

SENATE NATURAL RESOURCES COMMITTEE

MINUTES OF MEETING
Wednesday, April 27, 1977

The twenty-third meeting of the Senate Natural Resources Committee was called to order on the above date at 7:10 p.m..

Senator Gary Sheerin was in the Chair.

PRESENT: Chairman Sheerin
Senator Echols
Senator Dodge
Senator Neal
Senator Glaser

ABSENT: Senator Lamb

OTHERS

PRESENT: Linda M. Patrovsky, Nevada property owner
Pam Wilcox, Lemmon Valley Improvement Assoc.
Beverly Youngberg
L. M. Youngby
Frances Moncravie
Nancy E. Cronan
Norman Hall, Dept. of Conservation, Dept. of Human Resources
J. M. Glenn
W. L. "Corky" McDonald
Frederic, B. Lee, Jr., Pyramid Lake Paiute Tribe
James Vidovich, Pyramid Lake Paiute Tribe
Linda Wade
Ron Peek
D. N. Inwood
John Hoover
Dave Montgomery
Nancy Minaberry, Panther Valley
Juanita Tower
Harry W. Adams Jr.
Carl Syornsan
Suanne B. Japher
George Peek
Joe Ratliff
Lody Smith, Nevada Division of Forestry
Dale Lowery
John L. Cormier, Jr.
John I. Hanson, Pyramid Lake Indian Tribal Enterprises
Don S. York
Ona Flowers
Bill E. Olson, Golden Valley Property Owners
Bob Bowers, Nevada Association of Realtors
A. A. Throckmorton
Alice M. Trail, Anderson Acres
And others.

Bills considered by the Committee included: AJR53, AB79, AJR43, AB616, AJR51, AJR41 and SB509.

AJR 53 Urges Congress to transfer to State of Nevada public lands in checkerboard ownership pattern along railroad right-of-way in northern Nevada.

DEAN RHOADS, Assemblyman, Elko District, introducer of this resolution said it memorializes Congress to give some relief on the checkerboard pattern of land ownership in Nevada. Mr. Rhoads referred to a map when giving a brief history of how the checkerboard pattern came about in Nevada, saying every other section (640 acres) was given to the railroad as an incentive to build the railroad through and the government kept every other section which presently belongs to the Bureau of Land Management. The intent at that time was to encourage settlers who eventually bought out the railroad land to have enough initiative to seek, purchase or trade the government out of the checkerboard pattern. Mr. Rhoads said he had spoken with Nevada's Congressional delegation in Washington and they felt that if Nevada Legislature would pass such a resolution, they could introduce some kind of legislation to seek some kind of relief for the checkerboard pattern. The relief which is being sought is to try to get that particular area turned over to the control of the State of Nevada.

CHAIRMAN SHEERIN asked NORMAN HALL, Director of the Department of Conservation, if Nevada was given ownership, is there enough manpower to manage it in reasonable fashion with the present budget.

MR. HALL answered it does have a fiscal impact. BLM figures show that statewide they have about 300 to 400 people working on land management, it costs them about eight million dollars a year to manage these lands and they bring in about five million dollars. The checkerboard has been discussed for many years and people always feel that maybe an exchange is a good vehicle, but it has never been accomplished.

MR. RHOADS presented a memorandum from the Nevada Legislative Counsel Bureau showing Nevada land ownership broken down by total acreage. Entered in record, attached EXHIBIT "A".

Senator Glaser moved "DO PASS."
Senator Neal seconded the motion.
The motion carried unanimously.

AB 79 Removes "areas of critical environmental concern" from state land use planning.

ASSEMBLYMAN JOE DINI, District 38, said he introduced this measure for his people because they feel strongly that the

State Land Use Planning Agency as it has been created, has some undesirable language in it: 1) the identification of areas of critical environmental concern; and 2) in the development in the amendments the impasse machinery has been developed such as in SB212 for handling disputes between two public entities." Mr. Dini outlined the history of the State Land Use Planning Agency saying that when it came about in 1973, it was not the intent of the Legislature to create a problem between upstream and downstream water users on any river in Nevada. The language has created a serious concern, especially on the Walker River where downstream people think this was the avenue to gain additional waters for the solution of Walker Lake problems. Mr. Dini said he did not want to affect the State Land Use Planning Agency's powers other than to get them out of this area which is going to be a problem if the language is left in the statutes.

