

ASSEMBLY AGRICULTURE COMMITTEE
MARCH 26-27, 1977
TOUR OF NORTHERN NEVADA

LEGISLATORS PRESENT: Mr. Hickey
Mr. Polish
Mr. Price
Mr. Rhoads
Mr. Jacobsen
Mr. Dreyer
Mr. May
Mr. Goodman

GUESTS PRESENT: Mr. Gallaway, State Department of Agriculture
Dr. Armstrong, State Department of Agriculture
Dean Bohmont, UNR, College of Agriculture
Jim Hawke, Environmental Protection Service
Fred Hinners, Economic Development Department
Pam Crowell, State Museum
Mary Love Cooper, Legislative Counsel Bureau

The tour began at 7:00 a.m. on March 26, 1977. The purpose of the tour was to bring the legislators into those areas of the State that they would not normally go to.

With the presence of a PA system on the bus, a running commentary was conducted with the various people in attendance giving their expertise on items of interest along the way.

Dean Bohmont of the University gave a brief background on the Fallon Experimental Station which the University has staffed. He explained that it was 190 acres and was typical of a lot of stations found around the entire nation. He also stated that the purpose of the station was to do research, develop new crops and to develop management practices. This particular station has worked on the Lahonton alfalfa seed which is currently being planted throughout the United States.

Harry Gallaway spoke on the noxious weed problem of this area. He explained that the Department has a program directed toward noxious weeds and mainly toward puncture vine, white top and Russian matt weed. He stated that puncture vine was a injurious one found along highways throughout the state. This program is currently directed toward the right of ways to keep the weeds from being transported further. These weeds are not native to this state but have been introduced from outside and are now a very serious problem. He also spoke briefly on two insects that have been found that will destroy this weed; however they are not hardy enough for this area.

Matt Benson pointed out the Gallagher Auction Yard in Fallon. This is the state's only licensed and federally inspected auction yard. He explained that they usually run between 400-500 cattle a day, however, at the present time because of the drought they are averaging between 1700-1800/day. This

is very confusing to the cattle industry as they are getting the price for a cow that they normally get for a steer.

Dean Bohmont explained that the average person consumes about 125 lbs of meat per year of which 40% is ground beef.

Nearing Lovelock, Dean Bohmont spoke about the leaf cutter bees found here. These are used to pollinate the alfalfa seed crop. This alfalfa seed is about a \$8 million crop.

Mr. Gallaway explained this area and Humboldt County were the principal alfalfa producing areas of the State. They have about 18,000 acres in this crop. During the last 5 years they were fourth in the nation in total alfalfa seed production. However, last season only got about 50% of normal because of hail and rain damage. He went on to explain about the bees used in pollination and they recently have had some problems with fungus within them. They have had about a 65% mortality rate among the leaf cutter bees. The department is currently doing research to hopefully try to get some answers to these diseases.

Dean Bohmont explained that these are solitary bees and that the farmers are currently using straws for these bees. They used to use bee boards and they were a project that the 4-H Clubs would use.

Dr. Armstrong pointed out that there was a relationship between noxious weeds and animals. Some of the ranch animals will eat these weeds and they are extremely toxic. They are widespread and a hazard to the horse and cattle industries.

Dean Bohmont pointed out that halogeten has different concentrations of poison in it according to the amount of moisture. There are times when cattle can survive on it. The best system is to avoid it at certain times of the year.

Matt Benson stated that the term overgrazing has been used often to describe the rangelands in Nevada. He stated this really was not true as most of these areas are quite barren and will just support so much. If the livestock were completely removed not much more could be supported by this area.

Mr. Gallaway stated that there was approximately 40,000 acres under cultivation for alfalfa grain and alfalfa seed. The grain is moved out of state at the time of marketing. There is some interest in having storage facilities developed, especially in the Winnemucca area

In Lovelock the group was given a tour of the Nevada Nile Ranch. Jim Cody pointed out the various facilities of the ranch and explained that they are presently having to fix up existing machinery rather than buy new ones because of the high price of new farm machinery. He pointed out that at the present time they are losing 5¢ a lb. per steer. Attached to these minutes are Exhibits A and B and herewith made a part of this record.

While of the tour of the ranch Tom Ayres, of the Extension Service stated that he felt it was important to maintain the Alfalfa Seed Commission. This Commission is included in AB 278.

After leaving Lovelock, Jim Hawke explained the 208 program to those present. He stated that this was the result of a federal law passed in 1973. This is Public Law 92-500, the Clean Water Act of 1972. The State Conservation Commission and their Conservation districts are working together to recommend some Best Management Practices that will be best for this program. Water Quality Standards for the State are also being investigated. Section 404 effects drainage operations.

Mr. Hawke stated that recent court actions may force EPA to enforce stricter rules than even they want to. 208 is an alternative to a permit program for non-point sources.

Mr. Hawke passed copies of a newsletter Date February-March 1977 which is attached to these minutes as Exhibit C and herewith made a part of this record.

Fred Hinners spoke briefly on what the Department of Economic Development was trying to do to help the various communities get clean industry for their area. He stated that in Fallon they recently had a client interested in investing in a sewing and cutting operation but when they found out that Southern Pacific Railway was abandoning their service to Fallon they had to withdraw. This would have employed from 40-50 people and would not have caused any pollution. They have protested Southern Pacific plans.

Mr. Hinners stated that most of these towns depend on some combination of tourism, mining and agriculture to survive. He spoke on the package tour that came out of last session which provided \$200,000 and helped Ely, Elko and Winnemucca. Winnemucca was the most successful with the package tour and they are presently growing a lot because of the potato plant as well as other projects. Mr. Hinners also spoke of other projects that have been or are being considered in this area.

ASSEMBLY AGRICULTURE COMMITTEE
NORTHERN NEVADA TOUR
MARCH 26-27, 1977
Page 4

Upon coming into Winnemucca, Mr. Gallaway spoke on the potato industry. He stated that this county was the largest agricultural producing county in the State. They produce potatoes and winter grain. 18,000 acres in production, however only 1/2 is under cultivation at any one time. The root system of the potato does not allow year after year production and still maintain a high quality potato. The Nevada potato is better than the Idaho potato because the soil has been used for it for fewer years.

The tour was taken on a tour of the R. T French Potato Processing Plant in Winnemucca. The guide explained how the potatoes were processed and dehydrated.

The committee also meet with members of the community at a luncheon held at the Star Broiler in Winnemucca. The minutes of that meeting follow on the next page.

Guest List: See Attached

The meeting was called to order. Those present were invited to make comments or ask questions regarding various legislation before the session.

Laurence French Montero stated that he was concerned about a bill dealing with NIC which would require compulsory coverage by the rancher. Senator Wilson stated that this was a department bill which for all practical purposes was dead.

Another gentlemen stated that he was disturbed by the rumor that the government was closing federal land to RV vehicles and 87% of this state is federal land. He wondered if there was nothing that the legislature can do about this.

Mr. Rhoads stated that there have been several bills introduced and if these should pass and if Congress would agree, Nevadans would own Nevada. He added that all the legislature can do is memorialize Congress and ask them to do something. He explained that there has been a select committee of 6 legislators, (3 Assemblymen and 3 Senators) appointed to go to Washington, D.C. to ask Congress for more control over this state by the people of this state. Mr. Rhoads spoke briefly on the bill he has regarding railroad land and on the wild horse problem that exists on federal lands. Mr. Rhoads finished by stated that he felt that the closing of federal land to off-road vehicles was just a rumor and that he was sure that the next 30 days will determine this.

Bob Key stated that was concerned about illegal aliens and questioned whether there was some way that they could obtain green cards for these people. Mr. Goodman stated that the illegal alien bill presently in the Senate is apparently dead and that Mr. Price is working on one that would exclude people in agriculture. He added that main problem has been with the hotel and motels in the larger communities and not with the agricultural industry.

Mr. Bengoa stated that years ago sheepherders were allowed into the country and were not included in the quota system. He added that in many cases these are the only people they can get to do the work and without them there aren't going to be any ranchers. He added that there really needs to be some type of legislation so that they get these people out here.

Senator Wilson stated that they realize that in many cases the only source of help is the alien but the state does not have jurisdiction over this. Federal immigration creates the policies and controls this program.

John Buchan read a letter from Assemblyman Bode Howard regarding the tour. This letter is attached as Exhibit D and herewith made a part of this record.

Mr. Buchan went on to explain a method of green card that may work for aliens.

