If adequate amounts of water are to be provided in the future to the Truckee Meadows and other portions of western Nevada, additional water storage facilities may be required.

For example, the Truckee River and its tributaries may have some additional potential for water storage. The Carson River possesses greater untapped potential for water storage than the Truckee River, and projects such as the Watasheamu are currently under study.

Recommendation

The legislature and other entities in Nevada are urged to continue or initiate studies regarding additional facilities for the storage of water.

K. ISSUE NO. 11 - DIRECTION TO STATE ENGINEER

The transfer of water from one water basin to another, or from one county to another, may frustrate the planning efforts of local governments.

Regional planning efforts among various units of local government in western Nevada have been undertaken in the past, and may be needed in the future as water planning becomes more of a regional issue. Regional agreement on issues involving the allocation of water resources is of great assistance to the state engineer as he considers applications for the transfer of water across county lines.

Recommendation

The state engineer is urged to be prudent in his review and possible approval of interbasin transfers of water within and between counties.

L. ISSUE NO. 12 - REVIEW OF PROPOSED LEGISLATION

It is expected that proposed legislation will be submitted to the 1985 legislature by the board of directors of the Washoe County Metropolitan Water Authority. Members of the legislature's subcommittee studying regional water authorities and other water issues were not aware of the content of such legislative proposals at the time this report was prepared.

Senate Concurrent Resolution No. 45 of the 1983 session states that, among other things, the legislative commission is responsible to study the feasibility of creating, governing and financing a regional water authority and report its findings to the 63rd legislative session. The responsibility to perform this study was delegated to a subcommittee of the legislative commission. It is believed that the subcommittee should continue its oversight of all legislation affecting the water authority which may be proposed by other entities prior to the 1985 session.

Recommendation

It is respectfully requested that all proposed legislation pertaining to the Washoe County Metropolitan Water Authority be submitted to members of the legislature's subcommittee studying regional water authorities and other water issues for review prior to the 1985 legislative session. This will enable better coordination of such legislation.

V. BIBLIOGRAPHY

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VI. CREDITS

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APPENDIX A

Senate Bill No. 417 (Chapter 487, Statutes of Nevada, 1983)

CHAPTER 487...

AN ACT designated as the Washoe County Metropolitan Water Authority Law; relating to the use of water for domestic, commercial and industrial purposes; creating the Washoe County Metropolitan Water Authority; defining the boundaries of its jurisdiction; providing for its governing body, officers and employees; empowering the authority to plan for the use of water resources, study its future functions and prepare and recommend legislation concerning the future of the authority; 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. This act may be cited as the Washoe County Metropolitan Water Authority Law.

Sec. 2. The legislature hereby determines, finds and declares:

1. All property to be acquired by the district hereunder must be owned, operated, administered and maintained for and on behalf of all of the people of the district.

2. The creation of the district hereby promotes the health, comfort, safety, convenience and welfare of all the people of the state, and will be of special benefit to the inhabitants of the district and the property therein.

3. The provision in this act of the purposes, powers, duties, privileges, immunities, rights, liabilities and disabilities concerning the district will serve a public purpose.

4. The district created hereby is a political subdivision of the state, and a quasi-municipal corporation with the powers herein provided.

5. Any notice provided for herein for any purpose is reasonably calculated to inform each person of interest in any proceedings hereunder which may directly and adversely affect his legally protected interests, if any.

6. The necessity for this act results from:

(a) The large population growth in the urban area hereby included within the district, constituting a major portion of the state's population;

(b) The numerous capital improvements and large amount of improved real property situated within such urban area;

(c) The arid or semiarid nature of the urban area, the scarcity of water therein, the necessity of the development of a larger water supply for the urban area and of a larger regional system for the acquisition and transmission of water supplies to the urban area;

(d) The division of the urban area into large areas of incorporated areas and unincorporated areas;

(e) The fragmentation and proliferation of powers, rights, privileges

and duties pertaining to water supply within the urban area among a substantial number of public bodies, corporations and other persons;

(f) The resultant problems in water supply require extensive management and planning of the use of the water supplies existing within the district and require that appropriated water used in the district and unappropriated water found within the district must remain in the district unless its export is approved by the board as part of a comprehensive plan; and

(g) The close interrelationship between the allocation and distribution of surface and subsurface water for domestic, commercial and industrial use.

7. A general law cannot be made applicable to the district, and to properties, powers, duties, privileges, immunities, rights, liabilities and disabilities pertaining thereto as herein provided, because of the number of atypical factors and special conditions concerning them.

8. The powers, privileges and rights herein granted and the duties, immunities, liabilities and disabilities herein provided comply in all respects with any requirement or limitation imposed by any constitutional provision.

9. For the accomplishment of the purposes provided in this section the provisions of this act must be broadly construed.

Sec. 3. The Washoe County Metropolitan Water Authority is hereby created as a body politic and corporate.

Sec. 4. As used in this act, unless the context otherwise requires:

1. "Authority" means the Washoe County Metropolitan Water Authority.

2. "Board" means the board of directors of the authority.

Sec. 5. The boundaries of the jurisdiction of the authority are the boundaries of Washoe County except that the jurisdiction of the authority does not extend to the part of the county which is:

1. In the drainage area naturally tributary to Lake Tahoe, including that lake; or

2. North of the 5th standard parallel, which is the north line of Township 25 North, M.D.B. & M.

Sec. 6. 1. The authority is governed by a board of directors consisting of:

(a) Four members of the Reno city council, designated by that council.

(b) Two members of the board of county commissioners of Washoe County, designated by that board.

(c) Two members of the Sparks city council, designated by that council.

(d) One member who is a representative of the general public to be

designated by the members of the board representing the Reno city council.

2. The members of the board shall elect a chairman from among themselves.

3. The board shall meet at the call of the chairman and as frequently as the board deems necessary.

4. No meeting of the board may commence or continue unless a quorum of at least a majority of the members of the board is present. A majority vote of the quorum present is required to take action with respect to any matter.

5. Members of the board serve without compensation, except that they are entitled to reasonable travel expenses and the subsistence allowance provided for county officers and employees for attendance at meetings and conduct of other business of the authority.

6. The board may adopt a seal and alter it at its pleasure.

Sec. 7. The county clerk, treasurer, auditor and comptroller of Washoe County shall serve the authority in the same capacity as they serve the county government.

Sec. 8. 1. No director, officer, employee or agent of the authority may be interested in any contract or transaction with the authority except in his official capacity or as is provided in his contract of employment with the authority.

2. The holding of any office or employment in any other public body of the state or of its political subdivisions or the owning of any property within the state, whether within or without the boundaries of the authority, is not a disqualification for membership on the board or employment by the authority or for compensation for services as a director, officer, employee or agent of the authority.

Sec. 9. The board may:

1. Fix the location of the principal place of business of the authority.

2. Appoint a general manager of the authority.

3. Delegate and redelegate to officers of the authority the power to employ necessary executives, clerical workers, engineering assistants and laborers, and retain legal, accounting or engineering services, subject to such conditions and restrictions as may be imposed by the board.

4. Prescribe the powers, duties, compensation and benefits of all officers and employees of the authority.

5. Require such bonds as are necessary to protect the funds and other property of the authority.

Sec. 10. 1. The authority is exempt from regulation by the public service commission of Nevada.

2. The provisions of this act do not:

(a) Affect the jurisdiction of the public service commission over existing public utilities within the boundaries of the authority.

(b) Change the legal existence of or impair the powers of any general improvement district, or public utility within the boundaries of the authority.

Sec. 11. The authority may:

1. Sue and be sued in its own name in any court of competent jurisdiction.

2. Borrow or accept grants of money.

3. Adopt such bylaws as are necessary for the exercise of the powers and conduct of the affairs of the authority.

4. Perform all acts reasonably implied from and necessary for the full exercise of all the powers of the authority.

5. Enter into contracts, including cooperative agreements under chapter 277 of NRS.

6. Employ and fix the compensation of its staff and professional advisors.

7. Plan for the present and future use of water resources within the jurisdiction or at the disposal of the authority, and prepare and recommend legislation concerning the authority.

Sec. 12. This act shall become effective upon passage and approval.

APPENDIX B

Senate Bill No. 63 (Chapter 167, Statutes of Nevada, 1947)

STATUTES OF NEVADA 1947

FORTY-THIRD SESSION

553

[Senate Bill No. 53—Committee on Finance]

CHAP. 166—*An Act making an appropriation for equipment for the division of laboratories of the state department of health and other needs therefor.*

[Approved March 27, 1947]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any funds in the state treasury of the State of Nevada, not otherwise specially set aside, the sum of five thousand dollars for the purchase of necessary scientific and technical equipment and appliances for the division of laboratories of the state department of health. Appropriation for equipment

SEC. 2. This act shall be in full force and effect from and after its passage and approval. In effect

[Senate Bill No. 63—Senator Baker]

CHAP. 167—*An Act to create a water district in the Las Vegas valley, Clark County, Nevada; to provide for the procurement, storage, distribution and sale of water and rights in the use thereof from Lake Mead for industrial, irrigation, municipal, and domestic uses; to provide for the conservation of the ground water resources of the Las Vegas valley, and to create authority to purchase, acquire, and construct the necessary works to carry out the provisions of this act; to authorize a tax levy for the payment of obligations during the organizational period, and to provide for the issuance of district bonds to be paid solely from the operating revenues of such district.*

[Approved March 27, 1947]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. A water district may be created in the Las Vegas valley, as hereinafter provided for. Water district created
for the following objects and purposes:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction. Powers of
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, or lease, or otherwise, and to hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without

the district necessary or convenient to the full exercise of its power. .

To acquire
lands, etc.

5. To acquire, by purchase, lease, construction, or otherwise, or contract to acquire, lands, rights of way, easements, privileges, and property of every kind, whether real or personal, and to construct, maintain, and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements or property acquired by it as authorized by this act.

To store,
appropriate,
conserve
water

6. To store water in surface or underground reservoirs within the district for the common benefit of the district; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district, and to conserve same within the district, for any useful purpose to the district; to commence, maintain, intervene in, and compromise in the name of the district, or otherwise, and to assume the costs and expenses of, any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend, and compromise, and to assume the cost and expenses of, any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of; to prevent contamination, pollution or otherwise rendering unfit for beneficial use of the surface or subsurface water used in said district, and to commence, maintain, and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in the district.

To exercise
right of eminent
domain

7. To have and exercise in the State of Nevada the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn any existing works or improvements in said district now or hereafter used. The power of eminent domain vested in the board of directors of said district shall include the power to condemn, in the name of the district, either the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of

this act. Such resolution shall be prima-facie evidence that the taking of the fee simple or easement, as the case may be, is necessary.

8. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways, and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, or other legal means, all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair, and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair, or operation of any rights, works, or other property of a kind which might be lawfully acquired or owned by said water district; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnel, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them, for the transfer or delivery to any such district, corporation, association, firm, or individual of any water right or water pumped, stored, appropriated, or otherwise acquired or secured for the use of the said district, or for the purpose of exchanging the same for other water, water right, or water supply in exchange for water, water right, or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of Nevada, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any public or private corporation, in the construction of any work for the importation and distribution of water of said district, or

To enter upon land; make surveys; acquire rights, etc.

for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

To make
technical
investiga-
tions

9. To carry on technical and other investigations of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, water rights, control of floods and use of water, both within and without said district, and for this purpose said district shall have the right of access through its authorized representative to all lands and premises within said district.

Indebted-
ness, bonds

10. To incur indebtedness and to issue bonds in the manner herein provided.

Taxes levied

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the district during its organizational stage, including necessary engineering costs and further to assist in the operational expenses of said district until such taxes are no longer required therefor.

Import water

12. To supplement the ground water resources of Las Vegas valley by the importation and use of the waters of Lake Mead, under the Nevada allocation, for industrial, irrigation, municipal, and domestic uses.

Contracts

13. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof, by this act.

To supply
water

14. To supply water under contract, agreement, or in other legal manner to the United States of America, or any department thereof, the State of Nevada, Clark County, and any city, town, corporation, individual, association, or partnership situated within Clark County, Nevada, for an appropriate charge, consideration, or exchange made therefor, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of the district.

Proposal for
district ;
petition

SEC. 2. A proposal for the establishment of the Las Vegas valley water district may be instituted by a petition signed by at least five percent of the owners of real property within the proposed district as evidenced by the county assessor's tax roll. The petition shall indicate the purposes, boundaries, divisions, and other pertinent information, and pray that the district be organized under the provisions of this act. Such petition shall first be presented to the board of county commissioners of Clark County, accompanied with a good and sufficient bond, to be approved by the said board of county commissioners in double the amount of the probable cost of organizing such district, conditioned that the

bondsmen will pay all said costs in case said organization shall not be affected.

Notice of intention to present such petition shall be published for at least two weeks before the time the same is to be presented, in some newspaper printed and published in Las Vegas, Clark County, Nevada.

SEC. 3. When such petition is presented, and it shall appear that the notice of the presentation of said petition has been given and that said petition has been signed by the requisite number of petitioners as required by this act, the commissioners shall hold a hearing on said petition, and may adjourn such hearing from time to time not exceeding three weeks in all. In the hearing of any such petition the board of county commissioners shall disregard any informalities therein, and in case it deny the same or dismiss it for any reasons on account of the provisions of this act not having been complied with, which are the only reasons upon which it shall have the right to refuse or dismiss the same, it shall state its reasons in writing therefor in detail, which shall be entered upon its records, and in case the reasons are not well founded, a writ of mandamus shall, upon proper application therefor, issue out of the district court of the county compelling it to act in compliance with this act, which writ shall be heard within twenty days from the date of issuance, such time to be excluded from the time given the county commissioners to act upon the petition. Upon the completion of the hearing the county commissioners shall forthwith make an order denying or granting the prayer of said petition, and if the same is granted shall, in said order, define and establish the boundaries and designate the name of such proposed district and divide the same into seven divisions, as prescribed in the petition, as nearly equal in size as may be practicable. Thereupon the said commissioners shall by further order duly entered upon their record call an election of the qualified electors of said proposed district to determine whether such district shall be organized under the provisions of this act, and by such order shall submit the names of one or more persons from each of the divisions of said district to be voted for as directors of the district. One director shall be elected from each division by the qualified electors of the water district and shall be a qualified elector and property owner of the division from which he is elected. Each division shall constitute an election precinct for the purposes of this act; *provided*, that after the organization of the district the directors may divide a division into two or more precincts and fix the polling places therein; and *provided further*, that the directors, by affirmative vote of all

Hearing on
petition,
when

Petition
denied, when

Order grant-
ing or deny-
ing petition

Election
called

Directors;
qualifications

Precincts

of their number or of all of their number save one, may reduce the number of election precincts to one or more within the district, establish the boundaries thereof, and fix the polling place or places therein. The board of county commissioners shall give notice of such election, which shall be published for two weeks prior to such election in a newspaper within the county where the petition is filed. Such notice shall require the electors to cast ballots which shall contain the words "Water District—Yes," or "Water District—No," or words equivalent thereto, and the names of persons to be voted for as directors. For the purpose of this election the board shall establish a polling place in each election precinct aforesaid, and shall also appoint three qualified electors to act as inspectors of election in each election precinct, and also appoint for each precinct two clerks of election. The record of the board of county commissioners of the proceedings had and taken by it under the provisions of this act shall be, in the absence of fraud, conclusive evidence of the matters and things therein recited.

Polling
places

General elec-
tion law

Canvass
of votes

SEC. 4. Except as in this act otherwise provided, all such elections shall be conducted as near as may be practicable in accordance with the general election laws of this state, including the right to vote by absent voter's ballot. The board of county commissioners shall meet on the second Monday succeeding such election and proceed to canvass the votes cast thereat, and if upon such canvass it appears that a majority of the electors voted "Water District—Yes" the board, by an order entered upon its minutes, shall declare such territory duly organized as a water district under the name and style theretofore designated, and shall declare the persons receiving, respectively, the highest number of votes for directors to be duly elected, and shall cause a copy of such order and a plat of said district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of Clark County, and certified copies thereof shall also be filed with the county clerk of Clark County, and thereafter the organization of the district shall be complete.

Regular
elections

Terms of
office

SEC. 5. The regular elections of such water district shall be held on the first Tuesday after the first Monday in April of the second calendar year after the completion of the organization thereof, and on the same day biennially thereafter, biennially after the first regular election therein. The directors elected at the organization election shall be selected by lot so that three directors shall hold office until their successors are elected at the next regular election and qualify, and four directors shall hold office until their successors are elected at the second regular election after organization and qualify, and

at the regular election biennially thereafter directors shall be elected, to replace the directors whose terms expire, for terms of four years, or until their successors are elected and qualify. Directors so elected shall have the qualifications prescribed in this act for directors elected at the time of organization. Nominations for the office of directors shall be made by filing a declaration with the secretary within fifty days before the date of election and not later than twenty days before such election. Candidates shall pay twenty-five dollars filing fee with such declaration. In the event there shall be no contests for office, and no matters or propositions to be voted upon at any such election, then such election shall not be held, and the duly qualified candidates shall be deemed elected as of the date said election would otherwise have been held, and the board of directors must declare on its records said candidates to have been elected.

Nominations

No election held, when

SEC. 6. Not less than fifteen nor more than twenty days before any election held under this act subsequent to the organization of the district, the secretary shall cause notice specifying the polling places and time of holding the election to be posted in three public places in each election precinct and in the office of the board of directors. Prior to the time for posting the notice the board of directors shall appoint three qualified electors to act as inspectors of election in each election precinct, and shall also appoint two clerks of election for each precinct. If the board of directors fail to appoint a board of election or the members appointed do not attend the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board or supply the place of absent members thereof. The board of directors shall, in its order appointing the board of election, designate the hour and the place in each precinct where the election shall be held. The secretary shall be ex officio district registrar of the district, and may, at least four weeks before any election, appoint a deputy registrar in each election precinct, whose duty it shall be to register all electors within his precinct applying for registration, and for this purpose he or she shall have authority to demand of the elector all information, and to administer all oaths required by this act. Such registrar and deputy registrars shall be governed in the performance of their duties by the general election laws of this state as far as they are applicable, and shall be at their places of registration to receive applications for registration from 9 o'clock a. m. until 9 o'clock p. m. on each of three Wednesdays next preceding the date of election. The registrars shall require registrants to take the following oath in substance: "I am,

Notice of election : inspectors

Registration of electors : qualifications

or have declared my intention to become, a citizen of the United States, am over the age of twenty-one years, and am, or properly represent, under the law in pursuance of which this election is to be held, the bona fide holder of title or evidence of title of real property within the boundaries of the Las Vegas valley water district, and such holding is for all purposes and not simply for this election or matters connected therewith."

Registration
of corpo-
rations

The president or vice president of a qualified corporation may register in its behalf, or any other person may register on behalf of such corporation upon being duly authorized by the president or vice president thereof in writing. The registrar shall require registrants on behalf of a corporation to take the following oath, in substance: "I am over the age of twenty-one years, and the (president or vice president) of (naming the corporation), or have been duly authorized in writing to register on behalf of (naming the corporation); that said corporation is organized under or has qualified under the laws of Nevada to transact business therein, and is the holder of real property within the boundaries of the Las Vegas valley water district." No election for any purpose except for organization shall be held in such water district without such registration, and only electors duly registered shall be entitled to vote thereat; *provided, however*, that if an elector has voted at the last preceding district election, whether special or general, and is still eligible, he shall not be required to reregister in order to vote at the next succeeding election, but before he shall be permitted to vote at such election, if he shall not have reregistered therefor, he shall be required to take and subscribe the registration oath before the board of election, on a form provided by the district, as evidence of his continued eligibility.