SENATOR GLASER stated he felt AB79 and SB212 were compatible bills and could be amended to dovetail together.

Mr. Dini replied no, because they are different concepts. He said SB212 returns most of the power to the local level, and AB79 dosen't, except in the impasse. The general theory behind AB79 is to try to bring this agency within a realistic view of the people that have to serve under it, the general public in our areas.

NORMAN HALL, Director of the Department of Conservation of Natural Resources, pointed out some technical changes on Page 1, line 14, inserting the word "state" before the word "land", and the same correction on lines 18 and 20. The word "may" should replace "shall", Page 2, line 24. Mr. Hall handed out printed copies of comparisons between AB79 and SB212. Entered in recordd and attached, EXHIBIT "B". Mr. Hall said in the existing law, the state developes the zoning and the rules and regulations for the critical areas and adopts them, and the state can enforce administration by the respective polical subdivisions. The strength is all in the state. SB212 brings this down to a lower level where it brings in the executive counsel and they establish the rules and regulations if they designate an area, but the enforcement is done by the local government entity and the state cannot enforce it. It is a local chain of events as Mr. Hall views the difference between SB212 and the existing law.

No action was taken by the Committee on AB79.

AJR 43 Memorializes Congress to enact legislation to protect
desert flora on federal land.

LODY SMITH, Nevada State Forester, testified in support of this resolution requesting the federal agencies to look into the enforcement of the cactus theft in Southern Nevada. The problem is thousands and thousands of cacti are stolen annually and sold throughout the western part of the United States for a considerable profit. Mr. Smith said some of the barrel cactus takes 100 years to grow, so the theft is becoming alarming. The Bureau of Land Management is aware of this and they are now able to enforce this law and cite for misdemeanor through the new Organic Act. However, Mr. Smith said he felt this resolution is still in order as this is the critical area in the Southern desert.

Senator Neal moved "DO PASS."
Senator Glaser seconded the motion.
The motion passed unanimously.

AB 616 Provides for protection of cacti and yucca.

LODY SMITH, state forester, said this bill is a combination of suggestions presented to the Assembly committees on an approach to the problem addressed by AJR43. For the commercial program, this bill simply added the removal of cacti to the existing Christmas tree laws. If an individual land owner chooses to sell cacti or trees to someone, then he must register with the state forester, followed by an investigation. Page 2, line 32, allows any law enforcement officer to check written permits and changes the fine from \$10 to \$100. Chairman Sheerin suggested the fine be changed to up to \$500 to be consistent with the misdemeanor law.

Senator Neal moved "DO PASS."
Senator Glaser seconded the motion.
The motion carried unanimously.

AJR 51 Requests Economic Adjustment Committee to assist University
of Nevada's Desert Research Institute in its efforts to
revitalize Walker Lake in Mineral County, Nevada.

Rescheduled for Friday, April 29, 1977.

AJR 41 Memorializes Congress and Department of the Interior to
suspend projects on Pyramid Lake and portions of Truckee
River.

JAMES VIDOVICH, chairman, Pyramid Lake Paiute Tribe, and FREDERICK B. LEE, JR., Attorney, Pyramid Lake Paiute Tribe, testified in opposition to AJR41. Mr. Vidovich said he did not think the State of Nevada should be telling the Federal Government what to do. He distributed a prepared statement, entered in the record, attached, EXHIBIT "C". In reply to SENATOR GLASER'S question as to what federally funded projects are going on between Derby Dam and Pyramid Lake, Mr. Vidovich said restoration of the fisheries, hatchery in operation, erosion project in the form of the Marble Bluff Dam, industrial park and other projects.

MR. LEE agreed with Mr. Vidovich in opposing AJR41, saying that he felt the U. S. is obligated to help re-establish this fishery by statute and by trust status, it will help everyone in the area.