Vernal Swenson inquired how the future of agriculture looked as far as water was concerned. Roland Westergard stated surface water in the near future was extremely critical but that pumping and developing groundwater was not too bad. He added that there are proposal for additional upstream storage on the Humboldt of 800,000 acre feet. There is presently a resolution to urge Congress and the Corps of Engineers to get down the road of investigation of the Humboldt and develop some information. Mr. Westergard stated that he could see no importing of water from outside Nevada as all the surrounding States were as jealous of their water as we are and many are facing the same situration we are.

At this time the meeting was ajourned so that the individuals present could talk to the legislators on a one to one basis.

After leaving Winnemucca, Mr. Rhoads pointed out the site for the proposed Valmy Power Plant. He stated that there are some problems surrounding this plant and that the community is not in favor of it. There are many questions to be answered regarding taxes, school support, etc.

Dean Bohmont stated that there are studies going on to determine the school and economic impact of this plant.

Mr. Rhoads stated that this area of the state was used a great deal for forage. Elko has more forage than any other area of the nation. Mr. Rhoads explained some of the problems they face with BLM. Dean Bohmont and Mr. Rhoads discussed the Nevada Report. Dean Bohmont stated that those who wrote the report could not agree among themselves and that none of the views expressed were positive but rather they were all negative.

In Battle Mountain, Andrea Daley, came on the bus to speak to the group regarding the problems facing the miners of this area. They are worried about having to comply with federal regulations on restoring land scarred by mining.

Roland Westergard spoke on the problems of water facing the areas this year. He explained the Humbolt River upstream storage problem. He stated that this upstream storage would provide flood control, water conservation and recreation and that the community and county were very interested in persuing this. He explained the cost that would be involved and that \$2.7 million would be the local share cost. This cost would remain the same no matter what the rest cost. It is presently estimated that it would cost \$59 million.

There is some concern over restriction of water use that this might cause. Some irrigation methods may have to be changed and this also is causing some concern. However it has been pretty well demonstrated that the benefits received would outweigh the detrimental things and that this is environmental sound project.

When the tour passed a geothermal active area, Dean Bohmont explained that there have some interest shown in this area but that it has been determined that these geysers do not have a high enough temperature for much geothermal potential. There are very slim chances that this could be used for electricity generation. However it would be good for other things such as greenhouses, potato processing etc.

Mr. Rhoads pointed out the Carlin Gold Mine and stated that they processed \$10 million last year and that it was the second largest gold mine in the United States. At this mine they have crews working around the clock.

AGRICULTURE TOUR
ELKO EVENING MEETING
March 26, 1977
Page 8

Guest List: See Attached List

Mr. Rhoads called the meeting to order and gave a brief statement of what was presently going on in the session. He explained that the proposed State Office Building in Elko was dead.

Dale Porter stated that he was concerned about the water problem facing them and was interested in AJR 34 regarding upstream storage on the Humboldt River. He stated that they were having some problems with Congressional funding and that he felt it was time to let our congressional delegation know their feelings.

A discussion ensued regarding this project. It was pointed out that this was first authorized in 1950 and that the local share would be \$2.7 million. This amount will not change no matter when the project is finally built. At the present time the studies are not complete. It is currently figured that this project will cost between \$35 and \$40 million and there would have to be quite a bit of benefit from it to justify this expenditure.

Mr. Porter pointed out the benefits to be: 1. flood control, 2. recreation, and 3. water conservation. He also pointed out that some of the water would go into the sink and provide water for the duck habitat.

Water rights were discussed; it was determined that there was concern over the Corps of Engineers interfering with these water rights. The Corps would have control over the water and the role of the water would be based on public criteria.

A brief explanation of the budgeting was given, explaining the problems that had occurred with the Corps of Engineers budget.

Mr. Porter ended the discussion by stating that they wanted to get all the facts and make a final decision based on these facts as to what is best for all. He urged support for AJR 34.

Amalis Gomes, Consultant for the Fair and Recreation Board on this project, was asked about the 160 acre limitation. He stated that this was not easy to answer because the answers they received are often in conflict with each other. One time they hear that the 160 limit will be in effect and another time it won't. There is disagreement between Corps of Engineers and the Bureau of Reclamation.

The Corps expects to be paid for irrigation in advance of construction. This makes it questionable whether the 160

would apply. There is a similar project in California which has been taken to court on this item. A lower court has ruled that when payment in advance is required, the 160 limitation does not apply. The 9th Circuit Court ruled that it does apply and this is presently being appealed. The appeal has been rejected and the decision of the lower court stands. The 160 limitation as the law stands today, will apply to this project, however, if there were some changes in it, these would apply to the Humboldt River Project.

Mr. Gomez stated that as further information on this he would suggest they contact the Department of Army and the Department of the Interior as to how impractical this would be on this river. This is especially true since this does apply to the Lahontan area which is all government project. Neither department would object to modifications of this law that would make reclamation law applicable in the same manner as the Lahontan project.

The other approach would be based on the concept that the project will not be reauthorized. Should go to appropriations committee of Congress and add a provision to the bill for \$250,000 for Humboldt River Project to continue, providing it is understood that reclamation law will apply to this project as it does to the lower half of the river.

It was asked if these proposals were limited to the sites named. Mr. Porter stated that it was more important to determine that there was a project and then ask for alternative sites. Mr. Gomez stated that they should be careful about having too many alternative sites. The government moves slowly and it would take a long time to answer all the questions regarding too many sites. He stated that they will provide for a cursory overview of the river which will probably show that the 3 dam sites suggested are probably the best. One of these three is not very good economically and environmentally. The south fork site is by far the more superior. He would like to try to influence the Corps that they concentrate their efforts in this area and then they would be in a position to start construction at an earlier date.

A question was asked regarding water sheds as provided by Soil Conservation as opposed to Corp of Engineers. Mr. Gomez stated that Corps and Soil Conservation cooperate and try not to duplicate efforts and responsibilities are different for each. Corps deals with bigger dams while Soil Conservation deals with smaller dams used for water sheds. To use the Soil Conservation method would mean starting all over again.

Mr. Jacobsen explained briefly about the bill regarding the abolishment of 42 boards and commissions and the changing of 72. He stated that it was proposed to add a public member to all boards. He stated that during their testimony on this bill it was brought out that much of this information never got to the people involved in the board or commission but rather went to the Department of Administration. He added that he felt that much of the rural area is being absorbed by the larger areas that maintaining some of these boards and commissions was important to the rural community.

Mr. May gave a brief report on the inventory tax that had been proposed this session. He stated that livestock inventory would be excluded and they may later get personal property of livestock excluded. He stated that there were two resolutions. One would have overnight abolishment and this one is stalled in the Senate. The other would phase it out over a 5 year period at a rate of 20%/year. This one the Senate is more in favor of. He stated that inventory on business is unenforceable and that the impact is not as large as the Senate as been led to believe.

Mr. Polish stated that there are presently three bills in the session dealing with 55 mph speed limit. He stated that he favors the so called "Montana bill". This is the concept of no demerit points.

Mr. Price stated that in this respect Commerce Committee has a bill that would limit the insurance companies to only going back one year on points and prohibit cancelling insurance on these points.

Mr. Goodman stated that his bill AB 295, would provide for a \$10 fine for going over 55 mph and person would cited for wasting a natural resource in short supply. Assembly Transportation Committee has given this a "do pass" recommendation.

As there was no further discussion, Mr. Hickey thanked those present for attending and adjourned the meeting.

AGRICULTURE TOUR
ELKO MORNING MEETING
MARCH 27, 1977
Page 11

GUESTS: See attached list

Chairman Hickey called the meeting to order. He asked that those present please present any comments or questions they may have of the committee.

Bob Wright stated that they were indeed pleased to have the legislators here and would hope that this could be done each session. He stated that there were several resolutions they were interested in and that most of these were pretty well taken care of. He cited the meat inspector as one of these. He stated that they have asked the University for help and that they have really been cooperative and helped them. One of the problems in the last couple of years has been the environmental impact statement that is being prepared on BLM grounds. This is a court mandated duty of BLM and it also has time limitations on it. He stated that they are doing "kind of a hurry up job on it" and this concerns them in the livestock industry. They are bringing in a lot of technical people that are not familiar with Nevada conditions. Mr. Wright stated that they have asked the University to help them out on these environmental impact statements and they have provided range technician. They are paying for this through central grazing board. Mr. Wright stated that this year the Dean had in his budget funds for a range technician and these EIS are going to take 12 years to complete the whole state. Mr. Wright stated that as he understands it this part of the budget has been cut out. He stated that under the University budget he also understood that across the board increase was being given to the professional with the exception of those in the Cooperative Extension Service Experiment Station. He stated that he thinks this should be equal.