No election
without
registration

Poll books,
regulation of

In all poll books and lists of registered electors prepared for any election hereunder, the names of electors who have registered or reregistered for such election shall be distinguished from the names of those who voted at the last preceding district election, but who have not so registered or reregistered, by the letter R enclosed in parentheses placed before each of the names of the former and the omission thereof in connection with the names of the former and the omission thereof in connection with the names of the latter. Registration of voters for any regular or special election shall close on the Wednesday preceding such election. The registration oath may be taken before the registrars or deputy registrars, any member of an election board, or any officer authorized by law to administer oaths. All oaths taken before the election board shall be by them preserved and returned with the ballots.

SEC. 7. Before opening the polls each inspector and each clerk must take and subscribe to an oath to faithfully perform the duties imposed upon him by law. Any elector of the precinct may administer and certify such oath. Vacancies occurring during the progress of the election may be filled by the remaining inspector or inspectors, and any inspector of election may administer and certify oaths. The time of opening and closing the polls, the manner of conducting the election, canvassing and announcing the result, the keeping of the tally list, and the making and certifying of such result, and the disposition of the ballots after election, shall be the same, as near as may be, as provided for elections under the general election law of this state. Registrars and election officers may receive such compensation for their services as the board shall prescribe, not exceeding the amount paid for similar services at general elections. The returns shall be delivered to the secretary of the district, and no list, tally paper, or returns from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. The board of directors shall meet at its usual place of meeting on the second Monday after an election to canvass the returns, and it shall proceed in the same manner and with like effect, as near as may be, as the board of county commissioners in canvassing the returns of general elections, and when it shall have declared the result the secretary shall make full entries in his record in like manner as is required of the county clerk in general elections. The board of directors must declare elected the person or persons having the highest number of votes given for each office. The secretary shall immediately make out and deliver to such person or persons a certificate of election, signed by him and authenticated with the seal of the board. Within ten days after receiving the certificate of his election, each director shall take and subscribe to an official oath and file the same with the secretary of the board of directors. Each member of said board of directors shall execute an official bond in the sum of ten thousand (\$10,000), which shall be approved by the judge of the district court in and for the county where such organization is effected. Such bonds shall be recorded in the office of the county recorder and filed with the secretary of the board. The costs of such bonds shall be borne by said water district.

Duties of inspectors and clerks

Election conducted under general election laws

Compensation

Returns: canvass

Certificates of election

Oath and bond of director

SEC. 8. The officers of such district shall consist of seven directors as aforesaid, a president and a vice president, elected from their number, a secretary, and treasurer. The board may appoint an assistant secretary who shall exercise such of the powers and perform such of the duties of the secretary as may be designated by the board of directors, except that such assistant secretary shall not be invested

Officers of district

Organiza-
tion:
meetings

Vacancies,
how filled;
term of
office

Duties and
powers of
directors

with authority to sign on behalf of the secretary any bonds of the district. The secretary and treasurer shall be appointed by the board of directors and may or may not be members of said board. Such officers shall serve at the will of the board. One person may be appointed to serve as secretary and treasurer. The board may also appoint an engineer and manager and such other assistants as may be necessary. The directors immediately upon their election and qualification shall meet and organize. The board of directors shall designate some place within the county as the office of the board, and the board shall hold a regular monthly meeting in this office on such day of the month as that fixed upon by resolution duly entered upon the minutes. All meetings of the board shall be public, and a majority of the members shall constitute a quorum for the transaction of business, but on all questions requiring vote there shall be a concurrence of at least a majority of the members of the board. All records of the board shall be open to the inspection of any elector during business hours. On the first Monday in May next following their election, the board of directors shall meet and organize, and elect a president and vice president, and appoint a secretary and treasurer. The appointees aforesaid shall file bonds, which shall be approved by the board for the faithful performance of their duties. Any vacancies in the office of director shall be filled from the division in which the vacancy occurs by the remaining members of the board. In cases where a vacancy occurs in the office of director, and the remaining directors, at the next regular monthly meeting of the board of directors following such vacancy, do not by a majority vote of such remaining directors appoint a successor to fill such a vacancy, then the president of the board of directors shall fill such vacancy by appointment, and in the event of the vacancy occurring in the office of the director who is president of the board, then the vice president shall fill the vacancy by appointment. A director appointed to fill a vacancy, as above provided, shall hold his office until the next biennial election, and until his successor is elected and qualified.

Sec. 9. The board of directors shall have power to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers, and employees, delegates to conventions, or other representatives in the interest of the district as may be required, and prescribe their duties and remuneration, and to establish bylaws, rules, and regulations for the distribution and use of water in the district. Said bylaws, rules, and regulations shall be printed in convenient form for distribution throughout the district. For the purpose of acquiring control over government lands within the district, and

of complying with the provisions of an act of Congress of August 11, 1916, entitled "An act to promote reclamation of arid lands." the board shall have power to make such investigation, and base thereon such representations and assurances to the secretary of the interior as may be requisite. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation and other works, and the lines of any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location.

SEC. 10. Any person who shall wrongfully or purposely fill up, cut, damage, injure, or destroy, or in any manner impair, the usefulness of any reservoir, canal, ditch, lateral, drain, headgate, dam, or other work, structure, or improvement constructed or acquired under the provisions of this act, or shall wrongfully and maliciously interfere with any officer, agent, or employee of the district in the proper discharge of his duties, shall be guilty of a misdemeanor, and shall be fined in any sum not exceeding five hundred dollars (\$500) or imprisoned not to exceed (90) days in the county jail, or by both such fine and imprisonment; *provided further*, that the water district damaged by any such act may also bring a civil action for damages sustained by any such act, and in such proceeding the prevailing party shall also be entitled to attorney's fees and costs of court.

Penalty for injury to property

Civil action

SEC. 11. All moneys belonging to or in the custody of the water district shall, so far as possible, be deposited in such state or national bank or banks in this state as the treasurer or other officer of such water district having legal custody of said moneys shall select for the safe-keeping thereof, and shall be subject to withdrawal at any time on demand of the treasurer or other authorized officer.

Moneys deposited in banks

For the security of such deposits there shall be delivered to the treasurer of such water district a bond or bonds of a corporate surety qualified to act as sole surety on bonds or undertakings required by the laws of this state, and approved by the insurance commissioner of this state as a company possessing the qualifications required for the purpose of transacting a surety business within this state; *provided*, that the penal amount of such bond or bonds shall at no time be less than the amount of money deposited by such water district with such depositary; said bond or bonds shall secure and guarantee the full and complete repayment to such water district or the payment to its order of all funds so deposited, together with interest thereon. The premium for such corporate surety bond or bonds, in the discretion of the directors of the water district, may be paid out of the funds so deposited or may be required to be paid

Moneys secured by surety bonds

U. S. bonds
as security

by the depositary; *provided, however*, that said depositary may, in lieu of said corporate surety bond or bonds, deposit with the treasurer of such water district treasury notes or United States bonds, or other securities which are legal investments for savings bonds in this state, the market value of which shall at all times equal the amount of funds so deposited as collateral security, and such securities shall be placed by such treasurer in escrow in some bank other than the depositary of the funds of such district. In the event of the failure of the depositary to repay such funds to the district on demand, or to pay the same to its order, the securities so placed in escrow shall be redelivered to the treasurer and may be sold by him with or without notice, and the proceeds thereof used to reimburse the district. The treasurer, or other officer, of such district having legal custody of its moneys, may, in his discretion, deposit such moneys, in whole or in part, in United States postal savings banks. He shall also have power to deposit such moneys in the same manner and under the same conditions as may be applicable to the deposit of state, county, and/or municipal funds by the legal custodians thereof.

Discretion of
treasurer

Contracts of
indemnity,
etc.

SEC. 12. The board of directors of any district now or hereafter organized under the provisions of this act shall have power to enter into contracts of indemnity and guaranty, in such form as may be approved by said board, relating to or connected with the performance of any contract or agreement which said district shall be empowered to enter into under the provisions of this act or any other law of this state.

Director's
per diem

Officers' com-
pensation,
how fixed

SEC. 13. The members of the board of directors shall each receive fifteen dollars per day and actual traveling expenses for each day spent attending meetings of said board or while engaged in official business under the order of the board. The board shall fix the compensation to be paid to the other officers named in this act; *provided*, that said board shall, upon the petition of a majority of the electors within such district, submit to the electors at any general election of said district a schedule of salaries and fees to be paid the directors and officers thereof. Such petition shall be presented to the board twenty days prior to such general election, and a schedule fee submitted upon a two-thirds vote therefor shall be put into effect upon the first of the month next ensuing.

Directors
not to be
interested in
contracts;
penalty

SEC. 14. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall suffer a forfeiture of his office,

and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment.

Sec. 15. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void.

Directors not
to incur
indebted-
ness, when

Sec. 16. The district is authorized from time to time to issue its negotiable bonds to obtain funds for the accomplishment of any of its corporate purposes, which bonds shall be authorized by resolution of the governing body and shall be payable solely from the income and revenues to be derived from the operation of its works or properties, as hereinafter provided. These bonds shall not constitute an indebtedness or pledge of the general credit of the district and shall contain a recital to that effect, and such bonds shall be in coupon form, but may be made registerable as to principal if so provided in the resolution authorizing the issuance thereof. The bonds shall be in the denomination of \$100 or a multiple thereof, shall bear interest at a coupon rate not exceeding six percent per annum, shall mature serially or otherwise in such manner as may be provided by the governing body, but not later than forty years from their date, shall be made payable at such place or places within or without the State of Nevada as may be provided by the governing body, and in the discretion of the governing body may be made redeemable at the option of the district prior to maturity at such premium or premiums not greater than one hundred three percent of the principal amount thereof as the governing body may determine. The bonds shall be signed by the president and attested by the secretary of the district under the official seal of the district in such manner as may be provided in the resolution authorizing their issuance. Interest coupons to be attached to the bonds may be executed with the facsimile signatures of such officers, and in the event any officer whose signature appears on such bond or coupons shall cease to be such officer before delivery of the bonds to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes. The bonds shall be sold in such manner and at such times as the governing body may determine at public or private sale for such prices as the governing body shall approve, except that in no event shall the bonds be sold at a price which will result in an interest yield therefrom of more than six percent per annum computed to average maturity according to standard tables of bond values. The bonds may be issued in an amount sufficient to include the payment of all incidental costs incurred in connection

Negotiable
revenue
bonds
authorized

Form, con-
tents and
conditions
of bonds

Bonds sold
at public or
private sale

Amount of bonds	with the construction, acquisition, extension or improvement of the works or properties and the authorization and issuance of the bonds, including, but without limitation, engineering and legal fees, fiscal agent's expenses and payment of the interest during the period of the construction of the works or properties and for six months thereafter. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bonds may be delivered to the purchaser of said bonds. Bonds issued hereunder shall be
Bonds shall be revenue bonds	payable from and secured by a pledge of the revenues derived from the operation of the works or properties constructed, acquired, extended, or improved with the proceeds thereof, subject only to the prior payment of the reasonable and necessary expenses of operating and maintaining such works or properties. If more than one series of bonds shall
Priority of series	be issued hereunder payable from the revenues of any works or properties, priority of lien on such works or properties and the revenues thereof shall depend on the time of the delivery of such bonds, such series enjoying a lien prior and superior to that enjoyed by any series of bonds subsequently delivered; <i>provided, however</i> , that as to any issue or series of bonds which may be authorized as a unit but delivered from time to time in blocks, the governing body may in the proceedings authorizing the issuance of said bonds provided that all of the bonds of such series or issue shall co-equal as to lien regardless of the time of delivery. All bonds issued
Bonds negotiable instruments	under the provisions of this act shall constitute negotiable instruments within the meaning of the negotiable instruments law as that law is now or may hereafter be in force in the State of Nevada. Any resolution authorizing the issuance of bonds hereunder shall provide for the creation of a
Bond sinking fund	sinking fund into which shall be paid from the revenues of the works or properties, subject only to prior payment of the reasonable and necessary expenses of operating and maintaining the works or properties, sums fully sufficient to pay principal of and interest on such bonds and to create such reserve for contingencies as may be provided in such resolution. Moneys in the sinking fund shall be applied to the payment of interest on and principal of the bonds or to the purchase or retirement of the bonds prior to maturity in such manner as may be provided in said resolution. The
Covenants with bond holder	resolution authorizing such bonds may contain such covenants with the future holder or holders of the bonds as to the management and operation of the works or properties, the imposition and collection of rates and charges for the products or services furnished thereby, the disposition of such rates and revenues, the issuance of future bonds and the creation of future liens and encumbrances against said works or

properties and the revenues thereof, the carrying of insurance on the properties constituting such works, the disposition of the proceeds of any such insurance, and other pertinent matters as may be deemed necessary by the governing body to assure the marketability of such bonds; *provided*, such covenants are not inconsistent with the provisions of this act. When any district shall issue bonds hereunder and shall have pledged the revenues of any works or properties for the payment thereof as herein provided, such district shall impose and collect rates and charges for the products and services furnished by such works or properties in such amounts and at such rates as shall be fully sufficient at all times to pay the expenses of operating and maintaining such works or properties, provide a sinking fund sufficient to assure the prompt payment of principal of and interest on the bonds as each falls due, provides such reasonable fund for contingencies as may be required by the resolution authorizing bonds and provide an adequate depreciation fund for such repairs, extensions and improvements to the works or properties as may be necessary to assure adequate and efficient service to the public. No board or commission other than the governing body of the district shall have authority to fix or supervise the making of such rates and charges. The governing body of any district which shall have issued bonds payable from revenues under the provisions of this law may authorize the issuance of bonds for the purpose of refunding such outstanding bonds. Such refunding bonds may either be sold and the proceeds applied to the retirement of the outstanding bonds, or may be delivered in exchange for the outstanding bonds. The refunding bonds shall be authorized in all respects as original bonds are herein required to be authorized, and the governing body in authorizing the refunding bonds shall provide for the security of such bonds and the source from which such bonds are to be paid and for the rights of the holders thereof in all respects as herein authorized to be provided for other bonds issued under authority of this act. The governing body may also provide that the refunding bonds shall have the same priority of lien on the revenues pledged for their payment as was enjoyed by the bonds refunded.

Rates and charges imposed

Governing body to fix rates

Refunding bonds authorized

SEC. 17. That in addition to all other remedies, any holder of a bond of the district incorporated under this act, including a trustee for bond holders, shall have the right, subject to any contractual limitations binding upon such bond holders or trustee, and subject to the prior or superior rights of others:

Rights of bond holders

(1) By mandamus or other suit, action or proceedings, at law or in equity, to enforce his rights against such district

Rights of
bond
holders

and the board of such district, including the right to require such district and such board to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, and to require such district and such board to carry out any other covenants and agreements with such bond holder and to perform its and their duties under this act.

(2) By action or suit in equity to enjoin any acts or things which may be unlawful or a violation of the rights of such bond holder.

(3) By action or suit in equity to require such authority to act as if it were the trustees of an express trust for such bond holder.

(4) By suit, action, or proceeding in court exercising equitable jurisdiction to obtain the appointment of a receiver of the enterprise in which the district is engaged or any part or parts thereof, who may enter and take possession of such utility or any part or parts thereof, including all property, land, property rights, easements, and other adjuncts of the utility, and such receiver may operate and maintain the same, and collect and receive all revenues thereafter arising therefrom in the same manner as such district itself might do, and shall deposit all such moneys in a separate account or accounts and apply the same in accordance with the obligations of such district as the court shall direct.

Clark county
may advance
funds

Sec. 18. That Clark County may advance funds to such district to pay the preliminary organization, administration, and engineering costs thereof, in such terms of repayment as may be agreed upon, and said county is hereby authorized to declare an emergency and secure necessary funds in the manner now provided by law authorizing short-term loans.

Act con-
trolling

Sec. 19. That this act is complete in itself and shall be controlling. The provisions of any other law, general, special or local, except as provided in this act, shall not apply to a district incorporated under this act.

Power of
eminent
domain

Sec. 20. The power of eminent domain herein granted may be exercised in the manner provided by Nevada Compiled Laws 1929, sections 9153 to 9176, inclusive, as amended or supplemented, or any law hereafter enacted for that purpose.

Constitu-
tionality

Sec. 21. That if any provision of this act, or the application of such provision to any person, body, or circumstances shall be held invalid, the remainder of this act, or the application of such provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

In effect

Sec. 22. This act shall take effect upon its passage and approval.

APPENDIX C

"Truckee Meadows Water Supply"
October 7, 1983

TRUCKEE MEADOWS WATER SUPPLY

Interim Legislative Sub Committee

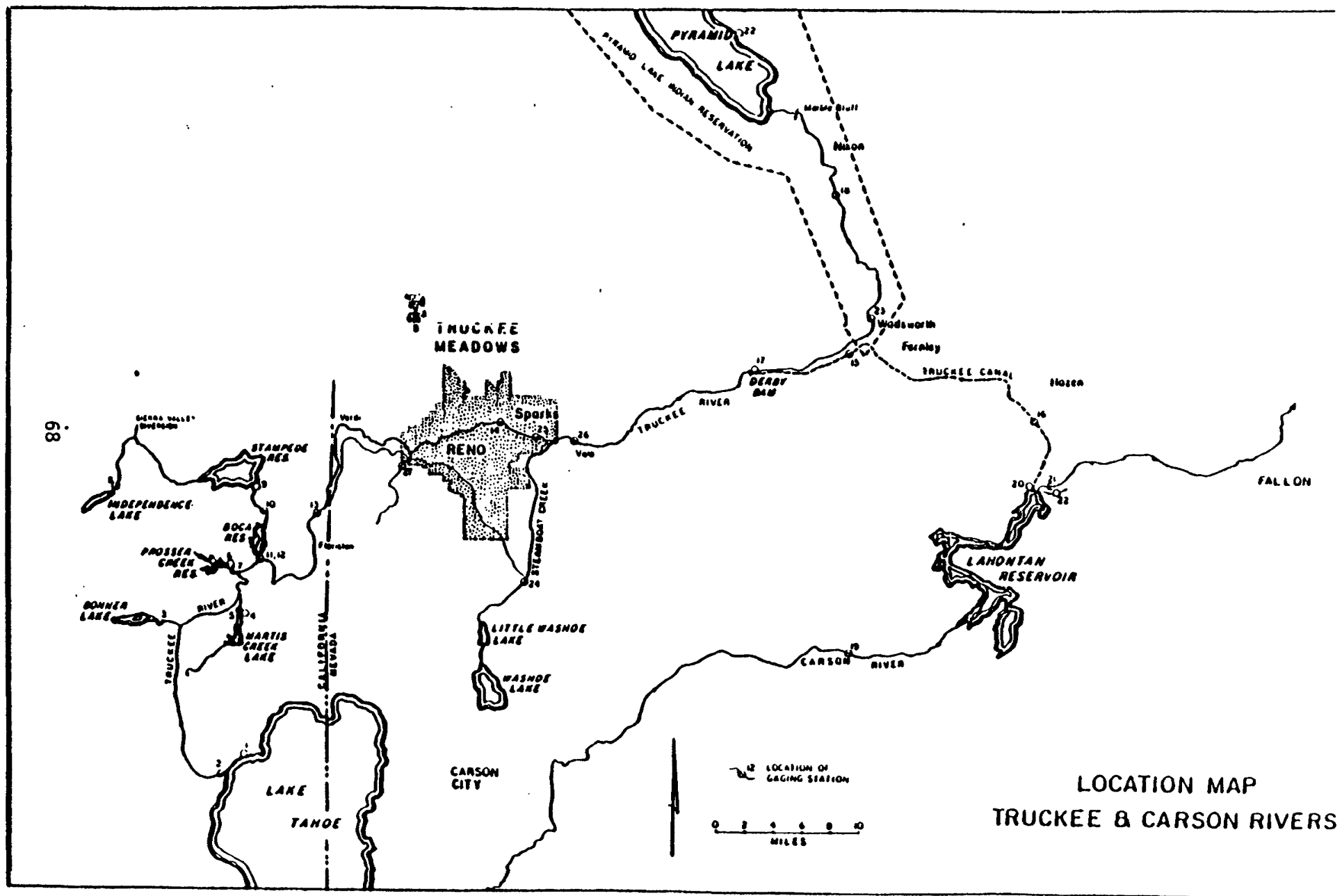
SCR 45

October 7, 1983

LIST OF EXHIBITS

TRUCKEE MEADOWS WATER SUPPLY PRESENTATION

1. Map Truckee River System.
2. Summary of Orr Ditch Decree Water Rights.
3. Current Status of Orr Ditch Decree Irrigation Rights in Truckee Meadows.
4. SPPCo. Water Rights.
5. Yield of Water Rights by Month, 1931 & 1934.
6. Truckee River Storage.
7. Historic Elevations Lake Tahoe 1920-1982.
8. Floriston Rates.
9. Stampede Operation Curves.
10. Historic SPPCo. Water System Demands 1965-1982.
11. SPPCo. Annual Water Demand Curve.
12. SPPCo. Rule 17 Summary.
13. SPPCo. Water Resource Budget.
14. SPPCo. Service Area Expansion Policy.
15. Projected Water Demands.
16. Yield of Present Rights.
17. Yield of Present Rights Plus Additional Purchased Irrigation Rights.
18. Yield of Present Rights Plus Stampede Rights.
19. Historic Elevations, Pyramid Lake.