JOHN HANSON, general manager, Pyramid Lake Indian Tribal Enterprises, an entity of the tribal government of which Mr. Vidovich is chairman. He said in opposition to AJR41, about three years ago the enterprise was formed to operate the fisheries and outdoor recreational activities on the Lake. He outlined the yearly impact on Washoe County and local Nevada businesses and government to be in the amount of \$737,000.00, if the federal funds are cut off through the passing of this resolution. Printed copy of substantiating figures, entered in record, attached EXHIBIT "D".

No action was taken on AJR41. Rescheduled for Friday, April 29, 1977.

SB 509 Makes requirement for permits to appropriate water applicable to certain domestic wells and establishes procedure for issuance of permits.

CHAIRMAN SHEERIN asked Senator Dodge to give an overview of SB509 and basically what the testimony indicated at the meeting April 18.

SENATOR DODGE said Roland Westergard, state engineer, indicated there could be a serious water level problem in Lemmon Valley in the domestic wells. The Committee took the position that a two-year moratorium on building in the area could be proposed giving time for a complete study of the water situation during the interim and take it back to Legislature in 1979.

CHAIRMAN SHEERIN said the original thrust behind this legislation was that in designated basins everyone would be mandated to get a permit to drill a domestic well. In

non-designated basins, permits would be allowable, but not mandated. Because of the far reaching aspects of the bill, it was amended from being an individual permit-type situation to simply give the state engineer the ability to hold hearings in a designated basin and if he made a finding that there was, in fact, a serious depletion of water, that he could then declare a moratorium on other domestic wells within that basin.

ROLAND WESTERGARD stated this bill was not introduced at the request of his department. He said his department will administer the law, however it reads. He reiterated his testimony made on April 18. He said his records show that pumpage in Lemmon Valley was in excess of 2,000 acre feet of water per year with estimates of about 1600 feet available. He said his department also has information that indicates that there are about 2400 lots that are undeveloped. If they are developed, it would result in that much more draft on the basin.

PAM WILCOX, Lemmon Valley, in testifying in support of SB509, presented a printed copy of a Ruling and Findings of Fact as prepared by Roland Westergard, state engineer, dated April 15, 1977. Entered in record, attached EXHIBIT "E". She reiterated her testimony of April 18. She exhibited 18 letters from families that could not attend the meeting, all in support of SB509.

BOB BOWERS, representing the Nevada Association of Realtors, testified in opposition to SB509, saying there are a lot of people who purchased lots earlier with the idea of building at a later time. If a restriction is put on building at this time, these people will lose the money they have put into the property. Requested these people be considered and protected due to economic status as much as anything else.

GEORGE PEEK, representing Silver Springs Land Co., Lemmon Valley Land Co., Valley Water Co., testifying in opposition to SB509, distributed a copy of a petition containing over 500 signatures, which stated, "We the undersigned property owners of Lemmon Valley, Nevada, do hereby state that the Lemmon Valley Improvement Association and/or the Washoe County Homeowners Association, do not nor have they been given authority in any way to represent the majority of homeowners in our area and we pray, that you the members of the Nevada State Senate, will vote against the passage of Senate Bill 509 as we are in total opposition to it's passage." Mr. Peek talked about protecting peoples property rights saying the developers have peoples rights

to protect, not only from a possibly legal standpoint, but a moral standpoint. Mr. Peek talked about an area that operates in a basin which is designated and on a water company that pulls water from a valley fill reservoir with strong water conditions with wells capable of pumping over 2,000 gallons per minute, and pumping records are furnished to Mr. Westergard's office and are under continuous monitoring. He distributed packet of documents from state and county officials referring to Lemmon Valley groundwater problems, entered in record, attached EXHIBIT "F". Made reference to the various documents during testimony. The Harold Report states the water is 1600 acre feet is the actual perennial yield in that valley. Mr. Peek said he did not believe this has been proven or disproven.

SENATOR GLASER asked if Mr. Peek and the signers of the petition were aware that all SB509 attemptsto do is propose a two-year moratorium while the water situation is studied. He said testimony indicates it is not known what is happening to the static water level in Lemmon Valley and it appears it might be over appropriated like a lot of valleys are. The state does not have a handle on the domestic water wells and so the Committee is not trying to be arbitrary or capricious, all the Committee is trying to do is find out what is going on, and would like at least two years to get more information as surface information indicates there is water trouble in Lemmon Valley.