Mr. Wright went on to say they are also concerned about the 208 EPA program. He stated that something was going to have to be faced up to with this within the next two years. They hope to have something ready for the next session.

Mr. Wright went on to say that they also were interested in SB 401 regarding land ownership. They do not want Nevada to stay 87% federally owned.

Ira Kent stated that he would like to see additional private investigator to be paid out of general funds for brand and theft investigation. They are presently being paid out of funds of the Brand Inspection Division. He added that any other agency that has this type of thing is paid out of general funds.

Lcyd Sorenson stated that wild horses were really getting to be a serious problem. These are not horses that originated a long time ago but these are horses that have been turned out. A lot of these are not permitted horses and they are increasing to the point where they are taking the place of the livestock.

Another point Mr. Sorenson brought up was the alien bill. This is very serious to livestock business as they have a difficult time getting labor. Legislature places the burden on them for proof that these are aliens. If they can't get alien labor in there, they are out of business. They do bring them in under contract. The wages they can afford to pay can not complete in the labor market.

Mr. Rhoads addressed himself to the problem of public lands and its relationship to state ownership. Mr. Rhoads stated that there have been several resolutions that deal with this. One resolution directs the Attorney General to get active and use his office in order to get some of this land. Another resolution will select a select committee of 3 Assemblymen and 3 Senators to look into the various avenues available in order to get some of this land back. They will be meeting during the next 2 years. Senator Glaser has a bill that was David Horton's original idea. This is the one that the min rs have pushed.

Mr. Rhoads stated that there have been several resolutions dealing with wild horses. He stated that the overall feed back that he gets from the legislators is that they will support most of the public land bills and that he would see no problem of getting most of them through the legislature. After this happens is when the real work is.

Mr. Rhoads stated that he understands that Senator Glaser has the legislation drafted on the Senate side regarding the livestock investigator. He added that on the range specialist the money is in there but there is some confusion on this.

Mr. Price spoke on the meat grader bill. This would apply to a cooperative agreement to bring in and train a meat inspector for this state.

Dean Bohmont stated that range technician was a complex issue. He explained the budget process that they had gone through. During the process they lost the position and the money and the only way that it can be put back in is to readjust the budget to go back to their original request.

Mr. Hickey stated that regarding the increase in salary this would occur during the end of the budget session. He suggested that they contact the two committees interested in this.

AGRICULTURE TOUR

ELKO MORNING MEETING - MARCH 27, 1977

Page 13

Jim Hawke, Environmental Protection Service, spoke on the 208 problem. Mr. Hawke stated that they were very happy to have the cattlemen interested in this legislation. What they are looking at now is an interim study for the next two years to come up with some sort of legislation two years from now that would be reasonable and would address the things that EPA is looking at. It would also have to be something that was satisfactory to the farmers and ranchers and would not create an undo financial burden for them; and yet be a reasonable solution for protecting the environment to everyone's satisfaction.

Mr. Hawke stated that the difficulty that is faced is the result of the lawsuit which EPA lost. The state either has to come up with its own legislation and its own program or EPA will come up with a permit program. Mr. Hawke added that in this state we have national permit discharge elimination system. This is a permit system for what is called point sources. This is industrial and municipal sources. They don't want to do this permit for non point sources. Rather they would want to come with best management practices. They need legislation to get legal authority to do this. This is what they hope to obtain over the next two years through cooperation from various people and groups such as this.

Mr. Harry Gallaway stated that part of the problem with the private investigator was that the livestock inspection fund derives its money from two sources. One is brand inspection fee and other is head tax on livestock. This position is vacant at the present time and because of the money problem in that fund there is a question of whether the department will be able to refill that position. It has been proposed that this position should be a general funded position because it is crime against the people, the same as the sheriff or any other activity. Mr. Gallaway stated that Senator Glaser was to develop some legislation to accomplish this. There may be the possibility maybe not even needing that special legislation if the Ways and Means Committee and Senate Finance saw fit to add the position in the Administrative Division of the State Department of Agriculture general funded budget.

Mr. Goodman spoke on the alien bill. He stated that he had introduced a bill to make a misdemeanor to knowingly hire an illegal alien. He stated they have run into opposition from agriculture industry. He had hoped to address some of the problems they have in the hotel and motel industry in Reno and Las Vegas. He stated that he hoped they could work out some kind of exclusion for agriculture.

Mr. Polish stated that in the small county caucus they do realize there is problem with the illegal alien in big industry. This does present problem in three or four other areas. Not only are they taking jobs from our own youth but they are also ending up on the welfare lists and unemployment lists. They are also costing some areas in the hospital area. There are some thoughts that especially in the farm are maybe they could work something in much like what they have with the shepherders so that they can get some alien legally into this area.

Paul May spoke briefly on AB 278, stating that it came about at the request of the Governor. The committee has attempted to select those that could or should be abolished and to add a public member to the existing ones. The committee has given it long hard look and at the present time there is some disagreement within the committee and they feel that they should not move this drastically with the little amount of input they have had. They have no real idea of what impact this really would have on this State. It has presently been tabled and there is very little likelihood that it will come back to life again.

Chairman Hickey adjourned the meeting.

Before leaving Elko, the tour went by the Community College and the new Veterinary Diagnostic Laboratory. Mr. Gallaway and Dr. Armstrong explained the purpose of the lab. Dr. Armstrong stated that 55% of the livestock found in this state are in this area. The lab will help in research to identify diseases in livestock. They also participate in the Community College educational programed.

Dr. Armstrong stated that the supply of vets was adequate in most areas except in isolated areas where it is not economically feasible for a vet to establish a practice.

Mr. Gallaway explained how the Department, University and local Community Colleges work together. They are not charged by law to do this but merely do this as a general practice.

A discussion ensued regarding WICHE programs and how they effect vets. Dr. Armstrong stated that there were 110 licensed vets in this state. Most of these, however, specialize in small animals. There are three large animal vets in Elko, 1 in Lovelock and 1 in Ely. That leaves a lot of mileage in this area between vets. Dr. Armstrong explained that first couple of years of college were basically the same for medical and veterinary doctors.

Mr. Hawke spoke on a program they have of monitoring the temperature of the Humboldt River. There have been a phosphate problem in this area from the sewage treatment plant in Elko. In some areas the water quality is not as high as it should be for beneficial use.

Under the 208 program, Mr. Hawke stated that they are looking to the agriculture community to help come up with something. Their objective is to by 1983 make all waters fishable, swimmable etc. and by 1985 eliminate discharge of all pollutants into all waters of the United States. The permit system on agriculture would cause a financial hardship.

Mr. Westergard gave a brief statement of the problems they were presently having with water rights in Eureka.

Dorothy Gallagher of Eureka boarded the bus to show the group the ranches and development of Diamond Valley. She pointed out that 2,240 of their acres were under irrigation. Every 24 hours they pump 20,750,000 gallons of water for irrigation. In this area they do not have a very deep top soil. A irrigation system costs between \$24,000-\$40,000, and about the only kind of labor they can get and afford is aliens. They shipped out about 8,400 tones of hay to California and they do raise some cattle.

AGRICULTURE TOUR
EUREKA MEETING
MARCH 27, 1977
Page 16

Guest List: See Attached List

Chairman Hickey called the meeting to order and requested those present to present their comments or questions to the committee.

The question was asked as to what had happened to the petitions that the cattlemen and miners had signed to get back the federal lands in this State. Mr. Hickey explained that there have been resolutions introduced which would request this; however, this type of thing is regulated by the federal government and the legislature can do very little except memorialize Congress.

Bob Burnham presented the committee with a petition signed by the people of Diamond Valley regarding water rights within that area. This petition is attached to this record as Exhibit E and herewith made a part of this record.

Mr. Burnham stated that Diamond Valley is a developing area and that they have been confronted with law that was started in 1967. Mr. Burnham explained that Diamond Valley does not have a shortage and this law is causing undue hardships on the people of this area.

Roland Westergard stated that this issue has been one that they have been very concerned about. They thought they had an administrative decision on this but there have been legal complications. This does not meet with complete agreement he realizes but the law does limit what they can do. He stated that he would be concerned about how changing the law would effect the rest of the state. Generally the law is made to be applicable to the state as a whole. Attached to this record as Exhibit F is a letter from Mr. Westergard explaining the situation found in Diamond Valley. This is attached to this record and herewith made a part of this record.

Mary Love Cooper explained to those present what the Legislative Counsel Bureau's role was in the legislature. She stated that they were a support staff and that the legislators direct them as to what their constituents want to know. They are also a research staff to serve the various committees during the session as well as in the interim. She added that they also inquire of other states as to innovative approaches to programs and in turn reply to these states. Mary Lou ended by saying that they also respond during and after sessions to inquiries from citizens throughout the state, answering their questions with factual statements.