SUMMARY OF ORR DITCH DECREE WATER RIGHTS

ACRE FEET

69 AREA	TRUCKEE RIVER RIGHTS				TRIBUTARY RIGHTS				TOTAL	
	TOTAL DECREEED IRRIGATION	ACQ. BY SPPCo.	TOTAL DECREEED M & I	ACQ. BY SPPCo.	TOTAL DECREEED IRRIGATION	ACQ. BY SPPCo.	TOTAL DECREEED M & I	ACQ. BY SPPCo.	DECREEED	ACQ. BY SPPCo.
Stateline to Truckee Meadows	5,393				1,816				7,209	
Truckee Meadows	104,293	27,272	28,908	28,908	19,831		9,829	9,829	162,861	66,009
Spanish Springs Valley	4,952								4,952	
Steamboat Valley					2,895				2,895	
Pleasant Valley					3,267				3,267	
Truckee Meadows (Vista to Derby Dam)	4,031	*1,232							4,031	* 1,232
Truckee-Carson Irrigation District	**406,000								**406,000	
Derby Dam to Nixon	6,564	*2,214	1,448	+1,448					8,012	*+3,662
Pyramid Lake	23,775								23,775	
Totals++	149,008	30,718	30,356	30,356	27,809		9,829	9,829	217,002	70,903

* Currently used at Tracy Power Plant

** Total TCID requirement from both Truckee and Carson Rivers

+ 948 AF currently used at Tracy Power Plant, and 500 AF used for M & I system

++ Excluding TCID requirements

CURRENT STATUS OF ORR DITCH DECREE IRRIGATION RIGHTS IN TRUCKEE MEADOWS

1. Acquired by SPPCo.:	27,000 Acre Feet
2. Currently unused and potentially available for acquisition:	32,000 " "
3. Currently used for irrigation:	28,000 " "
4. Probably unavailable for purchase (golf courses, cemeteries, greenbelts, UNR Farm, etc.):	<u>17,000</u> " "
TOTAL:	104,000 " "

ESTIMATE OF CURRENTLY UNUSED WATER RIGHTS HELD BY PUBLIC AGENCIES

City of Reno:	Fee Parcels	2,500 AF (Verified)
	Streets	2,000 AF (Estimated)
City of Sparks:	Fee Parcels	750 AF (Verified)
	Streets	1,000 AF (Estimated)
Washoe County:	Fee Parcels	250 AF (Estimated)
	Streets	<u>1,000</u> AF (Estimated)
TOTAL:		7,500 AF

STATUS OF OTHER CURRENTLY UNUSED WATER AS VERIFIED BY SPPCo.

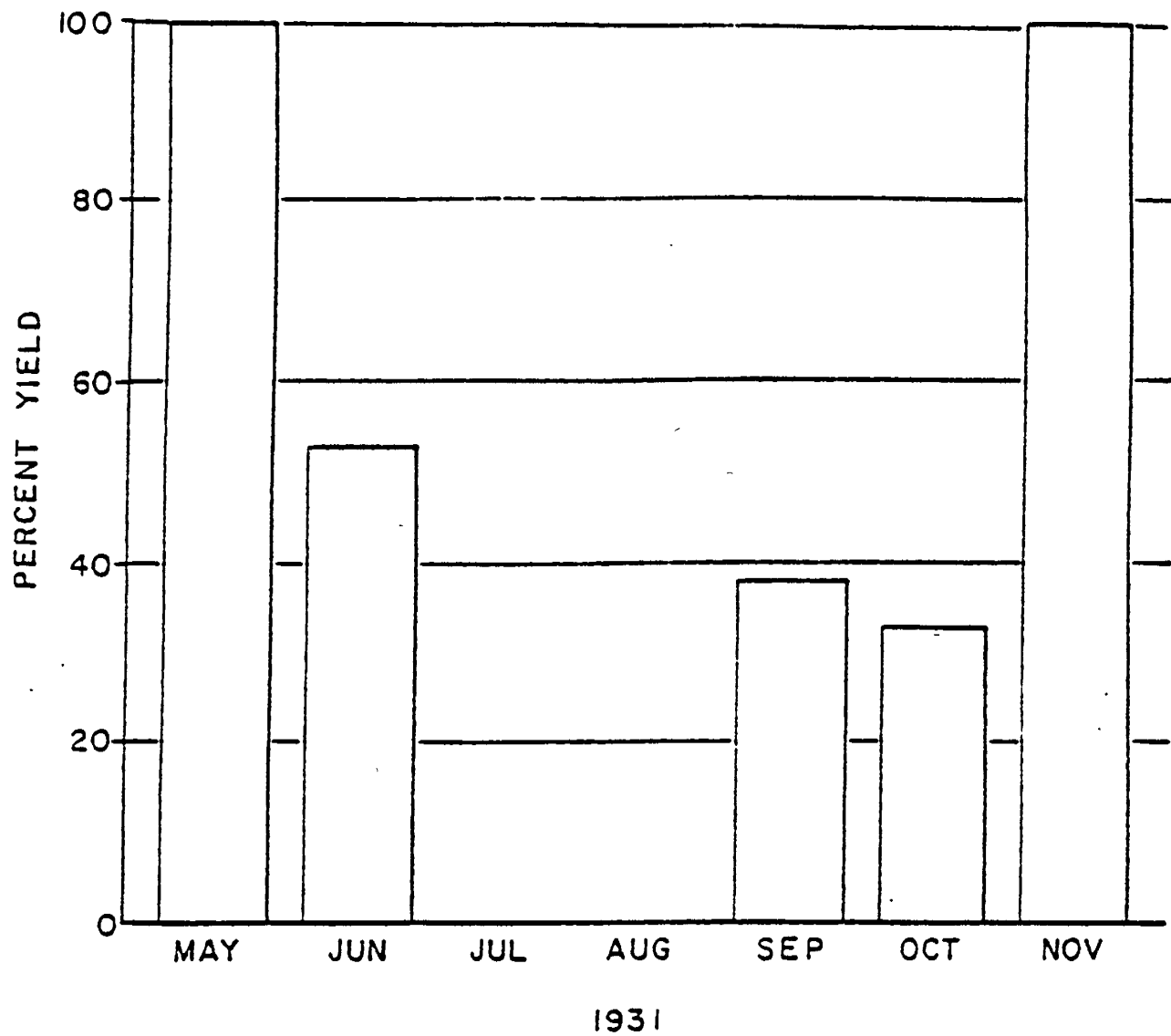
Single ownerships larger than 500 AF:	6,800 AF
Single ownerships smaller than 500 AF:	<u>8,800</u> AF
TOTAL:	15,600 AF

As of August, 1983

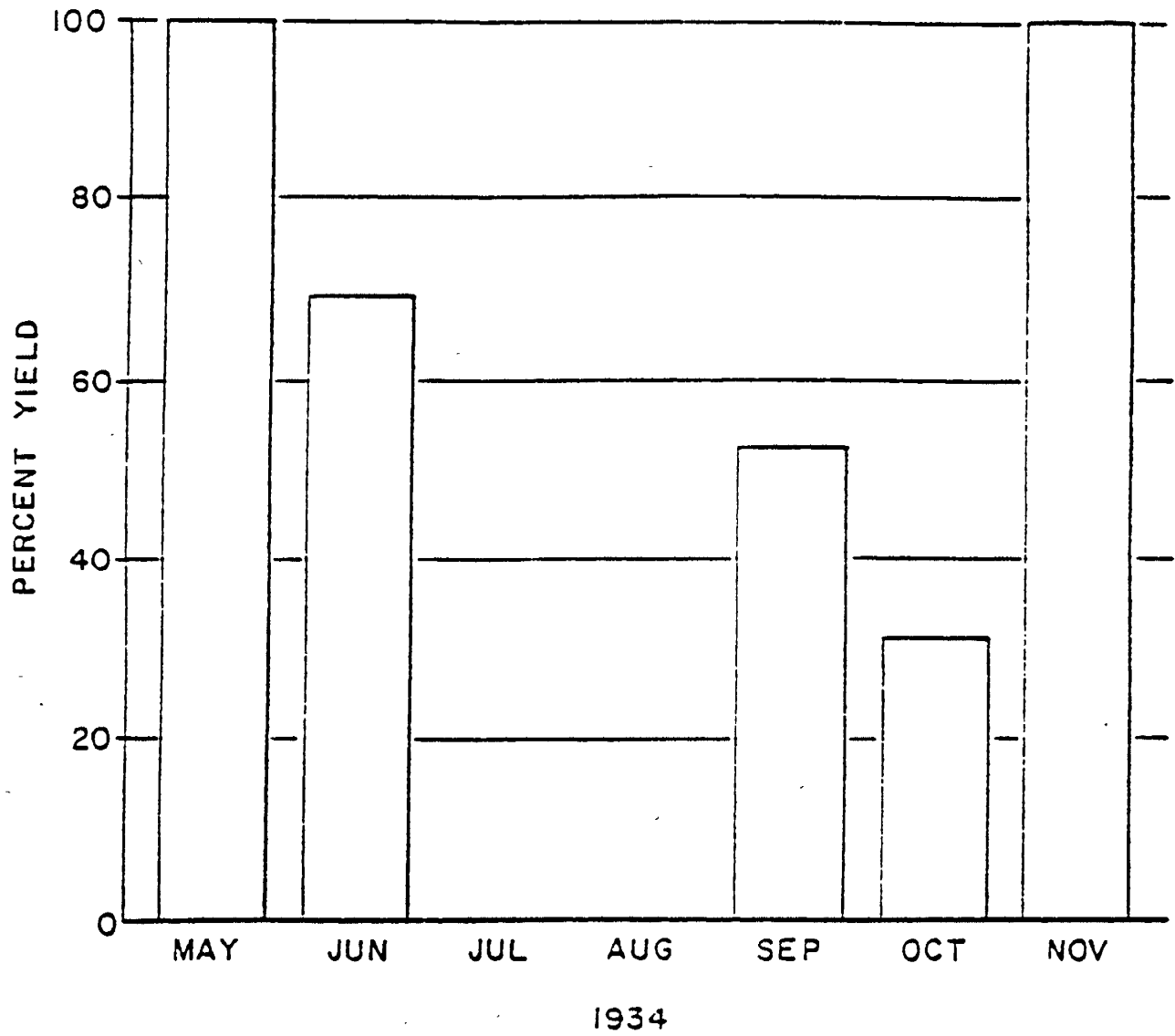
SIERRA PACIFIC POWER COMPANY
WATER RIGHTS

	<u>TOTAL RIGHT</u>	<u>CRITICAL YEAR YIELD</u>	<u>YIELD %</u>
1. Truckee River (40 cfs)	28,908 AF	28,619	99
2. Hunter Creek (13.6 cfs)	9,829	5,500	56
3. Purchased irrigation rights	27,772	15,846	57
4. Groundwater	<u>12,000</u>	<u>12,000</u>	<u>100</u>
TOTAL	78,509	61,965	79

PERCENT YIELD OF MONTHLY DEMAND
ON IRRIGATION RIGHTS USED FOR M&I



PERCENT YIELD OF MONTHLY DEMAND
ON IRRIGATION RIGHTS USED FOR M&I



TRUCKEE RIVER STORAGE

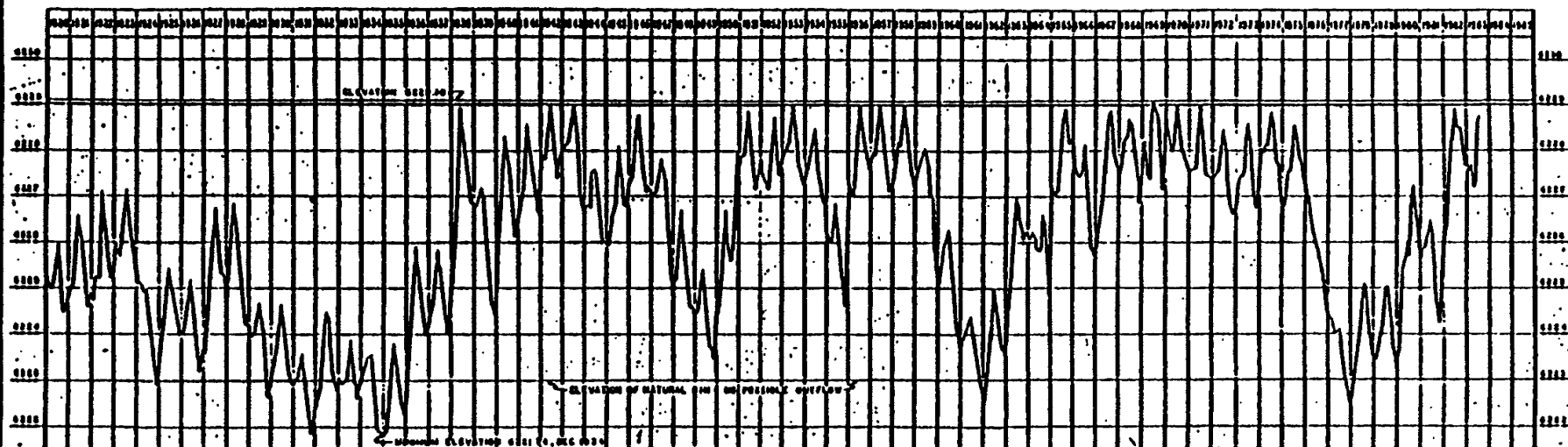
RESERVOIR	OWNER	<u>UPSTREAM</u>		DRAINAGE AREA SQ. MILES
		USEABLE STORAGE CAPACITY A.F.	REQUIRED RELEASES STREAM FLOW MTCE. CFS	
Lake Tahoe	USA	744,600	50 OCT 1 - MAR 31 70 APR 1 - SEP 30	18,018 25,364 <u>43,382</u>
Donner Lake	SPPCo. TCID	9,500	3 Below Dam 5 Below Cold Creek	2,168 14.6
Martis Creek	USA	19,583		40
Prosser Creek	USA	28,640	5	3,614 50.5
⁷⁴ Independence Lake	SPPCo.	17,500	2	1,445 8.2
Stampede	USA	221,490	30	21,681 136
Boca	WCWCD	<u>40,870</u>		<u>172</u>
TOTALS		1,082,183		72,290

DOWNSTREAM

Lahontan (Carson River)	USA (TCID)	295,000 328,600 (With Flashboards)	1,950
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ELEVATION OF LAKE TAHOE

1920 - 1968



FLORISTON RATES

LAKE TAHOE ELEVATION

FLOW TRUCKEE RIVER AT FARAD
OCT NOV-FEB MAR APR-SEP
(cubic feet per second)