Mr. Peek said he felt this bill would hurt a lot of people seriously property-right wise as well as well-drillers and builders who are making their living. Mr. Peek said he does not consider there is a water problem in Lemmon Valley.

SENATOR DODGE suggested guide lines be set up for the state engineer to follow in critical areas.

In reply to Senator Dodge's question, Mr. Westergard said the U. S. Geological Survey had done an anaylsis in that area several years ago. About five years ago the City of Reno and Washoe County and the State and U. S. Geological Survey had this report prepared and that is this so-called Harold Report. He said the last five or six years his department has been monitoring the water supply in Lemmon Valley and getting estimates of how much has been withdrawn, and in certain areas the water table is declining and in other areas it is not, and in some areas it is just about holding even.

In reply to Chairman Sheerin's question, Mr. Westergard said there are three specific areas: the Golden area; one on the Southwest end of Lemmon Valley and the other is Black Springs area.

DAVE MONTGOMERY, land owner, Lemmon Valley, testified in opposition to SB509.

ONA FLOWERS, reaktor and resident of Anderson Acres, testified in opposition to SB509, saying Washoe County is giving help by not allowing parcelling in North Reno. As a native Nevadan, Mrs. Flowers protested that SB509 would take away the privilege of a Nevadan to drill a well to supply himself with household water. She said Lemmon Valley is being talked about now as a designated area, and there are some 22 designated areas in Nevada. But most of all, said Mrs. Flowers, concerning ranching, etc., the privilege of a person who buys a piece of property to have water service to that property, even a domestic well, should not be denied any native Nevadan. Mrs. Flowers said she has never heard of a dry well in Lemmon Valley.

Mr. Westergard said you certainly can drill deeper and extend the life of a well, what is happening is it is pulling it from a greater depth. It will continue to drop if you are that seriously over appropriated.

ALICE TRAIL, Anderson Acres, testified in opposition to SB509, saying the decision of water should not be put on one man's shoulders. There should be a panel. She said there is quite a bit of danger in SB509.

NANCY MINABERRY, Panther Valley, testified in support of SB509, saying someone should be allowed to control the development.

DAVID INWWOD, Golden Valley, talked in support of SB509 because he has no place to go for a recourse when his well starts to decline.

BILL OLSON, Golden Valley, representing the Golden Valley Homeowners Association, testified in support of SB509. He is concerned with the draw down in his area as so many wells are so close together in the same proximity. He suggested a legal recourse against newcomers to the Valley; or drill deeper at a high cost of drilling, then having to contend with contamination and higher mineralization. Mr. Olson pointed out the problem with the wells and septic tanks on one acre parcel lots, and said Washoe County Regional Planning report said there is nothing that can be done about it.

W. L. McDONALD, McDonald Well Drilling Co., Sparks, talked in opposition to SB509, saying this bill is not a solution. He said due to growth in Nevada, there is going to be more water problems. Mr. McDonald said some people can't afford to drill their wells deep enough, consequently if a neighbor drills deeper, the draw is on the more shallow well. He said there is water in the hard rock formations. Some years ago there was not the equipment to drill through the hard rock, but that is not the case today. Mr. McDonald said it is extremely rare to drill a completely dry hole. Out of 150 wells, the average depth is 189 feet, and average yield is between 12 and 15 gallons per minute.

HARRY ADAMS, Lemmon Valley, said Lemmon Valley is not mentioned in SB509, therefore he thinks the whole thing has gotten out of perspective. It does not establish any procedures for issuing permits, but is put in the judgment of one man. He said his well is 170 feet and the static level has increased three feet.

Mr. Westergard said in monitoring wells, his staff tries not to go into private wells which are presently operating. There is a network of wells which are not being used and those are the ones measurements are taken from.

JOE RATLIFF, Reno, read prepared statement, entered in record, attached EXHIBIT "G", urged SB509 to be amended to give the state engineer some guidelines.