Chairman Hickey adjourned the meeting at this point.

Guest List: See attached list

Chairman Hickey called the meeting to order. He called upon Mr. Hawke to give a brief statement regarding 208 and EPA.

Mr. Hawke explained that the 208 program dealt with point and non point sources. At the present time 208 is not an enforcement policy that people can live with and their his agency would hope that they could get a best management practice going. Soil Conservation has been doing this for years without causing financial problems or hardships. The state is trying to make EPA policy liveable for this state.

Ike Mitts inquired what the local people would have to do with this and how they could help. Mr. Hawke explained that they had realized from various meetings that this had not been taken to the people enough and so present legislation has been withdrawn. They plan a two year interim study to come compatible legislation so they will not be stuck with the federal permit system.

Mr. Hawke explained that point sources were industrial and sewage sources while non point included everthing else. They will have to come under an acceptable state plan or they will come under the permit system. They must reduce pollution wherever possible. Some areas are more sensitive then others. Mr. Hawke explained that this area did not have as many problems as others.

Mr. Hawke explained that under the best management practices the local people would have a say in what is done. A task force would plan together the existing practices in the State. It will be determined by area what is best for the area and what the people are able to do for themselves.

Dean Bohmont gave a brief statement on the Carey Act. He explained that this was a method to make possible the transfer of land from the BLM back to the State. This land must be occupiable, irrigatable and claimable. Mr. Westergard must determine if water is available. Normally this entails 160 acres per family unit or in some cases 320 if there is water available. They are presently looking further into this to see if is a practical way to get some of this land back into the State.

Mr. Mitts inquired whether existing water on adjoining land that was sufficient to take care of both parcels would qualify. Mr. Westergard stated it would be possible if other criteria were met.

Mr. Bohmont stated that this land passes to the state and then to the individual over a 10 year period. This becomes

taxable land to the state and produces more than the sagebrush it is currently producing.

Chairman Hickey adjourned the meeting at this point.

After leaving Austin, discussions ensued regarding the early Pony Express Trails and the Emergency Medical Service Assistance.

It was determined by those members of the group that this type of a tour was both interesting and enlightening and is something that the legislature should do each session. It was pointed out that when the legislators spend their whole session in Carson City their point of view becomes quite narrow and limited to those around them. The general consensus of opinion was that the tour was a success.

Respectfully submitted,

Sandra Gagnier

Sandra Gagnier
Assembly Attache

ASSEMBLY AGRICULTURE TRIP

March 26-27, 1977

Austin, 89310

Carolyn Skinner, President	Chamber of Commerce, Austin,
Mr. & Mrs. Mitts	University of Nevada, Austin
Mr. & Mrs. Bert Gandolfo	Lander County Commission, Austin
Mayor and Mrs. Rof Blue	Kingston Canyon, Austin
Joe Stresley	Austin
DeEtta Markland, Mgr.	Nevada National Bank, Austin
Tom Les Perance	University of Nevada, Gun Ranch, Austin

Elko, 89801

Morning Meeting

David G. Abel, Ex. Sec., NCA	975 5th St., Elko
Ira H. Kent	13333 Stillwater, Fallon, 89406
Mr. and Mrs. Elias Goicoechea	North Fork
William B. Gibbs	330 W. Cedar, Wells, 89835
Loyd Sorenson	591 13th, Elko
Vernon Dalton	Wells, 89835
Bob Wright, Pres.	Cattlemen's Association

Dinner Meeting

Virginia Detolo	P.O. Box 1447, Elko
Mr. & Mrs. Mel Steninger	655 Mahogany, Elko
Mr. & Mrs. Jim Meeks	1082 Dotta Dr., Elko
Mr. & Mrs. Roy Shurtz	148 W. Cedar, Pine Valley, Elko
"Dutch" Stenovich	268 W. Court St., Elko
Mr. & Mrs. Dale Porter, Jr.	2035 Ellis Way, Elko
Mr. & Mrs. Jim Polkinghome	162 W. Juniper, Elko

William B. Gibbs	Wells, 89835
Mr. and Mrs. Ted Lunsford	491 W. Ash, Elko
Joe Urriola	217 Idaho, Elko
Irving Harket	812 W. Hillside Dr., Elko
Mr. & Mrs. Tom Gallagher	264 Elm, Elko
Chari Edwards	Chamber of Commerce, Idaho, Elko
Mr. & Mrs. Norman Nichols	544 Sage, Elko
Mr. & Mrs. J.L. Hatch	
Gene DePolo	Box 1447, Elko
 <u>Eureka, 89316</u>	
Elaine W. Burnham	Diamond Valley, Eureka
Robert O. Burnham	Diamond Valley, Eureka
Richard Kephart	Diamond Valley, Eureka
Benny Damele	Eureka
Janet Eyre	Diamond Valley, Eureka
Ned Eyre	Diamond Valley, Eureka
Allen Hendrix	Diamond Valley, Eureka
Ed Bishop	Eureka
Walt Plaskett	Diamond Valley, Eureka
Stuart Keil	Soil Conservation Service Eureka
Dale Elliott	Nevada Fish & Game, Eureka
Marcia Elliott	Extension Service, Eureka
Lorraine Keil	Eureka
Charlotte A. Crutchley	Eureka
Kolbe Klindt	Eureka
Joe Marion	County Agent, Extension Service, Eureka

Winnemucca, 89445

Noel O. Willis	740 W. 3rd, Winnemucca
Ken Sakurada	815 Harmony Rd., Winnemucca
Joe Jamello	1975 S. Bridge, Winnemucca
Norman Burnett	460 W. Winnemucca Blvd., Winnemucca
Mr. & Mrs. Jim Kearns	1190 Harmony Rd., Winnemucca
Bill Evans	Box 366, Winnemucca
Don Kracaw	1820 Mizpah, Winnemucca
Ron Miles	230 West Bell, Winnemucca
Vernal Swenson	232 W. Bell, Winnemucca
Robert Hay	P.O. Box 112, Winnemucca
Bob Key	Box 8, Orovada, 89425
Grace W. Bell	P.O. Box 704, Winnemucca
Delores F. Silva	Star Rt., Box 2340, Winnemucca
Mr. & Mrs. Cleto Bengoa	Kings River Route, Orovada, 89425
Laurence "Frenchy" Montero	Leonard Creek Ranch, Box 1010, Winnemucca
Ray Keener	1465 Bridge St., Winnemucca
Cal Sunderland	Box 912, Winnemucca
Bob Unger	P.O. Box 908, Winnemucca
James W. Kinney	1698 E. 2nd, Winnemucca
Bill MacDonald	One Vista Avenue, Winnemucca
Lyman Schwartz	Paradise Valley, 89426
Donnell Richards	30 Vista Ave, Winnemucca
Ruth A. Bonnell	1620 Mispah, Winnemucca
Cammye Ugalde	1105 S. Bridge St., Winnemucca

Nevada Nile Ranch
Exhibit A

FEEDING PROJECTION

Purchase- 600 pound yearling steer @ .38¢/lb. -	\$228.00
Feed- 430 pounds gain @ .45¢/lb.	193.50
Interest- Cattle and Feed as consumed @ 8.5%-	27.60
Death loss (1.5%) of cattle 1st 30 days-	<u>3.75</u>
Cost of Fat Steer per head	\$452.85

$\frac{\$452.85}{1,030 \text{ lbs.}} = .4396¢$ per pound to break even

Current price of 1,030 lb. Steers F.O.B. Lovelock \$.3850

.4396	Break even per pound
.3850	Price per pound
<u>.0546</u>	Loss per pound x 1,030 lbs. = \$56.24 loss per head

56.24 loss per head
x 12,000 head in feedlot
\$674,856 loss on agricultural subsidy to unions and consumers

SPECIAL

You can help the Nevada Cattlemen's Association and yourself by buying your cow and calf supplemental needs from the Nevada Supplement Company. For every ton of feed you purchase, as a NCA Member, we will donate \$1.00 to the Association instead of using it for promotion and advertising.

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SHEEP FEEDS
CUSTOM MINERAL MIXES
CUSTOM MEDICATED MIXES**

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Call Casey, Ed or Dick**

**NEVADA SUPPLEMENT COMPANY
Lovelock, Nevada
702-273-2070**

OVERVIEW OF THE 208 PROGRAM

The Clean Water Act of 1972 (PL 92-500) established strong Federal regulatory programs to control water pollution from industry and municipal sewage treatment plants. Pollution from these sources is called point source pollution because it enters the water from an identifiable point such as a pipe. However, recent studies have revealed that pollution entering the waters from surface runoff, termed non-point source pollution, is at least as great a problem as point source pollution.