Less than 6,225.25 feet

400 300 300 500

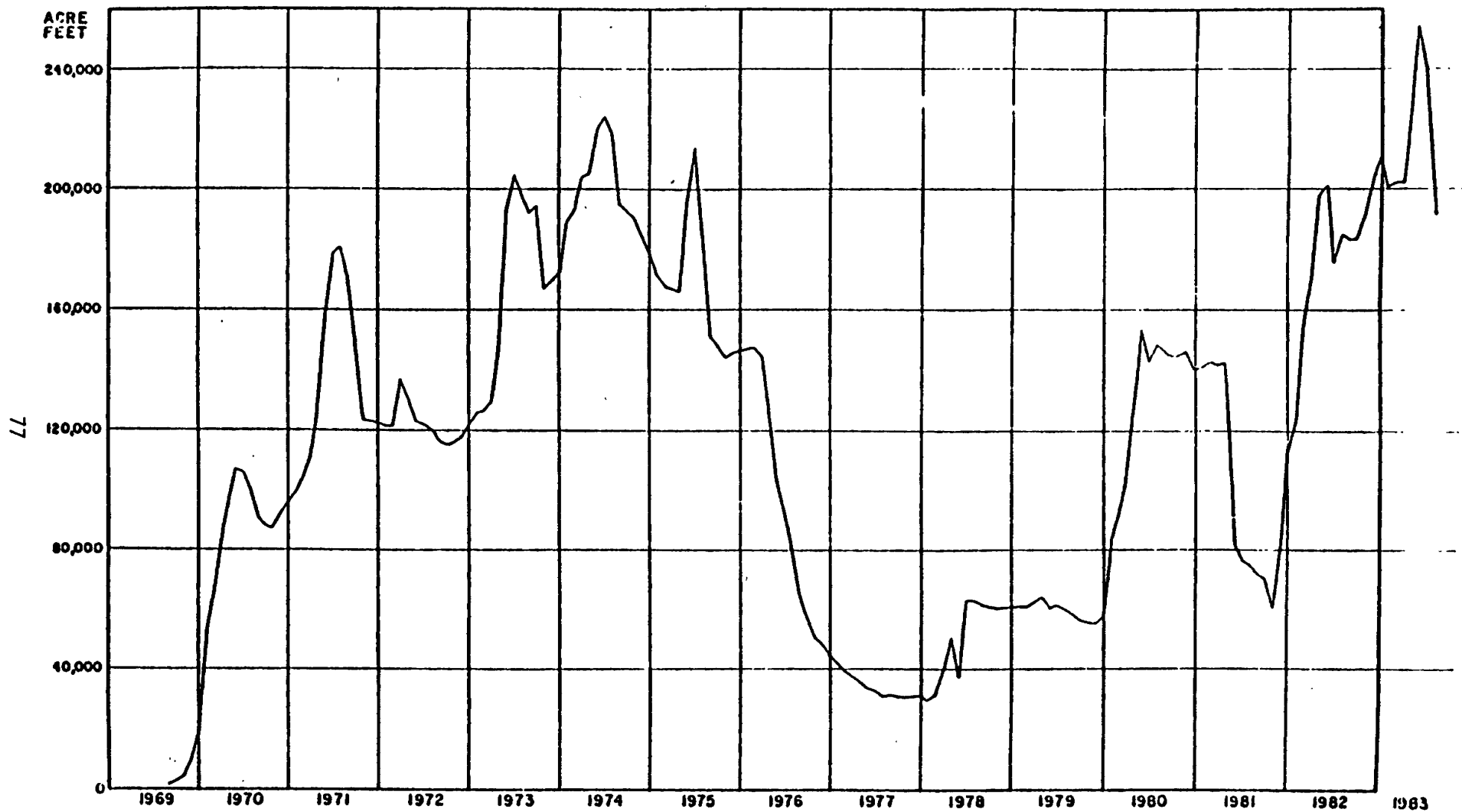
Between 6,225.25 and 6,226 feet

400 350 350 500

Over 6,226 feet

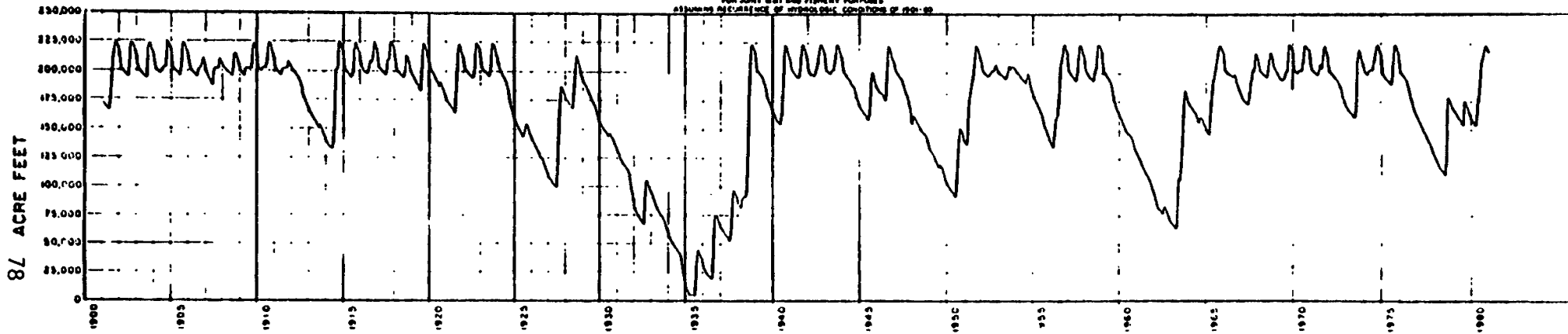
400 400 500 500

ACTUAL STAMPEDE RESERVOIR END-OF-MONTH STORAGE

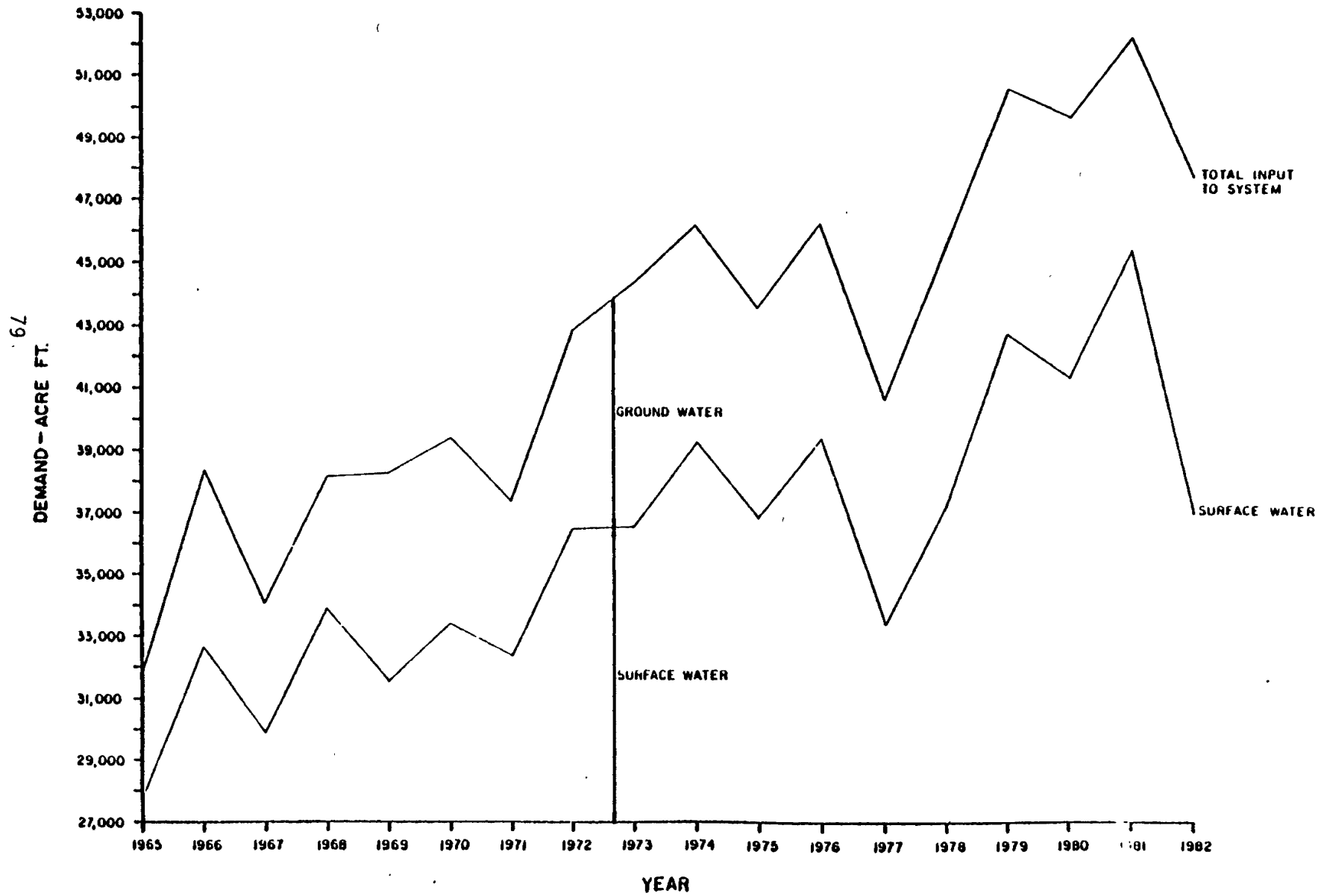


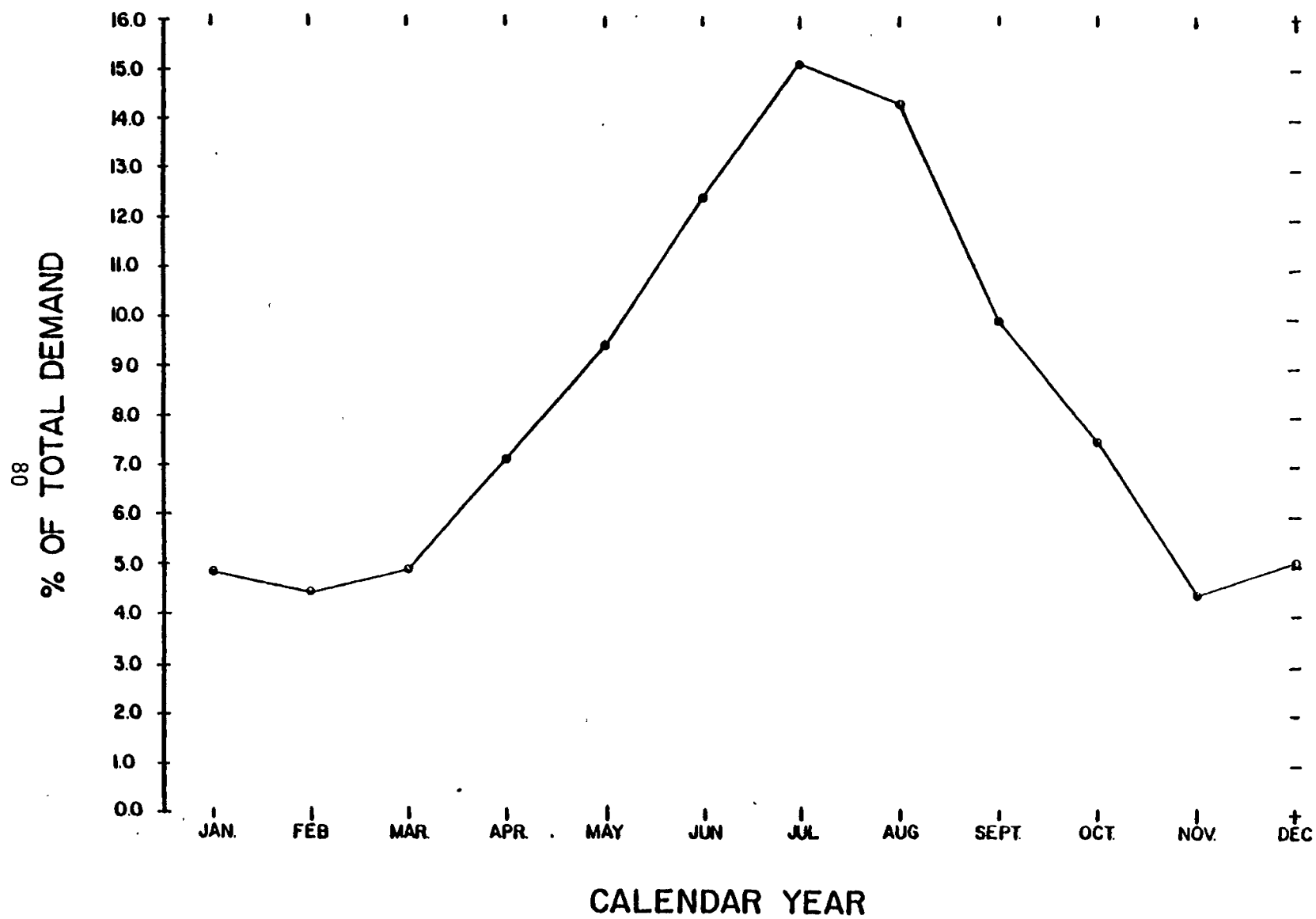
STAMPEDE RESERVOIR END-OF-MONTH CONTENTS - A.F.

OPERATION OF STAMPEDE DAM AND RESERVOIR
FOR JOINT IRRIGATION AND FISHERY PURPOSES
ASSUMING AVERAGE OF HYDROLOGIC CONDITIONS OF 1900-50



INPUT TO SPPCo WATER DISTRIBUTION SYSTEM





SIERRA PACIFIC POWER CO.

SIERRA PACIFIC POWER COMPANY
NOTICE TO ALL APPLICANTS FOR WATER SERVICE

In accordance with Rule #17 of Sierra Pacific Power Company's approved water tariffs, all applicants for water service must have a valid will serve commitment issued by the Company prior to receiving new or expanded water service from the Company.

Will serve commitments can be obtained by either of the following two (2) procedures:

1. By transfer to the Company, at no cost to the Company, sufficient water resources to meet the water demand of the subject project under hydrologic conditions such as those experienced in the 1928-1935 drought period and the critical year of 1934.
2. By placing the project on a list until sufficient water resources have been acquired by the Company to serve the water demand of the project under the hydrologic conditions stated above in alternative 1. Applicant will be required to reimburse the Company for the costs incurred in acquiring the necessary water resources.

The Customer Services Engineering Department will not begin the processing of design or contracting for the required facilities until such time as the commitment of water resource availability is issued; provided that the applicant may elect to advance to the Company the full cost of the work necessary to prepare the design and contract for the project facilities. The customer should understand that, if he should elect to so advance the design costs, no service contracts shall be executed by the Company prior to the issuance of the commitment of resource availability. Customer service contracts executed for electric and/or gas service shall in no way be construed as to commit water resources to the project.

REF:sh

SIERRA PACIFIC POWER COMPANY WATER RESOURCE BUDGET

EXHIBIT

198

* 12 MONTHS ENDED
 ** CUMULATIVE DEMAND FROM 08/18/80 (Less Completed Projects)

	NAME	PRESENT	RIGHTS	CRITICAL	TOTAL	* DEMAND		REM	REM	REM	COMM. TO	DEMAND	PROP.	TOTAL	REMAINING
		SPPCo.	ACQUIRED	YEAR	AVAIL.	EXIST.		COMM. TO	COMM. TO	COMM. TO	APP.	SUB	PROJ.	COMM.	UNCOMMITTED
		RIGHTS		YIELD	RIGHTS	CUST.		SUN VALLEY	SILVER LAKE/PAW VALLEY		PROJECTS	TOTAL	DEMAND	DEMAND	RIGHTS
															1
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															3
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POLICY STATEMENT REGARDING EXPANSION OF
SIERRA PACIFIC POWER COMPANY'S WATER SERVICE TERRITORY

On August 24, 1979, Sierra Pacific Power Company made a statement to the Washoe Council of Governments describing the water supply situation within its existing water service territory. The Company stated that its existing inventory of water rights is not expected to meet the demand of its existing water service territory in 1981, or at the latest, 1982, and called upon local government to coordinate their planning efforts very closely with Sierra Pacific. The Company is actively involved in obtaining the necessary water and storage rights to serve its existing service territory.

Sierra Pacific has determined that there are certain water rights located outside its service territory which are not available for sale to the Company because they are committed to the future development of those lands. Sierra Pacific believes that it is in the best interests of the community to consider expansion of its water service territory to these lands with appurtenant water rights, but only under conditions which will not prejudice its existing customers.

The conditions which must be met prior to Sierra Pacific making a commitment to expand its water service territory include, but are not limited to, the following:

1. The property proposed to be annexed must be contiguous to Sierra Pacific's existing service territory and must have water rights which will provide a firm yield sufficient in quantity and adequate in quality for human consumption, after treatment by Sierra Pacific's

existing treatment facilities to provide a full water supply for the the proposed development. The development must be limited to that which can be supported by the firm yield of the water rights under hydrologic conditions such as those experienced in the 1928-1935 drought period and the critical year of 1934. The yield must be proven to the satisfaction of Sierra Pacific and the State Water Engineer and any other state or local agency having jurisdiction. The use per customer shall be determined by Sierra Pacific Power Company.

a. Surface water rights must be transferable to the Truckee River for use by the Company in its treatment facilities. Surface water rights which were appurtenant to lands located inside Sierra Pacific's service territory prior to August 24, 1979 (the date the Company made its water supply statement to the Washoe Council of Governments), or water rights which were used on property to be annexed to Sierra Pacific's service territory but not officially transferred through the State Water Engineer's Office prior to August 24, 1979, will not be considered as part of the firm yield.

b. Existence of groundwater rights and permits, if any, must be approved and confirmed by the State Water Engineer. Physical availability of adequate quality and quantity of groundwater to meet the proposed development must be proven to the Company's satisfaction. It must be proven to the Company's satisfaction that the proposed groundwater draft will not adversely affect the yield of any existing Company wells. Existing and proposed wells for the annexed area must be constructed to Company standards.

c. All water rights appurtenant to the territory proposed to be annexed must be transferred to Sierra Pacific regardless of whether or not they are considered as part of the firm yield unless otherwise agreed to by the Company.

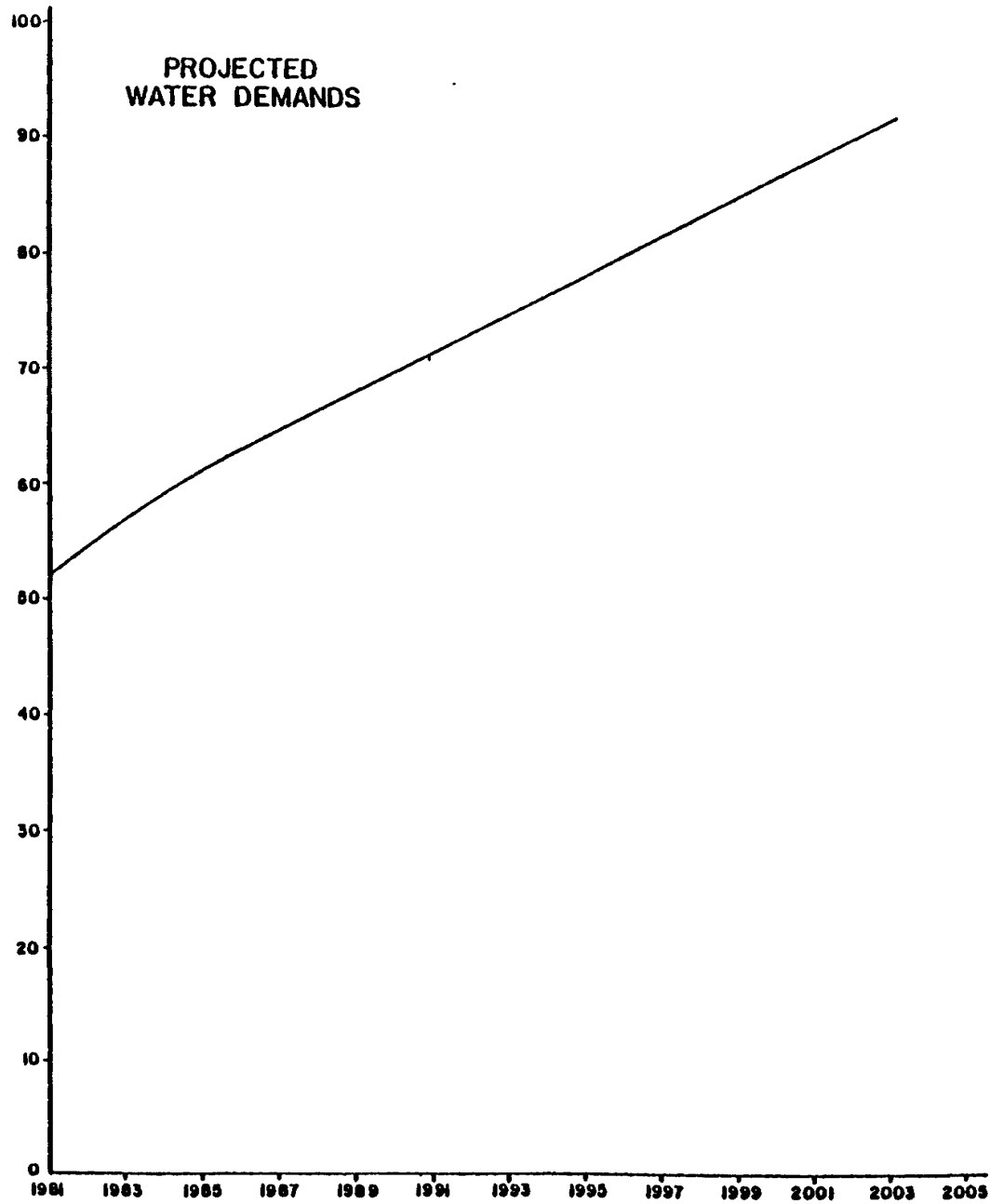
2. The applicant desiring such water service shall take such steps as Sierra Pacific may require to insure that the development does not exceed the firm yield of the water rights. This will include, but is not limited to, (1) the institution of all feasible water conservation measures, and (2) obtaining an agreement and zoning ordinance from the local government to permanently limit the development to the firm yield of the water rights under hydrologic conditions such as those experienced in the 1928-1935 drought period and the critical year of 1934.