DON YORK, testified in opposition to SB509. (Distributed packet previously entered in record as EXHIBIT "F".) He said SB509 constitutes too much power as it relates to domestic wells, although the same power already exists in Nevada in the hands of one person. Mr. York said some hydrologists state that with proper management there is adequate water supplies in the Lemmon Valley water shed for better than 60,000 people. That comes from the Walters Engineering Study, Vol. II, pages 142 through 152, published late in 1973. An interpretation of the Harold Report by Washoe County Engineers, Department of Public Works, stated by letter January 29, 1973, directed to Russel McDonald from George Oshima regarding evaluation of Lemmon Valley water resources, and based on the Harold Report, primarily comes to the similar kind of conclusion. Mr. York made reference to other series of reports made and study evaluations of the Harold Report. Out of those reports various engineering firms and special interest groups, both pro and con development, developed a series of reports stating there was no water for development on the contrary which is the Mahatter Report, written at the

direction of Lemmon Valley Improvement Association, and based on technical data provided by that association, and its director is Mrs. Wilcox. This report says there is absolutely no water for further development. "You have reports all the way from that to the Walters Engineer, and a series of them in between," stated Mr. York. In reply to Senator Dodge, Mr. York said he disbelieved the interpretation of the monitoring the state engineer has done. He said he disbelieved the interpretation that there is a shortage of water in Lemmon Valley at this time.

SHARON OLSON, Golden Valley, testified in favor of SB509.

CHAIRMAN SHEERIN asked Mr. Westergard, "If we went into a situation as far as permitting domestic wells, we certainly wouldn't get into prioritizing those wells, would we?"

Mr. Westergard said, "I think if you don't intend to, the bill should probably say that. I think if you don't say it, you might be saying just that."

CHAIRMAN SHEERIN wondered if someone is granted a permit to drill a domestic well, does he have a priority over the other thousands of domestic wells already drilled, stating that could be a problem.

AL THROCKMORTON, builder of solar heated housing, asked Mr. Westergard if the water level in the Silver Hills area had increased about 20 feet during the past 20 years or so, to which Mr. Westergard replied he did not believe that was the case, he would have to see the figures. Mr. Throckmorton said in the Harold Report it indicated that was the case due to the transfer of water from Truckee into the basin.

Mr. Westergard repeated he would have to see the figures.

Mr. Throckmorton said it could be the case that other water could be transferred, and he believes there is other alternatives in place of just a flat moratorium.

JUANITA TOWER, Reno, wondered in opposition to SB509, why studies of the water problem in Lemmon Valley are dated as far back as 1973, why the problem is being addressed this late date in the 59th Session of Legislature. She suggested the people who have property and have planned to build be able to do so while a interim study is being made.

HI CASHENBERG, owner of various parcels in Lemmon Valley, in opposition to SB509, said there is not positive proof

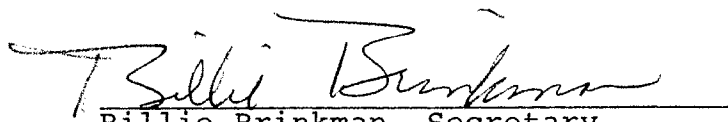
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that there is no water in Lemmon Valley, and a moratorium
is pretty stiff without proof.

CHAIRMAN SHEERIN will get with the bill drafters for amendments
and then take them back to the Committee for review.


There being no further business, the meeting was adjourned at 11:30 p.m.

Respectfully submitted,



Billie Brinkman, Secretary

APPROVED:



Gary A. Sheerin, Chairman

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

Those wishing to testify should identify themselves before giving testimony.....

DATE: April 27, 1977

NAME	Do you wish to testify	Bill No.	REPRESENTING
Linda M. Patrovsky		509	F Mr. Property owner
Pam Wilcox	yes	SB 509	self + Lemmon Valley Improvement Assoc
Beverly Youngberg	yes	SB 509	self
L. M. Gayby	yes	SB 509	self
Frances Moncravie	no	SB 509	self
Nancy E. Cronan	yes	509	self
Norman Hall	yes	AB 79	Dept Conservation
J. M. Glenn	no	509	Self
W. L. 'Cuby' McDell	yes	SB 509	SELF -
FREDERICK B. LEE, JR	YES	AB 79	PYRAMID LAKE PAIUTE TRIBE (ATORNES)
JAMES VIDOVICH	YES	AB 79	PYRAMID LAKE PAIUTE TRIBE (OHAVOMAN)

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

Those wishing to testify should identify themselves before giving testimony.....