While the Clean Water Act does not create a Federal regulatory program for non-point source pollution, Section 208 of the Act requires State and local control of non-point source pollution. These control programs must be sufficient to meet the State's water quality standards and attain the Act's 1983 goal of "water which is clean enough for swimming, boating, and the protection of fish and wildlife."

Several characteristics of 208 planning are unusual. Because the plans must be implemented, it means that the identification of major pollution sources alone is not enough. Rather, the plan goes far beyond this and requires that the State ensure pollution-causing activities are stopped. For example, if the State identifies highway construction as a major source of water pollution, then, under Section 208, the State must require that the builder follow pollution-preventing practices.

The overall goal of the 208 program is not to stop earth disturbing activities, but rather to control non-point source pollution by conducting the earth disturbing activities in ways which minimize soil loss and runoff. These techniques are called Best Management Practices (BMP's). BMP's for road construction might include a requirement that roads be carefully located so as to limit soil disturbance, that they be surfaced and graded so as to reduce runoff, and that unused or abandoned roads have surface removed and be seeded or mulched.

Since all important non-point pollution sources fall under 208 planning; persons and organizations traditionally opposed to regulation, such as miners, farmers, ranchers, construction companies and land developers, will be subject to control. If 208 plans are to be implemented successfully, strong local participation in the preparation of 208 plans will be essential.

BMP TASK FORCE FORMED

As pointed out in the Overview of the 208 Program, the development of a range of alternative Best Management Practices (BMP's) is one of the most important aspects of the 208 planning process. In order to assure that these practices are both reasonable and effective, the EPS has begun forming a task force which will be responsible for the development and evaluation of these technical measures to control non-point source of water pollution.

While the formation of the BMP Task Force is the responsibility of EPS, the actual identification and development of the range of BMP's for each category of diffuse source by the Task Force will be the role of the State Conservation Commission. Through the Task Force, strong local input will be possible by representatives of agriculture, mining, industry, construction and others. In addition, both State and Federal resource agencies have been asked to participate in order to assure good coordination with their interests.

The initial job of the Task Force will be to develop a list of the types of diffuse sources. Considered in this, will be the type of pollutant to be controlled, physical conditions such as slope and soil type, and similar mechanisms of pollutant generation and transportation.

The first meeting of this group is scheduled for February 24th, at the Stockman's Inn in Fallon at 10:30 am. This first meeting will be of the entire Task Force, however, subsequent meetings will probably be centered around small working committees, and will be held in the local communities. Anyone interested in joining these groups should contact Jim Hawke at 885-4670.

WATER QUALITY STANDARDS

One of the first jobs to be tackled during the 208 planning program is to review the current water quality standards for Nevada. There are several reasons for this, Federal law requires that States review their water quality standards every three years, but more importantly, Nevada's standards were originally developed with only a very limited data record. During the past eight years the streams and rivers of Nevada have been regularly monitored to develop a solid data base upon which to develop revised water quality standards.

One of the main benefits from revising the water quality standards is that these standards will serve as a baseline for protecting the various beneficial users of our waters.

The examination of the waters of Nevada has shown that some standards need to be more specific, for example, on the Humboldt River the existing standard for pH is the range between 6.5 to 8.5. An examination of both the data base and the beneficial uses shows that the standard may be made more useful by having an annual average range of 7.8-8.3, and a single value range of 7.0 to 8.5. The proposed change would reflect the actual conditions of the river, protect the existing beneficial uses and provide a baseline for monitoring.

EXHIBIT 1

During our recent series of public meetings a number of people in both Elko and Winnemucca asked where specific problems might exist on the Humboldt River. While the identification of diffuse sources of pollution is the responsibility of the State Conservation Commission, some general areas of potential problems may exist. An examination of the existing water quality along the Humboldt as compared with the proposed water quality standards reveals the following quality problems.

1. Temperature: a minor problem occasionally exists in the segment between Elko and Palisade.
2. Biological Oxygen Demand (BOD): there is a minor problem between Comas and Imlay.
3. Total Phosphate: a minor problem exists from Palisade upstream to above Elko, and from Battle Mountain to Comas.
4. Nitrates: occasional minor to moderate problems exist above Elko and above Comas.
5. Total Dissolved Solids: occasional minor problems occur above Elko, above Battle Mountain and above Comas.
6. Fecal Coliforms: occasional moderate problems have occurred from above Battle Mountain to Comas.
7. Turbidity: a moderate problem exists occasionally at Comas and a minor problem at Imlay.
8. Suspended Solids: this is the real problem with the Humboldt. There is a moderate problem above Palisade and a major problem below this area. The proposed standards for this reach would be exceeded as much as 50% of the time, and occasionally the excesses are of great magnitudes.

STATUS REPORT--PROPOSED LEGISLATION

Of all the aspects of 208 planning, implementation of pollution control measures is to be the key product. In this regard, there is legislation proposed for the consideration of the Nevada Legislature. This legislation has been in the planning stage for more than one and one half years. As soon as the Bill is introduced, we will be mailing a copy to everyone who has talked to us about it. Additional opportunity to comment on the Bill will be provided during the Legislative hearings.

This Bill is being proposed to make it easier to meet Nevada's water quality goals and to comply with Federal requirements. In 1973, the Legislature made it public policy to restore and maintain Nevada's water quality and to prevent, reduce and eliminate pollution. The Congress has also mandated certain water quality goals to be met by 1983. However, pollution control programs presently focus only on sewage and industrial wastes; the control of these pollutants alone is not adequate to meet State and Congressional water quality goals nor to comply with the requirement that all sources of pollution be controlled.

Thus, environmental protection must play a catch up game with such other sources of pollution as runoff and erosion from land disturbing activities, which include mining, construction, roads, agriculture and stream modifications.

But the exact magnitudes of the problems posed by these types of pollution sources cannot be calculated precisely like pollution wastes from sewage and industrial sources. So, instead of taking a typical water pollution control approach to these problems, it is proposed instead to use existing and accepted conservation practices. These conservation practices are not radical and not necessarily structural, and therefore are relatively inexpensive. Many Nevadans agree that the best way to implement conservation practices is to use conservation plans, which like conservation practices, have been around for 30 to 40 years. It was found that since pollution control programs are lacking for runoff and erosion, the conservation plan concept was good and should be strengthened and expanded, rather than create something entirely new.

The basic idea of the legislation, then, is that a person or agency undertaking a land disturbing activity in a water pollution problem area would prepare a brief, simple conservation plan in which he would set forth the conservation practices needed to reduce runoff and erosion. This would then be submitted to the local conservation district and to the State Environmental Protection Services for approval. This is a substantial improvement over typical pollution control permit programs because the individual, not the government, is the one who first indicates what pollution control measures are needed for his activity. Also, this Bill proposes to share extensively the State's primary responsibility for water pollution control with local governments. In addition to sharing that authority with conservation districts, the Bill provides for the delegation of the authority to review and approve conservation plans, to cities and counties who have the interest and capabilities to undertake the program.

Although we have incorporated most of the suggestions and revisions from people who would be affected by this legislation, there is still the feeling that no program is better than any program. However, we do not have the luxury of having no program. Pollution control nationally is coming to these types of pollution sources and we need to address this trend in order to attain State goals and standards and to comply with Federal requirements. So, the question we have been working with is not whether there should be a program, but what is the best program to have. Once this idea is accepted, there seems to be substantial agreement that the use of conservation practices in a program that is based on conservation plans, which shares the State's responsibility for water pollution control with local governments, is the best approach to these types of pollution sources. The Bill is proposed now because we need all the time we can get to meet pollution control deadlines without increasing the size of bureaucracies, and to avoid Federal intervention.

STATE CONSERVATION COMMISSION'S ROLE IN 208 PLANNING

The State Conservation Commission (SCC) is taking the responsibility for locating and describing pollution sources from other than municipal and industrial sites. The location of these diffuse or non-point sources is being funded by the State Environmental Protection Services (EPS). The SCC staff has been contacting agencies, representatives of organizations, private citizens and others for thoughts and information on water quality problems. The Conservation Districts have demonstrated their abilities during the past 40 years, and EPS has recognized this leadership in the assignment of responsibility to the Conservation Commission. This action by EPS will help to insure local direction and input to the 208 plan.

In April, the State Conservation Commission will begin working on Best Management Practices (BMP's) to help solve water quality problems. These BMP's will be developed and evaluated to see if they are effective and reasonable in relation to the cost of applying them and the benefits to be gained.