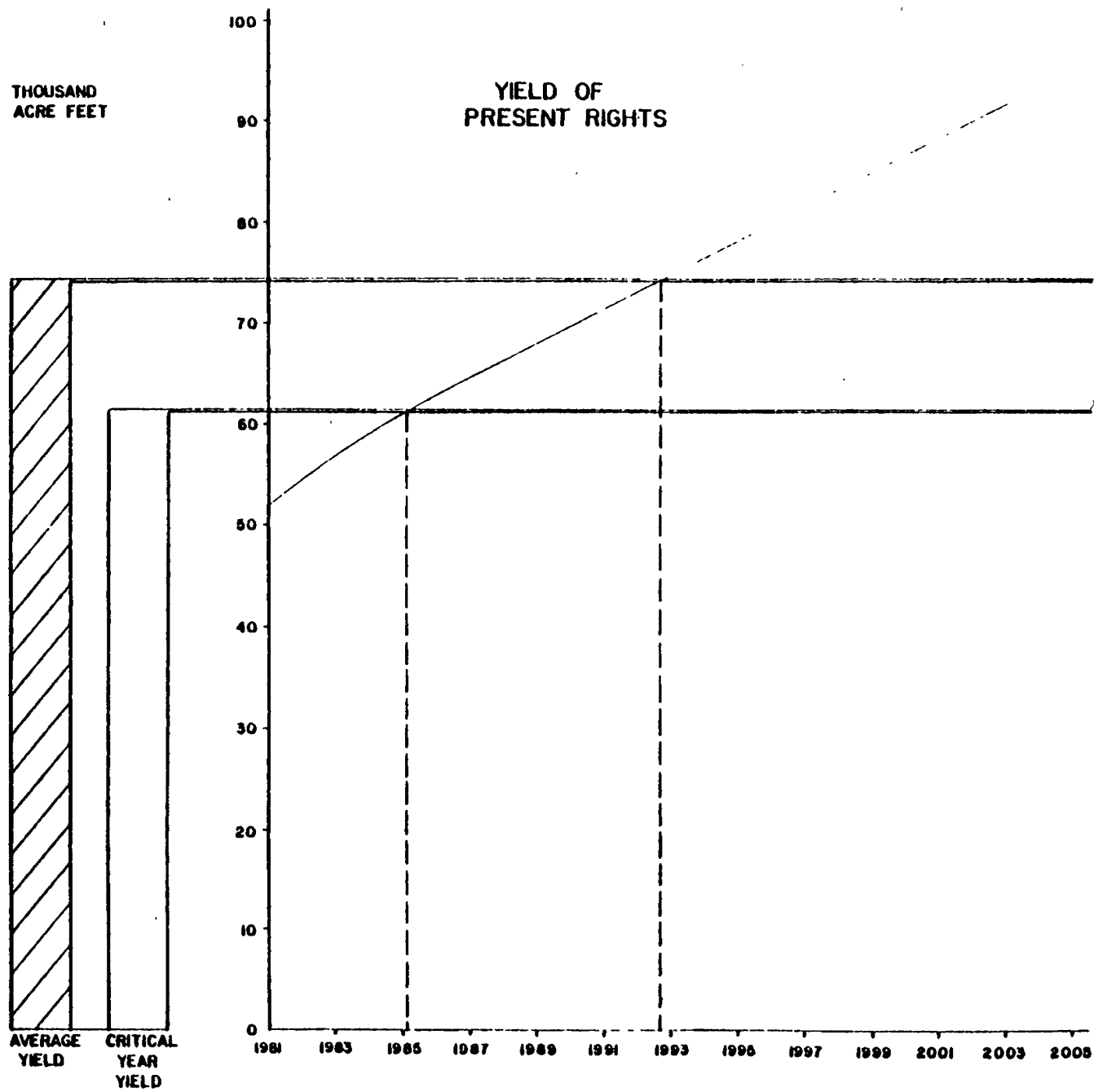
3. Water service would be provided in accordance with Sierra Pacific's approved rates, rules and regulations as filed with the Public Service Commission of the State of Nevada. The applicant would be required to pay for all facilities necessary to serve the development including, but not limited to, wells, treatment facilities, and storage facilities, including land and/or right of ways for storage facilities. All annexations are subject to the review and approval of the Public Service Commission of Nevada.

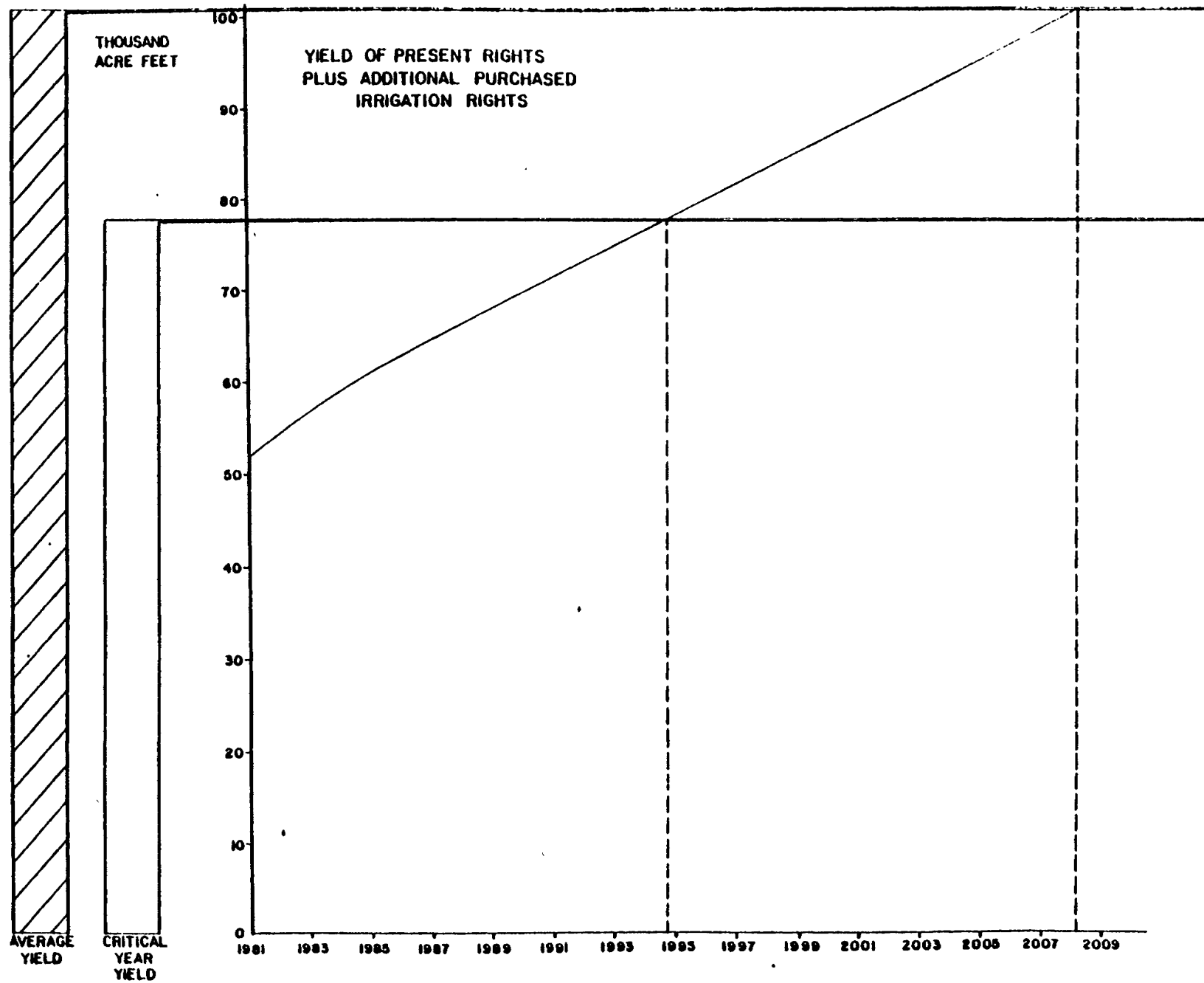
This statement of policy is intended to define those conditions which an applicant for water service must meet before Sierra Pacific management will consider an annexation of additional service territory. The statement is not intended to operate as a commitment or dedication to serve all applicants meeting the above conditions and Sierra Pacific reserves the right to refuse to annex any territory to its water service territory which, in its discretion, it deems to be an undesirable addition.

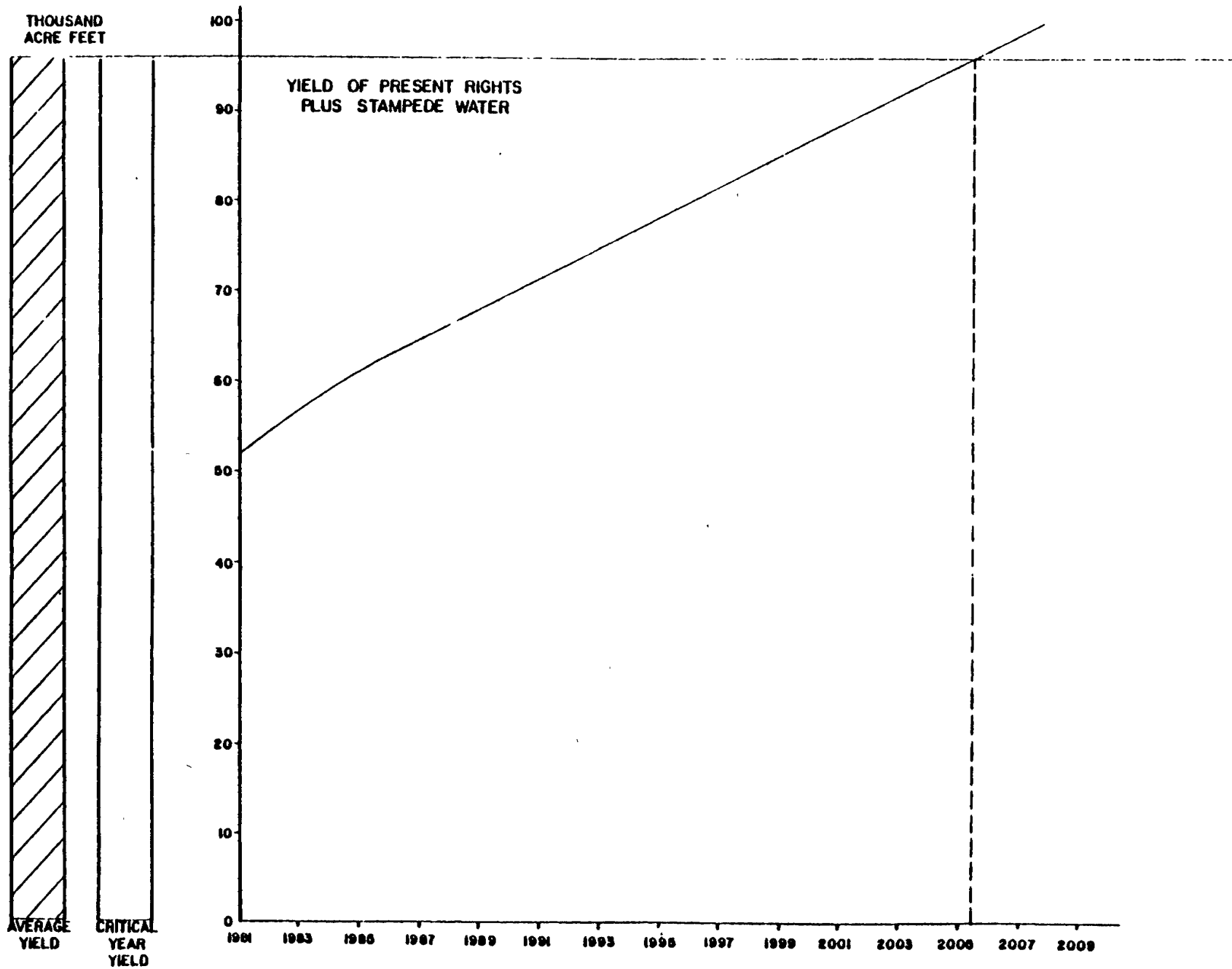
THOUSAND
ACRE FEET

PROJECTED
WATER DEMANDS

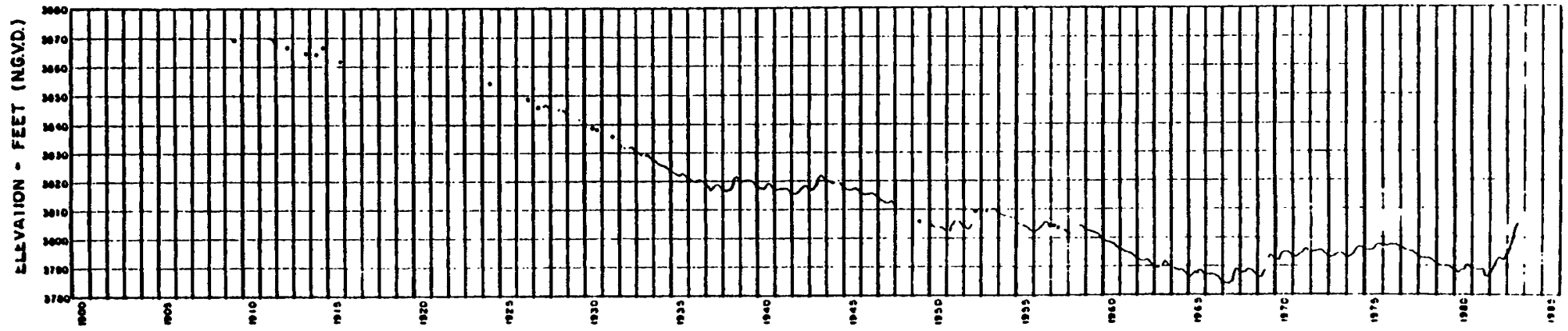








PYRAMID LAKE
HISTORIC END-OF-MONTH ELEVATION



APPENDIX D

Nevada Revised Statutes 704.230

NEVADA REVISED STATUTES

704.230 Installation, use of watermeters.

1. Except as otherwise provided in this section or in any special law for the incorporation of a city, it is unlawful for any public utility, for any purpose or object whatever, in any city or town containing more than 7,500 inhabitants, to install, operate or use, within such city or town, any mechanical watermeter, or similar mechanical device, to measure the quantity of water delivered to residential water users.

2. A public utility which furnishes water shall file with the commission a schedule establishing a separate individual and joint rate or charge for residential users who have installed watermeters or similar devices to measure the consumption of water.

3. A watermeter or similar device may be installed to measure the consumption of water by a residential customer only:

(a) With the consent of the customer; and

(b) To obtain information concerning a representative sample of residential customers in order to determine what benefits, if any, would be derived from the installation and use of watermeters for residential customers generally.

Unless the residential customer has agreed, in writing, to pay the separate rate, the public utility shall charge the residential customer for whom such a meter is installed the same amount for water used as if no meter had been installed.

4. This section does not apply to cities and towns owning and operating municipal waterworks, or to cities and towns located in counties having a population of 250,000 or more.

[Part 13:109:1919; A 1931, 320; 1955, 421]—(NRS A 1961, 101; 1967, 357; 1969, 1545; 1977, 1402; 1979, 559)

APPENDIX E

"Summary of Truckee River Litigation--
Sierra Pacific Power Company"

SUMMARY OF TRUCKEE RIVER LITIGATION
SIERRA PACIFIC POWER COMPANY

BACKGROUND

The U.S. District Court of the State of Nevada decided the Orr Ditch Case in 1944. The case was an adjudication of all water rights to Truckee River waters in Nevada including the so-called "Winters" water right of the Pyramid Lake Paiute Indians. (The Orr Ditch Decree provided approximately 30,000 acre feet to the tribe for irrigation purposes).

In the early 1970's, the Tribe filed a claim against the United States at the U.S. Court of Claims for money damages for the loss of the tribes water rights. The tribe was paid approximately nine million dollars and the government agreed to file a lawsuit to reopen the Orr Ditch Decree.

The government did file such a lawsuit which is commonly called the "TCID Case". This case was decided by the United States Supreme Court as follows:

INDIVIDUAL CASES

United States vs. Nevada

Decided June 24, 1983, by the United States Supreme Court.

The United States Supreme Court decided that the Pyramid Lake Paiute Tribe is not entitled to an 1859 priority water right for 385,000 acre feet, but is limited to its agricultural water right with an 1859 priority. The reasons relied upon by the Court are (1) that the matter was previously litigated in the Orr Ditch case decided in 1944, and (2) the Supreme Court also agreed that Pyramid Lake is stabilized by the present inflow.

United States vs. Alpine Land and Water Co.

Decided January 24, 1983 by the 9th Circuit Court of Appeals.

Certiorari denied by the United States Supreme Court on October 3, 1983.

This case is the companion case to the Orr Ditch case only it adjudicated the water rights of all of the users of Carson River Water in Nevada and California. The case was the longest pending U.S. District Court case of record. When it was decided on October 28, 1980, it had been pending nearly 55 years. The case established the water quantities which could be applied to lands irrigated by the Carson River. It also established that the TCID project owners individually own their water rights. The case was appealed from the Court of Appeals to the U.S. Supreme Court by the Pyramid Tribe (who was not a party to the proceeding below). The Supreme Court granted the Tribe's intervention and denied their petition for review.

United States vs. Orr Water Ditch Co.

Decided December 8, 1944 in the U.S. District Court for the State of Nevada.

Three cases have been filed pursuant to the continuing jurisdiction of the Court in the Orr Ditch Decree Case.

The first was a petition by the water master to establish whether he is properly operating the ditch diversions in the Truckee Meadows. The Tribe and the United States are claiming that the water users in the Truckee Meadows are wasting water,

that certain Truckee Meadows water rights have been abandoned and that the present operations harms the water quality of the Tribes water right (the Tribe claims their Winters right to 385,000 still exists, but recognizes they have no right to claim diversion pursuant to U.S. v. Nevada).

The second claim was a motion by the Tribe to change their agricultural right to a fishery right. The issues in this case are whether the Tribe must apply to the Nevada State Engineer to change the nature and point of diversion of their right and whether the Tribe should be able to require the right be delivered all in one month or whether the rights should be delivered according to a normal irrigation schedule.

The third claim is a motion by the State of Nevada to acquire fish eggs for an experiment. The motion was withdrawn by the State without prejudice to file again since no judge was assigned to the case during the spring when the eggs were available.

Sierra Pacific Power Co v. The Federal Energy Regulatory Commission and the Pyramid Lake Paiute Tribe.

Decided July 20, 1982 by the 9th Circuit Court of Appeals.

Certiorari was denied by the United States Supreme Court on April 18, 1983.

The Pyramid Lake Tribe filed a petition with the Federal Energy Regulatory Commission claiming the FERC should require Sierra to obtain licenses for its four hydroelectric plants on the Truckee River. The Tribe's purpose behind filing the petition was to convince the FERC to order a change in the

floriston rates. The FERC agreed that it had no jurisdiction to change the Floriston Rates but felt it did have jurisdiction to license. The 9th Circuit Court of Appeals overturned the FERC decision and decided that the plants did not require licensing.

Pyramid Lake Paiute Tribe v. State of California, et al

Filed July 26, 1981.