DATE: April 27, 1975

NAME	Do you wish to testify	Bill No.	REPRESENTING
<i>Linda Wade</i>	<i>yes</i>	<i>509</i>	<i>self</i>
<i>Ron Peek</i>	<i>yes</i>	<i>509</i>	<i>self</i>
<i>A. D. Inwood</i>	<i>yes</i>	<i>509</i>	<i>✓</i>
<i>John Hoover</i>	<i>yes</i>	<i>509</i>	<i>self</i>
<i>DAVE MONTGOMERY</i>	<i>yes</i>	<i>509</i>	<i>self - LAND owner</i>

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

Those wishing to testify should identify themselves before giving testimony.....

DATE: April 27, 1977

NAME	Do you wish to testify	Bill No.	REPRESENTING
Nancy Minaberry	yes		Panther Valley Dev
Walter D. Long	✓		
Jeannette Jensen	✓	509	A Nevada property owner
Harry W. Adams Jr.	✓	509	A Nevada property owner
Carl Sporsan	✓	509	A Nevada property owner
James E. Japhin	✓	509	A Nevada Property owner
George Reek	✓	509	Nevada Property Owner
Joe Rathiff	✓	509	Myself
LLOYD SMITH	✓	616	NEV. DIV OF FORESTRY
DALE LOWERY	✓	509	NEV. PROPERTY OWNER
JOHN L. CORMIER JR	✓	509	NEV PROPERTY OWNER
JOHN I. HANSON	YES	41	PYRAMID LAKE INDIAN TRIBAL ENTER.
Don S. York	✓	509	Self
Ma. Flowers	✓	509	Self
Bill E. Olson	yes	509	Self Golden Valley Prop. Owners
Bob Bowen	Yes	509	NEV ASIAN REALTY

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

Those wishing to testify should identify themselves before giving testimony.....

DATE: _____

NAME	Do you wish to testify	Bill No.	REPRESENTING
<i>Gordon E. Staffin</i>	No	509	<i>against</i>
<i>William B. Thomas</i>	No	509	<i>Against</i>
<i>Beverly Youngberg</i>	No	SB 509	<i>For</i>
<i>Al Thomas</i>		SB 509	<i>Against Moratorium</i>

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

Those wishing to testify should identify themselves before giving testimony.....

DATE: _____

NAME	Do you wish to testify	Bill No.	REPRESENTING
Jon Michaelson		SB 509	Do not pass
Nancy Reed		SB 509	against
Alice N. Trail		SB 509	Anderson Acres
Zelda M. Patrosky		SB 509	against
Joyce E. Sweger		SB 509	Against
Ron Peak		SB 509	Against
John J. Conner Jr		SB 509	AGAINST
John M. Hoover		SB 509	against
Steve T. Timko		SB 509	against
Ron Michaelson		SB 509	against
Frances B. Tye		SB 509	against.
Zelda E. Mauer		SB 509	against
Zelda Mauer		SB 509	against
Annis E. Mauer		SB 509	against
Mark S. Lay		SP 509	FOR

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627

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Arthur J. Palmer, *Director, Secretary*

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John F. Dolan, *Assembly Fiscal Analyst*

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(702) 885-5627

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
EARL T. OLIVER, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

April 5, 1977

Exhibit "A"

M E M O R A N D U M

TO: Assemblyman Dean A. Rhoads
FROM: Mary Love Cooper, Deputy Researcher *MLC*
SUBJECT: Who Owns the Nonfederal Land in Nevada?