Conservation Commission members are pleased to be involved in the "208" planning project. Nevada's Conservation Districts have long been concerned with soil and water conservation. A new dimension is now being added to bring greater attention to water quality. Conservation work -- perhaps with some changes, will help to improve the waters of Nevada for use in the future.

The Conservation Commission and Conservation Districts welcome help and ideas on this work. Information and suggestions can be turned in to the State Conservation Commission, Carson City, Nevada, 89710 (telephone Toll Free 800-992-0900, ext. 5414) or to Conservation District supervisors.

PUBLIC IDENTIFIES AREAS OF CONCERN

Question number eleven of the general questionnaire asked, "Do you feel that there are serious water quality pollution problems in your community?" Those responding "no" outnumbered the positive responses by four to one. However, many of those who said there were no problems went on to list some areas about which they were nevertheless concerned.

Following is a summary of these areas of concern.

- I. Areas identified as having a problem with erosion and sediment (number of similar comments = x).
 1. All major perennial streams in Humboldt County. (x2)
 2. The entire Humboldt River system. (x5)
 3. The users of the Walker River above Weber Res. (x3)
 4. BLM lands in Lyon County during flash floods.
 5. Road construction, offroad vehicles, and unprotected ground.
 6. Kingston Canyon -- spring runoff.
 7. Goshute Creek.
 8. Cherry Creek.
 9. North & South Forks of the Humboldt. (x3)
 10. Marys River.

11. Owyhee River. (x2)
12. Pine Creek in Eureka Co. (x2)
13. Salmon Falls Creek.
14. Rock Creek near Tuscarora.
15. Maggie Creek.
16. Indian Creek near Tuscarora.

II. Areas identified as having a problem with mine wastes.

1. Getchell Mines.
2. Rio Tinto Mines, in the Mountain City area. (x3)
3. Duval Mines, in the Battle Mountain area.
4. Potential problem with "new milling site" in the Fish Lake Valley area.
5. Owyhee River near Mountain City, and the Humboldt near Palisades. (x2)
6. Mill Creek Road due to grading and clearing.
7. Anaconda Mine at Weed Heights.
8. Barth Iron Mines at Palisades.

III. Range and farm lands identified as having problems.

1. Some public and private lands within Humboldt County. (x2)
2. Almost all of Elko County. (x2)
3. Dixie Creek.
4. Antelope Creek.
5. Dody Mountain.
6. Overland Pass.
7. Oneil Basin.
8. Walker River upstream users. (x3)
9. Elko Co., overgrazing along stream banks.
10. Jackstone Creek.
11. Indian Creek.
12. Rock Creek.
13. Toe Jam Creek.

IV. Areas identified as having a problem with fertilizers and pesticides.

1. Humboldt River -- chemicals used to spray vegetation along streams and rivers.
2. Yerington and Mason Valley. (x3)
3. Lower Marys River, spraying of willows.
4. East Humboldt near Death.
5. South Fork of the Humboldt.

V. Areas where sewage may be a problem.

1. Elko (City), bad smell at outfall on Roy Young Ranch.
2. Carlin.
3. Lovelock.
4. Lamoille.
5. Eureka (City).
6. Winnemucca.

VI. Miscellaneous water quality problems.

- 1. Improper wells and distribution systems.
- 2. Fecal coliforms are high in all perennial streams in Northwestern Nevada.
- 3. Beaver dams which change the course of a stream.
- 4. Channelization on the South Fork has increased water velocity and resulted in loss of trout habitat and further erosion downstream.

SUMMARY OF INFORMATION AND OPINIONS RECEIVED FROM QUESTIONNAIRES

So far we have received questionnaires back from about 25% of the people we talked with during the public meetings in Yerington, Tonopah, Ely, Elko, and Winnemucca. We had such large turn outs for the meetings that our supply had been exhausted prior to the Lovelock meeting. To develop the broadest possible information base, we hope to distribute the questionnaires at subsequent meetings and workshops.

I have summarized the information and opinions that have been expressed by the completed forms we have received to date.

1. Counties Represented

- Humboldt County -- 11
- Lyon County -- 18
- Mineral County -- 2
- Lincoln County -- 4
- Nye County -- 2
- Elko County -- 7
- White Pine County -- 7
- Lander County -- 6
- Eureka County -- 2
- Esmeralda County -- 9

- 2. On the average the people had lived for 15.8 years in their present Nevada communities.
- 3. One out of every two people favored no further residential growth in their areas. Those that did favor growth were overwhelming in favor of single family homes on the belief that it would help the housing shortage, provide jobs and increase the areas tax base.
- 4. Those that favored commercial or industrial growth outnumbered those that wanted no growth by about 3 to 1. Generally, new shopping facilities were favored for commercial growth. Light industry located in industrial parks was also widely favored.
- 5. While a large majority felt that commercial and industrial growth would provide more jobs and thereby strengthen the towns economy and tax base, many cautioned that this growth would change the character of their communities.

6. Drinking water supply in rural Nevada seems to be almost evenly divided between public water supply and individual private wells. The public is almost unanimously satisfied with the quality of their drinking water.
7. Almost everyone that completed questionnaires use local rivers and lakes for recreation, with fishing and picnicing being the two most popular activities followed by hunting, boating and swimming. The majority felt that the quality of their recreational areas had remained the same in recent years.
8. A great majority felt that there were no serious water pollution problems in their communities. Those that were concerned listed erosion, rangelands and mine wastes as their greatest concerns. Almost none were concerned about sewage, urban construction, farm lands or industrial wastes.
9. Although most seem to be satisfied with their solid waste disposal systems, a few were concerned that the dumps were not well maintained.
10. Protection of the towns water supply and protection of water recreation areas were the primary problems which should be studied according to the questionnaires. Improved recreational opportunities were seen as the most likely benefit from the 208 planning process.
11. More than 80% of the individuals surveyed live in one-family homes, with 2/3's of these being hooked to septic tanks and the other 1/3 to sewage treatment facilities. This seems to be satisfactory, since a vast majority did not want local sewers.

SUMMARY OF COMMENTS RECEIVED AT PUBLIC MEETINGS ON 208

The first series of public meetings on the initial work of the 208 planning process has been completed. These meetings were held in Yerington, Tonopah, Ely, Elko, Winnemucca, and Lovelock.

Often the comments received during public meetings are something of a 'mixed-bag'. This proved to be the case in these meetings as you will see from the summarized comments which follow:

Yerington Meeting

- The Walker River should be monitored before it enters the agricultural areas.
- Temperature studies should be conducted on the Walker River.
- Both Weber Reservoir and Walker Lake should be monitored.
- The cooling water discharge from the Ft. Churchill Power Plant was a valuable recreational site and should not have been stopped.
- A brochure should be developed on the specifics of how 208 will effect Nevadan's.

Tonopah Meeting

- Farmers should be allowed to develop their own "Site Specific Conservation Plans", which would then be approved by the local Conservation District without going to the EPS.
- The EPS could do occasional spot checks.
- The Conservation Districts should receive money to do this work.
- A cost-analysis should be conducted to determine the usefulness of the 208 program.
- Site Specific Conservation Plans should be coordinated with Federal lands so that AUM's are not lost.
- EPS should present factual information on where non-point sources exist.
- A technique to pay for the measures necessary under BMP should be developed.
- 208 planning should not effect water rights.
- The next meeting should be in Hawthorne.
- Esmeralda County wants all plans to be coordinated through the County General Plan.
- There is not enough time to develop comments on the proposed legislation, EPS should delay legislation until 1979 to allow detailed study.
- This legislation is a foot in the door for permits and environmentalists.

Ely Meeting

- We should find out what the consequences would be if the State did not develop its own 208 program.
- Local control of the program is preferable to State or Federal control.
- EPS should use all comments given during these meetings . . . not just the ones they like.
- The beneficial uses to be protected and the economic factors should be considered.
- The EPS should not have any concern if runoff occurs on private lands and does not leave the private lands.
- The EPS should tell the EPA that Nevada does not want a 208 program.
- The proposed legislation should be written in common English.

Elko Meeting

- The County should have a more important role in the development of the 208 legislation and its implementation.
- The description of "land-disturbing activities" is too broad.
- Could a County find that it has no water quality problem and be excluded from the requirements?
- USGS monitoring data should be reviewed for the Humboldt.
- The priority list for the implementation of site specific conservation plans should be developed locally.
- The State 208 Plan should be good enough that EPA will not over-ride it.
- Some areas, like meadows, should be exempted from site specific conservation plans.
- Temperature standards should be considered for the Humboldt.
- The legislation should be developed after the 208 plan has been completed.
- If a water quality problem cannot be controlled by a BMP, could the EPS stop the land-disturbing activity?
- One beneficial use should not have more value than another, they should be equal.
- If a fine becomes necessary, it should be decided in the local court.