The Pyramid Paiute Tribe relatively recently filed to adjudicate all waters to the Truckee River in California (since the Orr Ditch Decree only applied to Nevada water rights and a few other specific rights). Since all of the upstream storage utilized by the Truckee Meadows is in California, the same major users of Truckee River water are involved.

Pyramid Lake Paiute Tribe v. EPA

Filed December 4, 1981

The Paiute Tribe sued the EPA claiming the water quality standards are invalid pursuant to the Clean Water Act and in violation of the Endangered Species Act. The Tribe claims the right to set its own water quality standards on the reservation which would force those standards on upstream users. The Tribe also claims a "Winters" reserved right to water quality.

Pyramid Lake Paiute Tribe v. EPA and the Cities of Reno and Sparks.

Filed July 20, 1982.

The Tribe filed this suit against the EPA and the Cities of Reno and Sparks to enjoin the use of the Reno Sparks

Joint Sewage treatment plant. The Tribe claims the cities have violated the terms of their agreement for grant money from the EPA on the Early Start project. The suit impacts Sierra Pacific as the purveyor of water because the Tribe would either stop growth in the Truckee Meadows (and therefore further water diversion) or require the dumping of water supply in order to provide dilution flows.

APPENDIX F

Information Concerning Water Problems
in the Truckee Meadows from
Louie A. Gardella

Senate Committee Meeting on Water
April 6, 1984, 9:00AM
Washoe County Commissioners Room

Gentlemen:

Thanks for allowing me to appear before you to present some ideas and information on the water problems of the Truckee Meadows. I have lived in Nevada all my life and as county agricultural agent for 33 years I have become aware of how important water and water management are to the residents of Nevada. Before retirement and since I have worked with groups on the water problems of the Truckee Meadows for over 20 years.

The recent rapid growth of population in the Truckee Meadows and the anticipated growth in the near future will far exceed the amount of water now available to the residents of the Truckee Meadows under the Orr Ditch Decree if some legal means is not found to make a successful transaction of practically all the agricultural water to urban use and to better management. Flood control measures are important in the water management plan.

I strongly suggest that the 1985 legislature enact legislation similar to the original 1981 Senate Bill 163. If that cannot be accomplished then some agency which can act as an overall agency be created. Please do not pass legislation calling for more studies.

I have prepared for you four exhibits which I hope will be of some help in reaching a decision.

Exhibit 1 - Water crisis may be approaching

Exhibit 2 - Legal, physical, financial, and other constraints that hinder water management.

Exhibit 3 - Report on ditches and drains of the Truckee Meadows as directed by revised Senate Bill 163.

Exhibit 4 - The original Senate Bill 163

Thank you and I will be pleased to answer any question I can.

Louie Gardella

Water Crisis May Be Approaching

With some eight or ten large land developments either in the talking stage, planned or already approved and in process of construction within the Truckee Meadows area it's time for a close look at water facts.

Planners, governing officials and the general public should look at the water rights question. Water availability and the legal and physical constraints which will limit or enhance means of putting the water available to the most beneficial uses.

Media publicity indicates that a rapid and large increase in population growth is about to occur in the Truckee Meadows area. New and enlarged casinos will create jobs and that coupled with the hope for industrial development will require extra housing, expansion of recreational and other people related facilities all of which will require additional water usage. Sewage disposal and flood control are part of the water problem. Where is the extra water coming from?

Decision makers (politicians) seem to be either misinformed on water problems of the Truckee Meadows or unwilling to face the hard facts that water is a limited resource, its management complex, and that it will cost much money, great efforts, negotiations and even law suits to bring about an acceptable solution.

This article is intended to give a concentrated history of the uses of the Truckee River water and set down in understandable terms the actual water rights and water availability, water sources, water distribution system and other pertinent facts relating to the Truckee River water.

Many reports have been written by individuals and agencies often neglecting all the facts that legal and physical restraints would prevent the solution of glaring water problems. With more than forty agencies, groups and organizations having an interest in the Truckee River water, conflicts of interest have occurred and will continue to arise. This situation often permits special interests to bicker, misinform and sometimes cause poor vital decisions by governing bodies.

At least a partial solution would be to create an overall agency confined to the Truckee Meadows and the immediate surrounding area which would have legal authority, enough financial capability and planning ability to properly address the complex water problems. Creation of such an agency was presented to the Nevada State Legislation during the 1981 session. Senate Bill 163 as originally written would have created a subconservancy district under the Carson Truckee Conservancy District Law. Senate Bill 163 was in the past due to special interest groups opposition. It has been apparent to water knowledgeable people that such an agency was needed for many years. At last the time has come when something must be done and hopefully the legislature will face facts and pass legislation adequate to meet legal, financial and planning for water needs of the Truckee Meadows.

History of Truckee River Water Uses In The Truckee Meadows

The first irrigation water use in the Truckee Meadows according to the Orr Ditch Decree was 1861. (Indian waters were given a priority of 1859). The Pioneer Ditch diverted water to the south side of the river near what is now the intersection of Mill and Rock Road. From 1861 to 1874 thirty two ditches were dug diverting 114,761 acre feet of water from the Truckee between Verdi and Vista to approximately 25,000 acres of land. (According to the Orr Ditch Decree).

As of 1983 there are for all practical purposes five ditches on the south side of the River used for irrigation. (The Pioneer, Cochrane, Lake, Last Chance and Steamboat). On the north side of the River there are three ditches still active. These include the Highland Ditch (totally owned by the SPPC and used exclusively for municipal water), the Orr Ditch System and the North Truckee Ditch used by Sparks as a drain. This reduction in the ditch systems reflects the change from agriculture land use to urban land use.

The rapid development of agriculture in the Truckee Meadows (1861 to 1874) was largely due to the market demands of Virginia City mining boom. The irrigation uses in the Truckee Meadows did not greatly reduce the flow of water into Pyramid Lake.

After many years of lobbying in congress, Senator Newlands managed to get the Reclamation Act of 1902 passed. This permitted the Bureau of Reclamation to start the Newlands Project (Fallon) water delivery system in 1905. The project included construction of the Derby Dam, Truckee Canal and Lahontan Dam. The project linked the Truckee River with the Carson River. It provided Truckee River water for the Fernley, Hazen, Swingle Bench, and Fallon areas.

Since a stable supply of water was necessary for the Newlands Project the United States claimed all excess water of the Truckee River for irrigation of over 200,000 acres of land. The government also purchased the dam and storage rights on Lake Tahoe. In 1913 the U.S. Vs Orr Ditch et al suit was started. The suit ended in 1944 and is known as the Orr Ditch Decree. This Decree can be designated as the bible for all water rights in the Truckee Meadows. The area encompasses roughly the irrigated lands from Verdi on the west to Vista on the east and from Washoe Hill on the south to the San Raphael Ranch on the north including parts of Spanish Springs Valley. The decree allots not only water from the Truckee River but also the creeks, springs and drains which make up the water supply of the Truckee Meadows and affected roughly 30,000 acres.

The Orr Ditch Decree includes the Truckee River Agreement, a complex arrangement between several governmental parties, which is intended to fairly divide the water to the rightful water right owners. The Orr Ditch Decree is administered by the Water Master acting for the federal court.

History Of Upstream Storage

The first upstream water storage was in Lake Tahoe when a dam was built in 1870 at the outlet from Tahoe to provide flash water to float logs down the river. After considerable changes these storage rights were acquired by U.S. government for water supply for the Newlands Project.

Water shortages in late summer prompted ranchers and farmers in the Truck Meadows during the 1920's to advocate construction of the Boca Dam. After several failures the Washoe County Water Conservancy District was formed for the purpose of constructing and repayment of the construction costs of the Boca Dam on the Little Truckee. Actual construction was by the Bureau of Reclamation at a cost of approximately \$1,000,000 of which \$500,000 was furnished by the federal government for flood control purposes. The remaining \$500,000 was to be paid by the landowners having water rights. Boca Dam was started in 1935 and completed in 1938. It was an excellent project and helped reinforce the water rights by providing late summer irrigation water.

Flood and drought years coupled with an obvious need for additional water during the 1940's - 1950's prompted efforts to get more upstream storage. The result was the passage by congress of the Washoe Project Act in 1955. The State of Nevada, the Washoe County Commissioners, the Sierra Pacific Power Co. and the Carson Truckee Water Conservancy District were the primary supporters for the additional upstream water storage. After a number of lengthy delays construction of the Prosser Creek, Stampede and Martis Creek Dams were started and completed in late 1967. The physical construction operation of these storage facilities has been completed. Satisfactory agreements have not been finalized on the use of the water stored in these reservoirs. Law suits are now in federal courts which may or may not settle the questions involved.

In 1974 the Justice Department and the Paiute Indian Tribe sued all water users of the Truckee River waters. This was an attempt to break the 1944 Orr Ditch Decree. This case was won by the defendant water users but the decision was appealed and eventually the U.S. Supreme Court ruled in favor of the defendant water users.

Other problems in the management of the Truckee River water will arise as the population increases and the competition for water use intensifies.

What this all means is that the 1985 Legislature plus all local governments plus many private groups will have to support the creation of the water district under the Carson Truckee Water Conservation Law.

The water rights battle on the Truckee River may be going on for many years to come. Looking back it is easy to see that the Orr Ditch Decree was not complete. The Decree only allowed water for the land actually irrigated from the Truckee River as of 1902. It included some 30,000 area feet of water for the Indians use for irrigation but made no provisions for fishery needs. It did not limit the amount of water which could be diverted from the Truckee to the Carson River. No thought was given for additional upstream storage or flood control. The Decree made no provisions for water uses during water shortage years.

Judge Talbot and others could not foresee the population increases and therefore a need for water use changes and for the need of additional water for urban rather than agricultural uses. Nor could the good judge foresee the pollution problems created by the population increase.

When a newcomer comes into the area and becomes aware of the water problems he makes instant suggestions for solutions. But the fact remains that the Truckee River has a limited amount of water available and while the stream has a well developed upstream storage capacity we still have and will continue to have flood and drought problems.

With all the apparent evidence for an overall organization to help keep up with the water problems, our political leaders have not yet seen the light.

Following is a summary of the water allocations under the Orr Ditch Decree.

I & M Water allotted to Sierra Pacific under the Orr Ditch Decree:

Truckee Meadows (mostly Hunter Creek water)	38737 AF
Purchased from Wadsworth Power & Light Co.	1448 AF
Total	40285 AF

*Purchased irrigation rights	27809 AF
Total	68094 AF

Summary of all water rights allotted under Orr Ditch Decree in Truckee Meadows Irrigation:

Diversion from Truckee River	Deliver to Land	Deliver to Land
788.84 Sec. ft.	657.94 Sec. ft.	114761 AF
Truckee Meadows uses (SPPCo)		40285 AF
Total water from Truckee River		154761 AF

* The SPPCo. may have purchased additional water but the overall totals are not affected.

Water rights and water available in the Truckee Meadows.

The Orr Ditch Decree of 1944 is an extremely complex document and very difficult to interpret especially when the vast changes in land and water uses have occurred in recent years.

In addition to the water rights diverting from the Truckee River, the Orr Decree allotted water rights on several creeks flowing into the Truckee Meadows from the Carson Range. These rights are mostly in the south west part of the Truckee Meadows. These water rights totaled about 38.02 sec. ft. or about 21,947 acre feet if water was available. Since little or no storage is available on these creeks the actual water available varies greatly and during drought periods or in late summer the water available greatly reduced or nonexistent. For the above reasons the quality of the water rights must be questionable.

The Orr Ditch Decree recognized certain water from other creeks which are little consequence or do not now flow year round.

Waste waters from drains, springs and other sources that are now dry are also recognized in the Orr Ditch Decree. Probably some 1,000 to 7,000 acre feet may have some legitimate claim to Truckee River waters but may require legislation or negotiations or court action to bring about their legitimate use.

The state has allowed certain well water rights in the Truckee Meadows on and above the Orr Ditch Decree. These water rights plus those not recognized by the state amount to a considerable volume of water.

Negotiations and compromises will have to be made by all water users of the Truckee River if the best use of water is to be attained. Also careful consideration will have to be given to facilities available for water delivery (ditches, dams and drains) and to afford the Truckee Meadows the greatest possible protection from floods.

Post Script

Some of the statements made in this article can unquestionably be challenged but the issues are clear.

1. The Truckee Meadows water rights are limited and the demand for water will exceed the Orr Ditch Decree allocations in the near future.
2. There is no water that can be imported into the area. Therefore negotiations and compromises must be entered into between special interest groups to better utilize the water available.
3. Water conservation measures will not be enough to satisfy the water deficiencies which will occur if the predicted population increases materialize.
4. An overall organization must be created by the Nevada State 1985 Legislature with legal authority to coordinate programs effective water uses, flood control and pollution problems.

2

LEGAL, PHYSICAL, FINANCIAL & OTHER CONSTRAINTS THAT HINDER WATER MANAGEMENT.

It is apparent that many water related problems have reached a crisis situation in the Truckee Meadows. It is further apparent that the problems have not been addressed on a community wide basis nor in an overall manner to the best interests of the public as to make the best use of the water available.

The entities involved (Reno, Sparks, Washoe County and the State) have each, from time to time, individually and sometimes cooperatively, given some attention to water problems during extreme circumstances, but, in general have not been constant in their efforts.

Each entity has restrictions due to jurisdiction, special interests, lack of trained personnel or other reasons. Further, the constant change of elected officials often brings drastic changes of policy. The results have brought on water problems we now have.

The water supply of the Truckee Meadows is largely limited to the Orr Ditch Decree, the annual precipitation in the Sierra Nevada mountains, and to the available upstream storage. Demands for Truckee River water by the Newlands project, for maintenance of Pyramid Lake, for fish and wildlife habitat, etc., on top of urban and agricultural uses in the Truckee Basin far exceeds the flow of the Truckee River. Therefore, it becomes most important to protect the water available to the the Truckee Meadows.

The Sierra Pacific Power Company has done a reasonably good job providing water service to the community, but since it is a private concern, it does not have the legal or financial ability to undertake projects in the area of local flood control, drainage, ditch maintenance, construction of regulatory reservoirs, etc., which are essential to water management. Since neither Reno, Sparks, or Washoe County are parties, per se, to the Orr Ditch Decree, Truckee River Agreement, or own water storage rights in the upstream storage system, it is hard to perceive how these entities could be effective in a water management plan. Therefore, it becomes apparent that some overall agency be created to address the water problem on a community wide basis. The 1981 State Legislature did not pass Senate Bill 163 as drawn, which would have created a sub-conservancy district under the State Conservancy District Act. It did amend the proposal to ask Sparks, Reno and Washoe County to draw a plan and make cost estimates for the ditch and drainage system of the Truckee Meadows. This covers only a small fraction of the water problems of the Truckee Meadows.

The Federal Clean Water Act and State and federal health regulations, require clean water for the lower Truckee Fishery, for recreation and other uses all have added restrictions on how the water of the Truckee is used.

With urban development and population increases in the Truckee Basin, it is essential that the local governmental bodies take note and act. That act, in the opinion of the writer is to create an overall agency that can address the community water crisis.

A Sub-conservancy district, as originally proposed under SB 163 and working with the Carson-Truckee Conservancy District, the State of Nevada and local agencies would have the opportunity to bring the water program up-to-date and plan for the future.

Important dates in history of water usage of the Truckee River.

1844 - Pyramid Lake and Truckee River discovered by Fremont
There were no changes in water uses until 1860

1860-61 - First irrigation in Truckee Meadows.

1860-1880 - Irrigation system of ditches completed, 32 ditches.

Irrigated about 30,000 acres

1860-1917 - Period of heavy precipitation.

1902 - Reclamation Act passed by Congress - creating Newlands Project

This act permitted U.S. to acquire water rights to Truckee River water for Newlands Project. U.S. purchased storage water rights in Lake Tahoe and started action to acquire water to irrigate some 232,000 acres of land using both Carson River water and Truckee River water

Only about 63,000 crop lands and 15,000 acres of pasture developed as of 1981.

1905 - Construction of Derby canal started.

1913 - U.S. vs Orr Ditch et al suit filed - Proposal was to establish existing water rights on the Truckee so that the U.S. could claim all excess water of the Truckee River.

1929 - Washoe County Water Conservation District organized.

1935 - Truckee River agreement signed. This agreement became part of the Orr Ditch Decree.

1937 - Boca Dam construction started.

1939 - Boca Dam completed. This helped stabilize water supply and offer some flood control.

1944 - U.S. vs Orr Ditch Decree finalized.
This set the amount of water available to Truckee Meadows and dictated the management of upstream storage.

Late 1940's - 1950's - Movement started for Washoe Project. The purpose was to increase upstream storage and to develop hydro electric power on both Carson River and Truckee River.

1957 - Washoe Project approved by Congress.

1959-60 - Vista reef lowered.

1963 - Prosser Creek completed.

1967 - Stampede Dam completed.

1970 - Martis Dam completed.

Prosser (30,000AF) and Stampede (225,000AF) are storage and flood control projects.

Martis Dam is for flood control and is actually owned by U.S.

Watashamm Dam on the Carson River was never started.

1974-1975 - U.S. and Indians sued 17,000 water users on the Truckee River seeking to break the Orr Ditch Decree. The Federal Court ruled in favor of the defendants. Decision appealed to U.S. Court of Appeals/1980.

The decision of the Court, June 15, 1981 upheld all water claims of the Truckee River except those of the TCID (Newlands Project).

Neither the defendants nor the plaintiff were satisfied with the Appeal Court's decision. Both have asked the Appeals Court to reconsider. This case will probably go to the Supreme Court.

As of July 1981 the Indians have filed a class action suit in Federal Court in Sacramento naming as defendants the State of California and Nevada, TCID, SPP Co., PG&E and others asking that the court in effect break the Orr Ditch Decree and grant more water to the Pyramid Lake Reservation.

Some of the information above may have some slight errors, but the writer hopes that the reader gets a better understanding of the historical, legal, and physical water problems of the Truckee Meadows.

Because of the 30-40 agencies and/or groups having interests in the Truckee River water, the legal constraints are greater than physical or financial problems.

It is reported that there are over 11 lawsuits filed in various courts all threatening to essentially change the Orr Ditch Decree.

The latter suit filed by the Justice Department and the Indians accuses the water master of wasting water.

WATER RIGHTS IN TRUCKEE MEADOWS ORR DITCH DECREE

The Truckee Meadows in relation to water rights comprises all irrigated land north of Washoe Hill to Highland and Orr Ditches and from Stateline at Verdi to Vista, including Pleasant, Steamboard & Spanish Springs valleys. Total area, approximately 30,000 acres.

Water rights are divided into three categories:

- I. Water rights diverted from Truckee River.
- II. Water rights using creek waters and including Brown Creek, Galena Creek, White Creek Thomas Creek, Dry Creek, Evans Creek, Hunter Creek & others.
- III. Waste water and miscellaneous sources.

All figures used below are from the Orr Ditch Decree and are total, not individual figures.