The attached series of charts was supplied by the Nevada Department of Taxation. In general, Nevada land ownership is broken down as follows by total acreage and percent of total lands:

Federal	58,997,562	83.39	Percent
Indian	1,147,233	1.62	"
State	132,914	.19	"
County	86,213	.12	"
Unclassified	41,451	.06	"
1975 Tax Roll	10,340,225	14.62	"
	<u>70,745,600</u>	<u>100.00</u>	"

According to these figures, even if you consider Indian lands together with federal lands, Nevada retains through state, county or private ownership approximately 15 percent of the total acreage of the state.

MLC/jd
Encl.

MAJOR DIFFERENCES

SB 212 (Third Reprint)
AB 79 (First Reprint)

AB 79

SB 212

Conflict
Procedure

(Same as 212)

Establishes Executive
Council of SLUPAC to resolve
local land use planning
activities.

Federal
Lands

(Same as 212)

Directs SLUPA to review and
evaluate federal land use
policies and activities.

Legislative
Intent

Retains language of exist-
ing law, except deletes
all reference to areas of
critical environmental
concern.

Major rewording to stress
that the primary authority
for land use planning is
with local governments.
Limits State participation
in land use planning to
coordination of information,
federal lands, critical areas,
and local land use conflicts.

Critical
Areas

Deletes all reference to
areas of critical environ-
mental concern,

Retains planning for areas of
critical environmental concern,
with minor revisions. Re-
places decision of Adminis-
trator with Executive Council.

(Basically same as existing law)

Duties of Agency

Carry out a statewide land use planning process, including:

Develop and make available to local governments information useful to land use planning, including:

1. Statewide inventory of land and resources.

(Same)

2. Compile population, economic, environmental, and growth data and trends.

(Same)

3. Projections of land needed and suitable for various uses.

(Same)

4. Inventory of physical conditions which influence land use desirability.

(Same)

5. Inventory of state, local and private needs and priorities regarding federal lands.

(Same)

6. Inventory of public and private financial and institutional resources and activities of more than local concern.

(Same)

7. Method for identifying large scale developments and land use of regional benefit.

(Deleted)

8. Provision of technical assistance and training on land use planning to local and state agencies.

(Same)

9. Arrangements for the exchange of land use planning information.

(Same)

10. Method for coordinating state and local land use programs.

(Deleted)

11. Public hearings, reports, and solicitation of comments on statewide land use planning process.

(Deletes reference to planning process)

12. Provision for public and (Deleted)
local government participation
in statewide land use planning
process, guidelines, rules and
regulations.

13. Coordination with other (Same)
states on land use matters.

9. Coordination of state and
local land use planning for
federal lands, except local
government has final authority
with respect to any private
lands.

RELATIONSHIP TO OTHER BILLS

SB 153 retains basically the existing state law, but adds a section on federal land planning (as in AB 79 and SB 212), and specifies that technical assistance, coordination of federal land activities, and planning for critical areas should be Agency priorities.

SB 278 provides for a membership of 17 on the SLUPAC, as opposed to 17 or more in existing law and AB 79 and SB 212.

Appendix "C"

WHY IT IS IN THE BEST ECONOMIC INTERESTS
OF THE LAHONTAN REGION OF NORTHERN NEVADA THAT
THE PYRAMID LAKE FISHERY CONTINUES TO BE SUPPORTED

1. The report of the University of Nevada at Las Vegas by J.R. Midler, S.E. Jacobsen, and John Dracup entitled An Economic Analysis of Water Uses Within the Truckee-Carson System, prepared for the Bureau of Outdoor Recreation dated August 1971, reports that use of sufficient water of the Truckee River to preserve the present level of Pyramid Lake and re-establish its fishery will significantly improve the economic returns, from the water of Pyramid Lake above that realized from present use patterns.
2. All recreation studies demonstrate that the need for water based recreation is rapidly increasing in Western Nevada and the demand is outstripping the supply. (Note: Water-based Recreation in Nevada-Western Desert and Northern Lakes by G.A. Myles and Water Related Recreation in Nevada, Present and Future by the State of Nevada).
3. The Bureau of Outdoor Recreation reported on March 29, 1976 that if Pyramid Lake were developed, given national recognition as a tourist recreation objective as was done with Lake Mead then annual visits could reach between 1.0 and 1.2 million by 1985 and between 3.1 and 3.6 million by the year 2000.