Winnemucca Meeting

- The legislation should not be proposed at this time, it should be held until after the 208 plan is completed.
- Floods have been the major problem for fisheries in the Humboldt River, and not runoff from agricultural areas.
- The legislation would create farming by permit even if it is called a site specific conservation plan.
- If the proposed legislation is not a permit system, the word permit should not appear.
- The people who live on the land already know how to protect the land, and do so.
- In the Humboldt River, water pollution starts at the head waters on the BLM and Forest Service lands.
- If the legislation is not specific it may be interpreted differently in the future.
- The legislation should be specified to apply only to problem areas.
- The farmers do not want someone who does not understand agriculture telling them what to do as conservation practices.
- Montana and Oregon already have a program like the one proposed for Nevada and it is working out well.
- California has a permit system for farming and it is disliked.
- This proposed legislation seems to be a way to spend more money and hire new employees.

Lovelock Meeting

- The local Conservation Districts should be well represented during the 208 planning.
- The Humboldt has been about the same since the late 1890's.
- Water Quality Standards should serve as a benchmark for preserving the existing water quality.
- The proposed legislation would have more impact on agriculture than on any other land-disturbing activity.
- The economic impact of this legislation could ruin the already threatened agricultural industry. Farmers should have some recourse.
- Local control must be included in the proposed legislation.
- Areas where there are no problems should be exempt from the legislation.
- The legislation should not be introduced until the 208 planning has been completed.
- A cost analysis should be conducted on this program.

The comments received cover a wide range of interests, although many of the same suggestions were given during each meeting. The comments we have received will be carefully considered by the EPS in developing our 208 plans.

IS YOUR ADDRESS CORRECT?

If your address is not correct please forgive us. A space is provided below for a correction or change of address.

Since it will only be possible to send this newsletter to a limited number, we would appreciate your assistance in circulating this newsletter among your friends.

Name _____

Address _____

Send to: Environmental Protection Services
201 S. Fall Street, Room 120
Capitol Complex
Carson City, Nevada 89710

EDITOR: James P. Hawke

CONTRIBUTORS: James C. Breitlow
James Linebaugh
John J. Welsh

ENVIRONMENTAL PROTECTION SERVICES
201 S. Fall Street
Capitol Complex
Carson City, NV 89710

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Nevada Legislature

FIFTY-NINTH SESSION
Letter to be read at the Luncheon of the Legislative Tour
March 26, 1977 in Winnemucca

The citizens of the rural counties should be very thankful that the Legislature controlled by Urban Counties of the State should take time and on their week-end of rest, and tour the State Rural Counties to hear the problems and Legislation needed to alleviate these problems. This Committee is also here to listen to the pros and cons of pending Legislation which will have to be decided upon.

I have coming up for consideration a Community College Vocational program for Winnemucca which will be calling for an appropriation: also a tourism program for the Rural Counties which will be calling for an appropriation. The Urban Counties have been very considerate of the alien worker program in the Rural Counties and I have let my thoughts on this subject be known to the Committees involved.

The drought program has been attacked by the Director of The Dept. of Natural Resources of the water division Mr. Westerguard, and Legislation to give him more power to regulate water under certain circumstances is pending at this time.

The wild horse program resolution has been requested and I am sure any in-put you can give into this program will be appreciated. This program has been in the local news media and the answer to the whole problem lies with Congress in delegating this duty to the Bureaus.

Several bills have been introduced relative to speed laws. I believe if we can just relieve the one who is ticketed for speeding from being persecuted by the Insurance Companies we will have accomplished what we are trying to do; in others words do not demerit ones drivers license for speeding on the highways of the State of Nevada relative to the 55MPN limit.

The Legislature has been working 12 and 14 hour days trying to close out in the 60 day period which the voter told them to accomplish. They are not going to be able to accomplish this act in the 60 days. This is a new era and a growing State. You voters have asked the impossible because of National Politics. Just thank God you have a group of people who are conscientious and are interested in your State or they could close out in 60 days and leave the requests which are so important to all of you lie there until the next session

There will be a gun registration resolution coming out soon which will change our constitution to allow citizens of the State to ~~own~~ and bear arms without registration. I hope you will give the Committee your support of this during this session.

In closing I hope you will work with and give constructive criticism to this group of people who have come here to listen to you and help resolve

MR. BODE HOWARD
ASSEMBLYMAN
HUMBOLDT-LANDER-
EUREKA-CARLIN TOWNSHIP
1225 BRIDGE STREET
WINNEMUCCA, NEVADA 89445



COMMITTEES
MEMBER
WAYS AND MEANS
ENVIRONMENT AND PUBLIC RESOURCES

Nevada Legislature

FIFTY-NINTH SESSION

(2)

the problems which you might be found with. I personally want to thank you for your consideration and patience with me. I will still try to work out any problems which are proper and necessary to you and the State. I ~~wish~~ wish you all a very productive year and a very constructive meeting.

Sincerely,

A handwritten signature in cursive script that reads "Bob Howard".

Bode

March 24, 1977

The Petitioners, whose signatures are herein listed, and residents of Diamond Valley, Eureka County, do earnestly request the support and maximum effort of each and all members of the Nevada State Legislature in having the 1967 Water Law No. 534.090 changed at least in part from the five Year Use Basis as presently interpreted by the Division of Water Resources. As presently administered, the effect is to give the land owner only a five Year Lease right to the water. This is not the Law of water rights as is generally known and recognized throughout the west. Too, we feel where water permits were issued prior to the 1967 law, said permits should be recognized and as originally given and not as something which now may be withdrawn.

Diamond Valley is a closed basin as declared by the State Engineer. Water availability is not the problem here. We are a developing area. A productive valley is resulting from a sage brush flat. Affordability and yearly production income only have somewhat paced the valley's progress. The coming of electric power saw tremendous strides being made. With crop prices gradually improving, development rate can increase. Those pioneering the valley must not now be trodden upon by indiscriminate application of an improperly conjured law which was requested for an entirely different section of the state.

Let the State Engineer, the Governor, and the Nevada State Legislature right this wrong with an immediate emergency proclamation or such other effective declaration to allow landowners the water permits they have so diligently worked for and most certainly have earned. Let the State Engineer apply the judicious implication of the word "may", for the inflexible, retrograding and costly effect of the word "shall" in the application of the present regulations.

Exhibit E
 - 16211 Acres owned by petitioners
 in Diamond Valley

		ACRES
Donald F. Palmer	Diamond Valley	640
Eliza M. Palmer	Diamond Valley	
Russell Palmer	Diamond Valley	640
George W. Palmer	Diamond Valley	
Harold R. Miles	Diamond Valley	160
Marion M. Miles	Diamond Valley	
Joseph P. Lewis	Diamond Valley	
Agnes P. Lewis	Diamond Valley	
Abel C. Robinson	Diamond Valley	2,333
John W. Brown	Diamond Valley	
Leola Robinson	Diamond Valley	160
Augusta Robinson	Diamond Valley	160
Joe Shingle	Diamond Valley	80
John Hubbard	Diamond Valley	
John Hubbard	Diamond Valley	440
Janine Hubbard	Diamond Valley	
Melba Hubbard	Diamond Valley	440
O. C. Hart	Diamond Valley	220
Don Berger	Diamond Valley	
Linda Berger	Diamond Valley	
John Berger	Diamond Valley	
John Berger	Diamond Valley	
John Berger	Diamond Valley	
John Berger	Diamond Valley	

acres

Alice Joss Winnand Valley

Robert E. Joss Winnand Valley



March 15, 1976

Board of Supervisors

Eureka Area 89316

KOLBE KLINDT
Chairman

LEONARD CORSENTINO
Vice Chairman

DON PALMORE
Secretary

DICK KEPHART
Equipment Manager

E. C. BISHOP
Clerk

LE ROY ETCHEGARAY
Supervisor

Affiliate Supervisors

Northern Eureka County

FLOYD SLAGOWSKI
Diamond Valley 89822

PAUL SANSINENA
Geowawe 89821

Nevada State Conservation Commission
201 So. Fall Street
Carson City, Nevada 89710

Gentlemen:

We feel there are certain laws on the books that are detrimental to good conservation practices. One of those laws is 534.090 FORFEITURE AND ABANDONMENT OF RIGHTS: "1. Failure for 5 successive years on the part of the holder of any right, whether it be an adjudicated right, an unadjudicated right, or permitted right and further whether such right be initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which such right shall be acquired or claimed, shall work a forfeiture of both undetermined rights and determined rights of the right to the use of such water to the extent of such nonuse. Upon the forfeiture of a right to the use of ground water, such water shall revert to the public and shall be available for further appropriations, subject to existing rights. If, upon notice by registered mail to the person of record whose right has been declared forfeited, such person fails to appeal such ruling in the manner provided for in NRS 533,450, and within the time provided for therein, the forfeiture becomes final."