CATEGORY I

Diversion flow Sec/ft.	Delivery to Land Sec/ft.	Delivery to Land acre/ft	Waste and Other
788.84	657.94	114,761	7,001

Ditch loss from diversion to land deliver, approximately 16% or 13,000 acre feet. The 7,001 acre feet of waster water should be almost entirely discounted because water is no longer available. I & M water allotted to SPPCo by 1944 decree, 29,200 al Total of all water rights allotted to Truckee Meadows from Truckee River, 1944 decre

For irrigation	114,761 acre feet
SPPCo	29,200
Total	143,961

CATEGORY II

These water rights have little or no storage and therefore are of uncertain quantity. These add little to total water supply for urban use and are not reliable. Creek water rights (Orr Ditch Decree) mostly southwest Truckee Meadows where water source is the Carson Range. This includes Galena Creek, Washoe Lake and Reservoir, Washoe Creek or Upper Steamboat Creek, Steamboat or Galena Creek, Steamboat Creek, White Creek, Howard Creek Thomas Creek, Evans Creek and Wheeler Reservoir.

Diversion flow Sec/ft	Delivery to Land Sec/ft	Delivery to Land Acre/ft
388.02	106.37	21,947±

During dry years, much less water is available than indicated by water rights.

Other creek waters include Dog Valley, Dog O'Niel & Sunrise Creek, Sunrise Creek, Dog Valley Irrigation, Dog Valley Reservoir.

Diversion flow Sec/ft	Delivery to Land Sec/ft	Delivery to Land Acre/ft
12.66	12.03	1595

Little or none of the above water rights are available in 1981. Hunter Creek is valuable to urban supply. 13.6 sec/ft - all water rights owned by SPPCo. The supply depends upon precipitation.

CATEGORY III

Waste and flood waters. Since these water rights are mostly from drains and uncertain sources, they are of questionable or little value. From ditches or dry creeks:

Diversion flow Sec/ft	Delivery to land Sec/ft	Delivery to land Acre/ft
16.6	16.6	2664

Drain and waste waters. None of these water rights are available in 1981 because drains are no longer operating.

Diversion flow Sec/ft	Delivery to land Sec/ft	Delivery to land Acre/ft
0	?	1231

Summary of the Water Rights for the Truckee Meadows.

Approximately 143,000 to 150,000 acre feet direct from Truckee River if river flow & upstream storage are normal. Some of these rights might be in question because of non-use. Also, some titles to water rights may not be traceable. A dry period of two or three years could cause a severe water shortage in the Truckee Meadows. There are no outside sources of water available to the area.

As of 1981, the SPPCo claims water of approximately 68,000 acre feet. There are some 10,600 acre feet of Decree water east of Vista is needed in that area. The Indians have water rights for approximately 30,000 acre feet with a priority of 1859, the oldest on the Truckee River. The Derby Canal has diverted in excess of 200,000 acre feet annually to the Newlands project.

IRRIGATION DELIVERY SYSTEMS IN TRUCKEE MEADOWS IN 1981

There are six irrigation ditches in the Truckee Meadows still delivering water to agricultural land. (1944 Decree Rights)

	Diversion flow Sec/ft	Delivery to land Sec/ft	Delivery to land acre/ft
Steamboat	98.87	63.61	16,468
Last Chance	47.35	37.88	8,644
Lake	44.08	35.26	7,948
Orr	87.09	62.70	15,601
Cochran	47.54	44.70	8,151
Pioneer	55.08	46.82	7,678
	372.01	290.81	64,490

Due to urbanization, a large part of the land served by these ditches are no longer in agriculture and the water rights either have been sold to Sierra Pacific Power Company, or are being held by individuals. It is safe to estimate that well over 50% of the lands involved are now urbanized.

In addition to the above ditches, probably 200 or 300 acres of land are being served by the Highland Ditch or by other means. (Example: San Raphael Ranch

APPENDIX G

Letter, Dated March 20, 1984, to Robert E. Erickson,
Principal Research Analyst, Legislative Counsel
Bureau, from Susan L. Oldham, Senior Attorney,
Sierra Pacific Power Company, Concerning
Sierra Pacific Power Company's Most
Recent Estimated Cost Breakdown of
Watermeter Installation in the
Truckee Meadows, the Status of
the Truckee River Negotiations
with the Pyramid Lake Paiute
Indian Tribe, the Estimated
Cost of a General Water Rate
Proceeding Before the Public
Service Commission of Nevada,
and the Availability of
Federal Grant Funds for
the Installation of
Watermeters

Sierra Pacific Power Company

LEGAL DEPARTMENT

March 20, 1984

Mr. Bob Erickson
Legislative Council Bureau
Legislative Building
Capitol Complex
Carson City, Nevada 89710

Re: SJR 45

Dear Bob:

Per the request of the Committee, I am transmitting the following requested information:

1. The last estimated water meter cost breakdown.
2. The status of the Truckee River negotiations provided to Assemblyman Nevin at his request.

The Committee asked for the cost of a general water rate proceeding. We estimate that a general water rate case would run approximately \$50,000.

The Committee also asked about the availability of Housing and Urban Development (HUD) grant funds. I did some investigation of potential sources and it appears the only program which may be applicable is the Community Block Grant Program. The City of Reno has agreed to request an opinion as to whether HUD community block grant monies could be used for the installation of meters. The funds, if available, would only be for the needs of low to moderate income group and not for the entire service area population.

Sincerely yours,



SUSAN L. OLDHAM
Senior Attorney
(702) 789-4349

SLO:mj
Enclosure



WATER METERS
RETRO-FIT OF RESIDENTIAL WATER CUSTOMERS
ESTIMATED PROJECT COSTS

	3/4"	1"	1 1/4"	1 1/2"	2"	3"	4"	6"	8"	10"	12"
I Existing Residential Customers WITHOUT meter provisions	30487	3512	618	310	385	77	67	56	21	8	1
Cost to install meter facilities	\$ 427	\$ 476	\$ 476*	\$ 769	\$ 920	\$ 6300	\$ 7350	\$ 8400	\$ 9450	\$ 10500	\$ 12600
Subtotal	\$ 3018000	\$ 1672000	\$ 294000	\$ 218000	\$ 354000	\$ 485000	\$ 492000	\$ 470000	\$ 198000	\$ 84000	\$ 10000
II Existing Residential Customers WITH meter provisions	1983	294	288*	164	452						
Cost to install meter	\$ 84	\$ 115	\$ 115	\$ 232	\$ 329						
Subtotal	\$ 115000	\$ 34000	\$ 33000	\$ 38000	\$ 149000						
											\$ 17907.00
(*) 1" meters will be installed in 1-1/4" services.											
EST. PROJECT COSTS - \$18,000,000											
10% CONTINGENCY - \$1,800,000											
AFUDC - 3,000,000 (Assumed project life of 5 years and no interim closings brought back to present worth)											
8%/yr.											
GRAND TOTAL - \$ 22,800,000 (Present worth)											
\$ 25,500,000 (Real \$ over a 5 year installation period at 8% inflation)											
NOTES											
(1) Meter installations include remote readers at \$84 each or about \$4,200,000 of total.											
(2) Estimate is based on same meter and service size. It may be possible to install smaller meters in some of the larger services.											
S. RORDA/ell 9/28/83											

Sierra Pacific Power Company

LEGAL DEPARTMENT

March 21, 1984

Assemblyman Leonard Nevin
301 Meadowland Court
Sparks, Nevada 89431

Dear Mr. Nevin:

Pursuant to your request through Tom Young, I am providing you with the following information on the status of negotiations relative to Truckee River waters.

On February 29, 1984, all parties to the Truckee River litigation met to discuss a potential settlement of all their disputes. The parties seem to be coming closer to an agreement although none of the participants are willing to commit to a resolution until there is agreement to all issues. The reason for this attitude is that the parties have not yet agreed to the method of operation of the river and until they do, there is no way to measure the impact of a particular requirement.

The group has selected a drafting committee to draft legislation which would enable the government to appropriate \$30 million to undertake certain lower river improvement projects and to create a trust fund to allow economic development on the reservation. The drafting committee has met several times since November 29, and a new draft should be forthcoming from the Government in the near future.

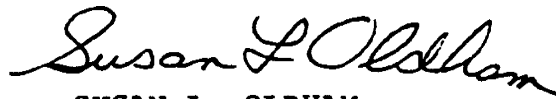
The Nevada participants have resisted attempts by the Tribe to make the settlement contingent on a lifting of the water meter prohibition. Although the Tribe still says they are adamant about water meters, it appears no federal settlement money can logically be used for water meters since Office of Management and Budget has put a cap of \$30 million on the settlement and that amount is not enough to provide for the very necessary lower river restoration project (replacing the vegetative canopy for temperature control), and the improvements to the Marble Bluff fishway.



Assemblyman Leonard Nevin
301 Meadowland Court
Sparks, Nevada 89431

Both of these projects are prerequisites to Sierra's suggested operation of the River to include Municipal and Industrial use of Stampede Reservoir.

Sincerely yours,

A handwritten signature in cursive script that reads "Susan L. Oldham".

SUSAN L. OLDHAM
Senior Attorney
(702) 789-4349

SLO:mj

APPENDIX H

"Factual Data on the Washoe Project," Nevada,
prepared by the U.S. Bureau of Reclamation,
Sacramento, California,
September 1972

FACTUAL DATA ON THE WASHOE PROJECT

The Washoe Project, a part of the Lahontan Basin development plan, is comprised of the drainage basins of the Truckee and Carson Rivers. Most of the area is in west-central Nevada, but a small portion extends into east-central California in the vicinity of Lake Tahoe.

The Nevada portion of the project area includes the cities of Reno, Sparks, Carson City, and the agricultural communities of Fallon, Fernley, Minden, Gardnerville, and Dayton. The California portion of the project includes the cities of Truckee, Tahoe City and South Lake Tahoe.

Washoe Project will improve the regulation of runoff of the Truckee and Carson River systems to permit increased beneficial use for a variety of purposes. It will provide supplemental irrigation water supplies and drainage for presently irrigated lands, water for municipal and industrial and fishery uses, flood protection, hydro-electric power, other fish and wildlife benefits, and recreation development.

The Washoe Project is comprised of the Watasheamu and Stampede Divisions. Watasheamu Division will develop the Carson River basin upstream from Lahontan Reservoir and will include water supplies for irrigation, drainage and power. Stampede Division will further develop the Truckee River basin and lower Carson River basin. Purposes of this division include development of water supplies for municipal and industrial uses and assistance in restoring Pyramid Lake fishery, and other measures for fish and wildlife enhancement. Both divisions will provide flood control and recreation benefits.

WATER SUPPLY

The Truckee and Carson Rivers and their tributaries are the principal streams in the project area. The combined drainage area of the two rivers is approximately 7,700 square miles. They drain the eastern slope of the Sierra Nevada and are fed primarily by melting snow. Their flows are high in the spring but drop sharply after midsummer.

The Truckee River heads at Lake Tahoe and terminates at Pyramid Lake. Its principal tributaries, in order of importance, are the Little Truckee River, Prosser Creek, Donner Creek, and Mars Creek. Other tributaries important to water-resources development are Franktown Creek, which flows into Washoe Lake, and Steamboat Creek, which flows from Washoe Lake into the Truckee River. The average annual discharge of the Truckee River system at the Nevada-California state line is 500,000 acre-feet.

EXISTING FEATURES OF OTHER PROJECTS

LAKE TAHOE DAM creates 732,000 acre feet of controlled storage and regulates the lake outflow into the Truckee River. Completed in 1913, as part of the Newlands Project, the dam is a concrete structure with a height of 16 feet and a crest length of 109 feet.

BUCA DAM on the Little Truckee River stores water for Truckee River regulation and irrigation of land of the Truckee Storage and Newlands Project. The reservoir has a capacity of 40,900 acre feet. The dam, completed in 1939, is an earthfill, rock faced structure with a height of 110 feet and a crest length of 1,629 feet.

DONNER LAKE STORAGE. The Truckee-Carson Irrigation District and the Sierra Pacific Power Company have acquired storage rights on Donner Lake, with a capacity of about 9,500 acre-feet on Donner Creek, for joint use and Truckee River regulation.

DERBY DIVERSION DAM on the Truckee River about 20 miles below Reno, diverts water into the Truckee Canal for delivery to Lahontan Reservoir and irrigation of the Newlands Project lands. The dam is a concrete structure with a height of 31 feet and a crest length of 1,331 feet.

TRUCKEE CANAL extends from Derby Diversion Dam to Lahontan Reservoir. It has a length of 32.5 miles and an initial capacity of 1,500 second-feet.

LAHONTAN DAM AND RESERVOIR on the main Carson River, 18 miles west of Fallon, stores water diverted from the Truckee River along with the natural flow of the Carson River. The reservoir has a capacity of 293,000 acre feet. The dam, completed in 1913, is an earth and gravel fill structure with a height of 162 feet and a crest length of 5,400 feet.

LAHONTAN POWERPLANT immediately below Lahontan Dam, with a capacity of 1,920 kw., has facilities to receive water from Lahontan Reservoir or Truckee Canal. Adjoining this plant the Truckee-Carson Irrigation District installed diesel equipment in 1949 to generate 2,000 kw.

V CANAL POWERPLANT, built in 1936 by the Truckee-Carson Irrigation District, is located on the main supply canal for the South Carson Division of the Newlands Project. It has an installed capacity of 1,000 kw. and a static head of 26 feet.

CARSON RIVER DIVERSION DAM on the Carson River, 5 miles below Lahontan Dam, diverts water into two main canals for irrigation of lands in the Carson Division of the Newlands Project. The dam is a concrete structure with a height of 23 feet and a crest length of 241 feet.

DISTRIBUTION SYSTEMS. The Newlands Project area contains 69 miles of canals and 312 miles of laterals. In the Truckee Storage Project all canals and laterals were built by private parties.

DRAINAGE SYSTEMS. The Newland Project has about 345 miles of deep open type drains constructed by the United States and the District. In the Truckee Storage Project the drains have been constructed by the individual landowners.

POWER DISTRIBUTION SYSTEM. A 73-mile, 33 kw. transmission system constructed by the Truckee-Carson Irrigation District serves Fallon, Fernley, Wadsworth, Hazen, Stillwater, Indian Reservoirs, Naval Auxiliary Air Station, and most of the rural section of the Newlands Project. The original Government line from the Lahontan Powerplant to the Fallon Substation has been abandoned. Distribution facilities were constructed by the District and local improvement districts. The Newlands Project powerplants and distribution system are interconnected with the Sierra Pacific Power Company system and operated by that company under a lease agreement.

FEATURES OF WASHOE PROJECT

STAMPEDE DIVISION

PROSSER CREEK DAM AND RESERVOIR, completed in 1962, is located on Prosser Creek approximately 1-1/2 miles above the confluence of Prosser Creek and the Truckee River. The dam has a structural height of 163 feet and a crest length of 1,830 feet. The reservoir has a capacity of 30,000 acre feet. It is used for flood control and to store water for an exchange of releases with Lake Tahoe to improve fishery flows in the Truckee River, principally in the reach from Lake Tahoe to the mouth of Donner Creek. Sites in the reservoir vicinity are developed for recreation use and the reservoir provides a new fishery.

STAMPEDE DAM AND RESERVOIR completed in 1970 are located on the Little Truckee River immediately below the mouth of Davies Creek and approximately 8 miles above the confluence of the Little Truckee and Truckee Rivers. The dam is of rolled earth and rockfill construction with a height of 733 feet above streambed, a crest length of 1,511 feet and embankment volume of 4-1/2 million cubic yards. With a capacity of 227,000 acre feet, the reservoir develops municipal and industrial water in addition to firming of flows for fishery enhancement along the Truckee River downstream from Derby Dam and facilitates operation of the Pyramid Lake Fishway. The reservoir also provides flood control, recreation use, a new reservoir fishery, and other fishery improvements on the main Truckee River, Little Truckee River, and Boca Reservoir.

MARBLE BLUFF DAM will be located on the Truckee River about 3 miles upstream from Pyramid Lake. This rolled earth structure will have a height above streambed of 22 feet and a crest length of 1,000 feet. It will function to check headward downcutting of the river channel and to halt erosion of Indian lands. Marble Bluff Dam will also serve as a heading to control water supplies used by the Pyramid Lake Fishway.

PYRAMID LAKE FISHWAY will extend from Marble Bluff Dam about 3 miles to Pyramid Lake. With a capacity of 35 c.f.s., it will provide a passageway for Pyramid Lake fish to move up into the Truckee River for spawning and return to the lake. An average of 6,300 acre-feet annually from water developed by the Stampede Division of the project will provide supplemental flows to facilitate functioning of the fishway during years of low streamflow.

STILLWATER WILDLIFE AREA IMPROVEMENT FACILITIES will be constructed in the Stillwater Wildlife Management Area of the lower Carson River basin to improve the water supply for waterfowl habitat. New reservoir capacity to regulate available water supplies will be provided by enlarging the capacity of Stillwater Point Reservoir by about 6,000 acre feet and by constructing Paute Dam and Reservoir with a capacity of about 4,000 acre-feet. A Paute Reservoir Supply Canal will be constructed to take Newlands Project drain water and Carson River spills from the lower Carson River to Paute Reservoir. Other conveyance facilities will be constructed to improve distribution and movement of drain and spill waters to the Management Area.

WATASHEAMU DIVISION

WATASHEAMU DAM AND RESERVOIR will be located on the East Fork of the Carson River approximately 10 miles south of Gardnerville. The reservoir will have a capacity of 160,000 acre-feet. It will develop an additional irrigation water supply. Releases from the reservoir will also be used for power generation. This reservoir will also provide flood control and a new recreation site. The dam will be a rolled earth and rockfill structure with a height of 310 feet above streambed, a crest length of 2,050 feet, and embankment volume of 5-1/2 million cubic yards.

DRESSLER DIVERSION DAM AND AFTERBAY will be located on the East Fork of the Carson River about 4-1/2 miles downstream from Watasheamu Dam. It will provide a diversion heading for the proposed Carson Canal and an afterbay for the Watasheamu Powerplant. The afterbay will have a capacity of 1,050 acre-feet, and will regulate the discharge of Watasheamu Powerplant for irrigation use. The diversion dam will be an earth materials embankment with a height of 76 feet above streambed and a crest length of 800 feet.

CARSON CANAL will extend approximately 8 miles from the Dressler Diversion Dam and Afterbay on the East Fork of the Carson River to about 2 miles beyond the West Fork of the Carson River. The canal will have a capacity of 140 second feet at its junction with the West Fork. The 2-mile extension beyond West Fork will be relatively small. The Carson Canal will convey natural flows of the East Carson River and Watasheamu Reservoir storage to provide supplemental irrigation for West Fork lands in Alpine County, California and Douglas County, Nevada.

LATERAL SYSTEM. Existing distribution laterals will be rehabilitated on 43,300 acres of supplemental service lands in the Carson Valley, Empire, Dayton, and Fort Churchill areas in Nevada. In Carson Valley approximately 30 miles of laterals will be improved and in the Empire, Dayton, and Fort Churchill areas about 10 miles of laterals will require minor rehabilitation work.

DRAINAGE SYSTEM In Carson Valley about 30 miles of new open subsurface drains and 31 miles of closed tile drains will be installed. About 11 miles of existing drains and natural channels will be improved. The drain system will improve land productivity and will develop part of the project irrigated water supply by reducing wasteful evapo-transpiration from nonbeneficial vegetation.

WATASHEAMU POWERPLANT will be located near the toe of Watasheamu Dam on the East Fork of the Carson River and will be operated by natural flow and storage releases from Watasheamu Reservoir to meet downstream irrigation requirements. It will be a single unit with an installed capacity of 8,000 kw. It will be semiautomatic and will operate under a maximum static head of 262 feet and a mean operating head of 236 feet.