Here is what happened in Diamond Valley in many cases. Farmers or speculators have homesteaded land and instead of developing land in an orderly fashion, to produce top yields, they have moved a few lines from field to field. They would do just enough to start a crop, and then would move to another field. The crop was not as important as getting their water rights.

This created hardship financially to the farmer. Serious soil erosion resulted from wind on this disturbed land. When the farmers could not afford to continue development the land went to weeds, increasing the weed control problems for neighboring farmers.

Many farmers went broke. They moved to the cities for jobs, hoping to save enough money to someday return and try again.

The speculators lost their renters, because they could not properly farm with inadequate irrigation, land not properly leveled, or poorly developed wells that would not produce enough water for a crop. Only the water right was important to the speculator.

This left open fields of weeds for wind to blow. The weeds piled upon fences, and the blowing top soil drifted the fences under. Ditches were filled on neighboring farms, and leveled land was left unirrigatable, adding another burdon to the farmer trying to do a good job of farming.

Some of the farmers who stayed started systematic leveling of the land in 20, 40, 80, and eventually 160 acre fields under a good well. Others continued to use wheelines for irrigating. However, instead of two lines per 80 acre field, they used three. The additional lines were taken from the less productive land. Therefore, for each 160 acres that was irrigated efficiently with six wheelines, eighty acres had to be removed from irrigation. The remaining unirrigated land in both cases was left unworked or put into created wheat grass.

Many found that they had to redrill wells and redo costly projects, because of the haste in proving up on the water rights in the initial phases of development. This required captial that they did not have and could not generate from production or credit. Therefore much of the land went up for sale.

The years went by and still all the first water rights were not being used, but yields were increasing and soil and water was being conserved. Nothing was said until 1975 when a farmer returned to his farm from the city with enough capital to try it again. At this point a neighbor protested and demanded NRS 534.090 be enforced.

The Water Commission had to act on the law and make a decision, which as the law reads is very cut and dry. (see attached Public Notice).

Now what is going to happen? Resident farmers and absentee owners are going to go back to the water wasting, soil eroding practices of the initial development days. They are developing all the land before five years expire whether they are ready or not, just to avoid forfeiture of the water right.

We feel that water rights should be granted with the Desert Land Entry Act. The farmers could then develop as they are able, leaving the stabilized, undeveloped land in sagebrush. This would keep the soil erosion to a minimum and prevent the tumble weed problem from developing.

People then would not be rushed into hasty planning but would concentrate on good farming methods and economical yields, instead of rushing to secure rights on ALL THE LAND.

Water Law NRS 534.090 with its forfeiture clause forces a reinactment of the soil erosion. Failure to water every part of your farm every five years is cause for forfeiture of the water rights. Therefore the land not in production and beginning to stabilize in perennial vegetation must again be worked up planted and irrigated.

Because of just trying to cover ground instead of producing crops. the water is wasted and the land is again open to wind erosion. Many farmers again find themselves financially in trouble since their concentration on production has been interrupted, their yields reduced and expenses increased only to preserve the water right.

How can we help? By changing the law? All laws are made for a reason and from time to time must be changed because we find problems arise we were not aware of at the time of the law's enactment. Some laws create bigger problems than they were suppose to cure; in this case the problems are soil erosion and not-productive water use.

Here are the changes we would like to see made. After 7 years of nonuse a farmer must file with the Water Commissioner and advertise in his local paper for 3 weeks his intent on irrigating such parcel of land. If a neighbor protests the neighbor must bear the burden of proof that in fact the water table is lowering, that insufficient water would be available and that his production would be in jeopardy.

If he can prove the water table is lowering it would be up to the Commissioner to do one of two things:

1. Forfeit all or part of the water right.
2. Reissue a new water right on all or part of his land.

If a Farmer is irrigating at least 45% of any 160 acres he does not have to worry about losing his water right.

It is time for Nevada Farmers to concentrate on production and good conservation practices instead of wasting energy, water, time and money because of the Water Law.

Very truly yours,

EUREKA SOIL CONSERVATION DISTRICT

Kolbe K. Klindt
Chairman

Eureka Special Water Committee: Leonard Corsentino
Dick Kephart

Encl.

cc: Governor Mike O'Callaghan

R E S O L U T I O N

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2
3 The BOARD OF COUNTY COMMISSIONERS of Eureka County, Nevada,
4 meeting in regular session with all members and the chairman
5 present, together with the clerk, went into the matter of the
6 forfeiture and abandonment of rights to underground water and
7 wells in Diamond Valley, Eureka County, Nevada.

8 WHEREAS, the Board recognizes that the failure for five
9 consecutive years on the part of the holder of any rights to use
10 beneficially underground water shall work a forfeiture to the
11 right to the use of ground water, and

12 WHEREAS, it has been brought to the attention of the Board
13 that a large amount of land in Diamond Valley is subject to
14 having the water rights to underground water and wells in said
15 valley forfeited for nonuse, pursuant to Section 534.090, Nevada
16 Revised Statutes, and

17 WHEREAS, the BOARD OF COUNTY COMMISSIONERS of Eureka County,
18 Nevada is highly concerned that a declaration of forfeiture of
19 said underground water and well rights would be an economic
20 disaster to the County of Eureka and the farmers in Diamond
21 Valley, Nevada.

22 NOW, THEREFORE, BE IT RESOLVED upon motion of COMMISSIONER
23 VACCARO, seconded by COMMISSIONER MILANO, and unanimously
24 carried, as follows, to-wit: that the BOARD OF COUNTY
25 COMMISSIONERS communicate with the Nevada State Legislature
26 through the Eureka County Legislative Delegation to seek an
27 amendment or modification to Section 534.090, Nevada Revised
28 Statutes, whereby the state engineer at Carson City, Nevada would
29 be granted discretionary powers in said section of law.

30 / / /

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WITNESS OUR HANDS this 7th day of February, 1977.

BOARD OF COUNTY COMMISSIONERS
OF EUREKA COUNTY, NEVADA

Charles Tomiele
Chairman

Charles A. Vaccaro
Member

Martin R. Williams
Member

ATTEST:

Jan Skangle
County Clerk

For Trip

ELMO J. DERICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES



Exhibit F

ROLAND D. WESTERGARD
State Engineer

201 South Fall Street, Carson City, Nevada 89710

In reply refer to
No.

March 22, 1977

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 885-4380

The Honorable Assemblyman Thomas J. Hickey
Nevada State Legislature
Legislative Building
Carson City, Nevada 89710

Dear Assemblyman Hickey:

You requested information regarding a pending issue involving groundwater appropriations in Diamond Valley near Eureka, Nevada.

Nevada Revised Statutes 534.090 provide that failure for five successive years to use water under any right to appropriate underground water shall work a forfeiture of said right.

In January of 1975, we received a request to declare certain rights, in the name of Stenton, within Diamond Valley forfeited. After an extensive administrative hearing, a Ruling was issued in December of 1975 declaring said rights forfeited. On December 22, 1975, an Order was issued regarding appropriation of water from the Diamond Valley Groundwater Basin. The Order provided, in part, that all applications filed to appropriate water for irrigation purposes on lands in Diamond Valley that had a previous water right lost through forfeiture would be considered for approval on an individual basis and on their own merits. On January 12, 1976, permits were issued to the Stentons to appropriate underground water to irrigate lands on which previous permits had been declared forfeited.

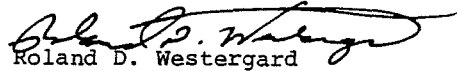
In January of this year, we received letters from the Stentons requesting that we declare forfeiture of water rights to irrigate approximately 7200 acres in Diamond Valley. In February, we received a letter from the Kepharts requesting that we declare forfeiture of water rights to irrigate approximately 440 acres of land. We have conducted field investigations on a portion of the lands included in the request. We have also received requests for administrative hearings to present evidence regarding possible forfeiture or non-forfeiture.

Exhibit F

The Honorable Assemblyman Thomas J. Hickey
March 22, 1977
Page two

Administrative hearings will be scheduled as soon
as time will allow and hopefully in the very near future.

Sincerely,


Roland D. Westergard
State Engineer

RDW:gs