SUBSTATIONS AND TRANSMISSION SYSTEMS A switchyard will be constructed at Watasheamu Powerplant to increase the voltage of the power generated to 69,000 volts. Transmission lines about 10 miles long will be constructed from the Watasheamu switchyard to existing facilities near Minden, Nevada.

MUNICIPAL AND INDUSTRIAL WATER SUPPLY

The project will provide about 45,800 acre-feet of divertible M&I water annually to meet foreseeable future increases in M&I needs in the Reno-Sparks area, the Truckee River basin in California, and other possible points of use in the project area. The tremendous population growth in the area, especially in the Reno-Sparks and Lake Tahoe localities, is bringing heavy demands for additional M&I water. Population of the project area, estimated at 178,000 in 1970, is expected to grow to 480,000 by the year 2020.

WATER SUPPLY FOR FISHERY

An average of 6,300 acre-feet annually of the water supply developed by the Stampede Diversion will be provided for fishery purposes in the lower Truckee River basin. The fishery water will supplement flows in the river below Derby Dam in periods of low run-off to help maintain stream conditions and Pyramid Lake Fishway flows that will enable Pyramid Lake fish to spawn in the lower Truckee River. Reestablishment of river spawning will help to restore Pyramid Lake fishery and the improved flows will enhance fishing in the river.

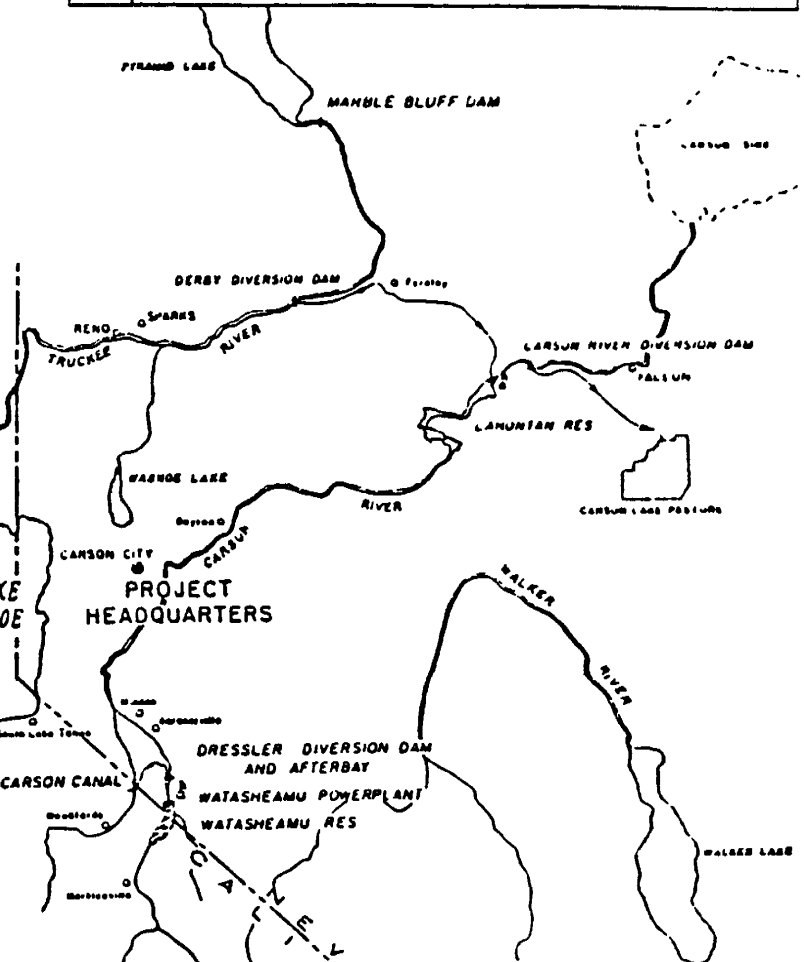
IRRIGATION PLAN

Irrigation under the Washoe Project will consist of supplying about 44,000 acre-feet of supplemental water annually on a divertible basis to irrigated lands in the Carson River basin above Lahontan Reservoir. Watasheamu Reservoir will develop part of this water supply by regulating flood flows. A part of the project water supply will be developed by project drainage of some of the irrigated lands. Wasteful evaporation and transpiration will be reduced and the water saved will increase water available for beneficial use. The annual farm headgate water requirements vary from 3.0 to 4.3 acre-feet per acre depending on the type of soil, topography, season, crops grown, and location. With allowance for normal conveyance losses, diversion requirements at heads of canals would vary from 4.2 to 5.7 acre-feet annually.

Releases from Watasheamu Reservoir will pass through the Watasheamu Powerplant at the base of the dam. The water will then be regulated at the Dressler Diversion Dam and Afterbay. At the dam some water will be diverted into the Carson Canal and delivered to the West Fork of the Carson River for distribution by existing facilities. Some water bypassing Dressler Diversion Dam, together with return flows, will be diverted to lands in the Carson Valley and in the Empire, Dayton, and Fort Churchill areas. The remaining flows passing Dressler Diversion Dam will continue on to Lahontan Reservoir for the Newlands Project.

IRRIGATION AND DRAINAGE SERVICE AREA

The arable lands total 97,350 acres consisting of 59,230 acres in Carson Valley, 7,720 acres in the Empire, Dayton, and Fort Churchill areas, and 30,400 acres in Truckee Meadows. Not all of these lands will be served by the present project plans, however, 43,380 acres will be provided service. This will include supplemental water for 23,290 acres in the Carson Valley, 5,560 acres in the Empire, Dayton, and Fort Churchill areas and a combination of supplemental water and drainage for 14,530 acres in the Carson Valley. Most of these lands occur at elevations varying from 4,200-5,600 feet.



SOIL CHARACTERISTICS

Soils of the Carson Valley consist primarily of alluvial sediments deposited by the Carson River and its tributaries. Soils in the northern part of the valley are generally deeper and of finer texture than those in the south. The heaviest soils are in the center of the valley bottom, 1-3 miles north of Minden. Soils on the alluvial fans along the western and northeastern edges of the valley are generally lighter in texture than those of the valley bottom.

Soils of the Empire area have developed from materials originating in three different sources, those laid down by the Carson River, those derived from small outwash areas from the western hills, and those deposited within a small lake in the area's northern portion.

Soils of the Fort Churchill area and Dayton area bottom lands have developed chiefly from materials laid down by the Carson River.

Soils of the Dayton area benchlands were formed on outwash materials from the adjoining hills and on materials laid down within ancient Lake Lahontan.

CLIMATE

The average irrigation season at Reno is 175 days. The average frost-free period is about 155 days. The average frost-free period of the project irrigation service area, however, is about 115 days.

The average annual rainfall at Reno is 8.97 inches of which 1.45 inches occur during the growing season.

Temperatures at Reno have varied from a maximum of 102°F to a minimum of -19°F. The mean annual temperature is 49.8°F.

CROPS

Livestock feed crops are the most important crops grown on the irrigated lands of the project. Alfalfa, irrigated pasture, and irrigated meadow hay support a thriving livestock and dairy industry. Next in order of importance are wheat, barley, oats, and potatoes.

PRINCIPAL MARKETS

Principal markets for the project area products are cities and towns of Nevada, the Lake Tahoe area, San Francisco, Los Angeles, and other Pacific Coast cities. Dairy products are consumed in western Nevada and the Lake Tahoe area. Most of the beef cattle go to the California markets. Much livestock feed crops are consumed locally with some being shipped to California markets. Excellent transportation facilities are provided by the Southern Pacific Railroad and U.S. Interstate 80 and Highways 50 and 193. Commercial air service is provided out of Reno by Western Airlines, United Air Lines, and Air West.

APPENDIX I

A Proposed Amendment to Chapter 533 of Nevada Revised Statutes
to Establish Procedures and Other Requirements for the
State Engineer in Acting on Transfers of Water Between
Counties which was Presented to the Subcommittee by
George Campbell of the Washoe County
District Attorney's Office

**AN ACT relating to water; establishing procedures
and other requirements for the State Engineer
in acting on transfers of water between counties.**

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

**Section 1. Chapter 533 of NRS is hereby amended by adding
thereto a new section which shall read as follows:**

- 1. If the state engineer receives an application for a permit to use water in a county other than the county in which it is to be appropriated, or to divert water from or use it in a different county than the one in which it is currently being used, he must process the application as otherwise required by this Chapter, and if the state engineer determines that the application should be approved, he must as provided in this section:**
 - a) Enter an order declaring his intent to approve the application, stating findings and conclusions in support of his intended decision, and**
 - b) Refer the application and the declaratory order to the county of export, with directions to evaluate in connection with the proposed approval:**
 - 1) The social and economic impact on the county of export;**
 - 2) The effect on property values in the area from which the water will be exported;**
 - 3) Whether the water proposed to be exported will be needed in the future in the county of export; and**
 - 4) Whether the proposed export would require creation or modification of the conservation or water resources element of the regional or master plan of the county of export authorized or required by Chapter 278 of the NRS.**
- 2. After the state engineer has referred to the county of export his order declaring intent to approve, the county must initiate such studies and other proceedings as may be necessary to evaluate and reach conclusion on the matters described in subsection 1(b). The evaluation must be completed and submitted to the state engineer within four years, except that if water studies are pending in the area of export the evaluation may be submitted within four years of the completion of the water studies.**
- 3. The state engineer must deny the application if any of the conclusions of the county of export are supported by substantial evidence and conclude that:**
 - a) The proposed export will have a materially adverse social or economic impact on the county of export;**
 - b) The proposed export will materially reduce the value of private property in the area from which the water will be exported; or**
 - c) The water proposed to be exported will be needed in the future for beneficial uses in the county of export.**
- 4. Applications exempted from the requirements of this section are:**
 - a) Applications for unappropriated water for which the point of diversion is to be located on publicly owned land and is to be located more than two miles from privately owned land within the county of export.**

- b) Any applications for the purpose of:
 - 1) stockwater;
 - 2) mining or milling;
 - 3) municipal or quasi-municipal purposes if the use is for buildings which are open to the public generally, or for buildings which are owned and maintained by the state or a political subdivision for fire protection, education and other governmental functions relating to public health and safety, provided that each building use not more than 4 acre feet per year, and provided that the building has not been previously served by water rights existing within or available to the county of import;
 - c) Any application made by the state for the purpose of exercising rights held by or reserved to the state pursuant to NRS 533.060(4);
 - d) Any application for which a waiver has been obtained pursuant to NRS 534.050(4); and
 - e) Any application which proposes to appropriate and use the water within a single contiguous parcel of real property and any application which proposes to change the place of use or point of diversion, or both, within a single contiguous parcel of real property;
5. The requirements of this section apply to any application to change manner or place of use of permits or certificates issued on applications which were exempted from the requirements of this section. Any such application shall be processed as if it proposed to export water from the county from which the existing permit or certificate allows export.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as provided this section, in NRS 533.372 and [~~this section,~~] section 1 of this act, the state engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees; and

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the district's efficiency in its delivery or use of water.

2. The state engineer shall either approve or reject each application within 1 year after the final date for filing protest; but:

(a) Action can be postponed by the state engineer upon written authorization to do so by the applicant or, in case of a protested application, by both the protestant and the applicant; and

(b) In areas where water supply studies are being made or where court actions are pending, the state engineer may withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights, or threatens to prove detrimental to the public interest, the state engineer shall reject the application and refuse to issue the permit asked for. Where a previous application for a similar use of water within the same basin has been rejected on these grounds, the new application may be denied without publication.

4. The rejection or approval of an application must be endorsed on a copy of the original application, and a record made of the endorsement in the records of the state engineer. The copy of the application so endorsed must be returned to the applicant. If the application is approved, the applicant is authorized, on receipt thereof, to proceed with the construction of the necessary work and to take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water so long as the rejection continues in force.

VIII. SUGGESTED LEGISLATION

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SUMMARY--Broadens restrictions on domestic outlets that reduce consumption of water. (BDR 40-140)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the consumption of water; broadening the restrictions on domestic outlets; 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 445.017 is hereby amended to read as follows:

445.017 1. Except as provided in subsection 2, no shower apparatus or indoor faucet may be installed after July 1, 1978:

(a) In any new hotel, motel, apartment house or dwelling; or

(b) As part of an addition to or renovation of any hotel, motel, apartment house or dwelling,

if the apparatus or faucet uses more than 4 gallons of water per minute.

2. A shower apparatus or indoor faucet which uses more than 4 gallons of water per minute may be installed if it is equipped with a device to reduce water consumption to 4 gallons of water or less per minute.

3. The city or county, acting through its building department

or public works department, if any, shall adopt and enforce regulations to enforce the restrictions imposed by this section.

Sec. 2. This act becomes effective on January 1, 1986.

SUMMARY--Requires fees collected by state engineer to be placed in fund for water research. (BDR 48-141)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the state engineer; requiring fees collected to be placed in the fund for water research; restricting expenditures from the fund; 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. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The fund for water research is hereby created as a special revenue fund in the state treasury. The proceeds of the fees levied pursuant to NRS 533.435 must be credited to the fund for water research and all refunds pursuant to NRS 533.435 must be paid from the fund.

2. Expenditures from the fund for water research may be made only if matching federal money is available and only for:

(a) Microfilming records filed with the state engineer, including maps and other documents, up to the sum of \$25,000;

(b) Research, recommended by the state engineer, in matters related to water resources; and

(c) Administrative, per diem and travel expenses related to an approved research project.

All expenditures from the fund must be approved by the state board of examiners.

3. The interest and income earned on the money in the fund after deducting any applicable charges must be credited to the fund.

Sec. 3. The state engineer may enter into agreements with the United States or its agencies for the matching of federal money as required under the laws of the United States.

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

533.435 1. The state engineer shall collect the following fees:

For examining and filing an application for a
permit to appropriate water..... \$100.00

This fee includes the cost of publica-
tion, which is \$25.

For examining and acting upon plans and speci-
fications for construction of a dam, in
addition 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

This fee includes the cost of the per-
mit and the publication of such an
application, which is \$25.

For issuing and recording each permit to
appropriate water for any purpose, except
for generating hydroelectric power which
results in nonconsumptive use of the water
or watering livestock, for each second-
foot of water applied for or fraction
thereof..... 100.00

For issuing and recording each permit to
appropriate water for watering livestock,
for each second-foot of water applied for
or fraction thereof..... 50.00

For issuing and recording each permit to
appropriate water for generating hydro-
electric power which results in
nonconsumptive use of the water for each
second-foot of water applied for or frac-
tion thereof..... 100.00

This fee must not exceed \$1,000.

For filing a secondary permit under a reser- voir permit.....	\$5.00
For approving and recording a permit under a reservoir permit.....	5.00
For filing proof of completion of work.....	10.00
For filing proof of beneficial use.....	10.00
For filing any protest.....	10.00
For filing any application for extension of time within which to file proofs.....	25.00
For filing any assignment or water right deed, for each water right assigned, actual cost of the work up to.....	10.00
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 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 work required of his office, the state engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the state engineer under the provisions of this section must be deposited in the state treasury for credit to the [general fund.] fund for water research. All fees received for blueprint copies of any drawing or map must be kept by him and used only to pay the costs of printing and maintenance of printing equipment. Any publication fees received which are not used by him for publication expenses 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.] fund for water research. The state engineer may maintain, with the approval of the state board of examiners, a checking account in

any bank qualified to handle state money to carry out the provisions of this subsection. The bank account 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.

SUMMARY--Requires enactment by certain cities and towns of ordinance requiring water meters. (BDR 58-142)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to water meters; requiring ordinance to be enacted by certain cities and towns; requiring approval of that ordinance by the registered voters of the city or town; 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 704.230 is hereby amended to read as follows:

704.230 1. Except as otherwise provided in this section, in an ordinance approved by a vote of the people or in any special law for the incorporation of a city, it is unlawful for any public utility, for any purpose or object whatever, in any city or town containing more than 7,500 inhabitants, to install, operate or use, within such city or town, any mechanical [watermeter,] water meters or similar mechanical device, to measure the quantity of water delivered to residential water users.

2. A public utility which furnishes water shall file with the commission a schedule establishing a separate individual and joint rate or charge for residential users who have installed

[watermeters] water meters or similar devices to measure the consumption of water.

3. A [watermeter] water meter or similar device may be installed to measure the consumption of water by a residential customer only:

(a) With the consent of the customer; and

(b) To obtain information concerning a representative sample of residential customers [in order] to determine what benefits, if any, would be derived from the installation and use of [watermeters] water meters for residential customers generally. Unless the residential customer has agreed, in writing, to pay the separate rate, the public utility shall charge the residential customer for whom such a meter is installed the same amount for water used as if no meter had been installed.

4. This section does not apply to cities and towns owning and operating municipal waterworks, or to cities and towns located in counties having a population of 250,000 or more.

Sec. 2. In each city or town:

1. Which does not require the installation of residential water meters or similar devices for measuring the quantity of water provided for customers of a public utility; and

2. Which has a population of more than 7,500 but less than 250,000,

the governing body shall, by ordinance, provide that the installation of residential water meters will be required. Upon enactment of the ordinance, the governing body shall submit the ordinance to the registered voters of the city or town at a special election within 3 months after enactment of the ordinance or at the general election on November 4, 1986, whichever is earlier. The voters shall vote on the question of requiring such residential water meters. If a majority of the votes cast approve the question, the ordinance becomes effective upon certification of the vote by the county clerk. If a majority of the votes cast disapprove the question, the ordinance does not become effective.

SUMMARY--Amends Senate Concurrent Resolution No. 45 of 62nd session to require restriction on diversion of water from certain counties to expire on adjournment of 63rd session. (BDR 144)

CONCURRENT RESOLUTION--Amending Senate Concurrent Resolution No. 45 of the 62nd session to require the restriction on the diversion of water from certain counties to expire on adjournment of the 63rd session.

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That the fifth resolving clause of Senate Concurrent Resolution No. 45 of the 62nd session is hereby amended to read as follows:

RESOLVED, That the state engineer shall not act on an application to divert water from a county having a population of more than 13,000 to a county having a population of 250,000 or less until:

1. The county from which the water would be exported has completed any study it is conducting of the supply and management of water in the county; [and] or

2. The legislative commission has completed its study conducted pursuant to this resolution, its report has been submitted to the legislature, and the 63rd session of the legislature has adjourned; and be it further

SUMMARY--Changes number of board members required to take action
for Washoe County Metropolitan Water Authority. (BDR S-
143)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: No.

AN ACT relating to the Washoe County Metropolitan Water Author-
ity; changing the number of board members required to take
action; 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. Section 6 of chapter 487, Statutes of Nevada 1983,
at page 1311, is hereby amended to read as follows:

Sec. 6. 1. The authority is governed by a board of
directors consisting of:

(a) Four members of the Reno city council, designated by
that council.

(b) Two members of the board of county commissioners of
Washoe County, designated by that board.

(c) Two members of the Sparks city council, designated by
that council.

- (d) One member who is a representative of the general public to be designated by the members of the board representing the Reno city council.
2. The members of the board shall elect a chairman from among themselves.
 3. The board shall meet at the call of the chairman and as frequently as the board deems necessary.
 4. No meeting of the board may commence or continue unless a quorum of at least a majority of the members of the board is present. [A majority vote of the quorum present] A vote of at least six members of the board is required to take action with respect to any matter.
 5. Members of the board serve without compensation, except that they are entitled to reasonable travel expenses and the subsistence allowance provided for county officers and employees for attendance at meetings and conduct of other business of the authority.
 6. The board may adopt a seal and alter it at its pleasure.