The Bureau of Outdoor Recreation reports that when these projections are realized, the returns could be estimated in the following manner. Using an updated average visitor

expenditure in Water Based Recreation in Nevada-Western Desert and Northern Lakes, by G.A. Myles of Nevada's Desert Research Institute, and the California Tourism Industry Report, prepared by Economic Research Associates, Inc., the visitation figures were translated into gross economic returns. The return by 1985 would be in the range of \$8.5 to 10.2 million per year. By the year 2000 visitor expenditures for recreation at Pyramid Lake in the region and the local area could total between \$26.4 and 30.6 million annually. Using another rate of \$4.10 per visit expenditure pattern reported in Water for Nevada - Vol. 7 - Water Related Recreation in Nevada, Present and Future, by State of Nevada Division of Water Resources, expenditures by 1985 would be \$4.1 to 4.9 million per year. By the year 2000 these expenditures could range between \$12.8 and 14.8 million per year. The Bureau of Outdoor Recreation believes that visitor expenditures will fall somewhere between the \$8.50 rate and the \$4.50 rate per visitor day. Thus the range of beneficial impacts to the Lahontan Basin region, which includes the Carson and Truckee River Basins by the year 2000 will be from \$12.8 to \$30.7 million per annum.

John Hanson

Exhibit "D"

PYRAMID LAKE INDIAN TRIBAL ENTERPRISES

Yearly Average Impact on Washoe County,
Nevada Business, and Government

(1) Payroll - currently average 30 permanent employees
\$10,000 x 26 weeks = \$260,000
ONE QUARTER MILLION DOLLAR PAYROLL.

(2) Benefits:
Nevada Industrial Commission \$ 7,447
Nevada Employment Security Dep't 5,719
Nevada Blue SHield 15,600
NEARLY TWENTY NINE THOUSAND DOLLARS

(3) Utilities:
Nevada Bell 10,344
Sierra Pacific power Co. 39,932
Petrolane Gas Service 2,227
FORTY TWO THOUSAND DOLLARS

(4) Major Construction Work:
Shaver Construction Company FY77 240,000
FY76 129,283
FY75 61,084
Tannenbaum Construction Co. FY76 48,953
FY75 14,448
Tholl Fence Co. FY76-77 16,812
Carl Fisher Electrical
Contractor FY76-77 5,195
Nevada Paving FY77 8,692
FY76 11,628
FY75 21,350
Town & Country Electric FY75 14,448
Savage & Sons, INC. FY75 66,590
Reno Pump & Supply FY77 39,021

FY 75 \$177,920
FY 76 200,867
FY 77 298,716

SIX HUNDRED SEVENTY SEVEN THOUSAND DOLLARS

(5) Mobile Home Purchases:
young American Mobile Homes \$30,500
Payless Mobile Homes 15,841
FORTY SIX THOUSAND DOLLARS

(6) Desert Research Institute
FY 1975 67,632
FY 1976 61,476
ONE HUNDRED TWENTY NINE THOSAND DOLLARS

(7) Accounting Services
Pierretti, Wilson, McNulty \$7,400

(8) Gasoline/Diesel
Standard Oil 13,313
THIRTEEN THOUSAND DOLLARS

(9) Department of Motor Vehicles
Registration & License fees-
1976 \$ 964
1977 334
AVERAGING ONE THOUSAND DOLLARS

(10) Insurance Agencies, Various
Mackenzie INs. TWENTY SIX THOUSAND DOLLARS"

(11) Other Accounts:
Commercial Hardware \$ 2,863
Chaparrel Aviation 4,281
J. R. Bradley Co. 1,558
Lee Lumber Co. 8,087
Mark Fore & Strike 3,019
Record Supply 2,237
Reno Motor Supply 2,823
Western Nevada Supply 13,798
First National Bank 8,726
Graide Equipment 8,500
Gardner Equipment 4,235
I. Christensen Co. 3,579
Morris Refrigeration 3,255
Nevada Lawn Service 2,790
Prime Manufacturing 17,588
Reno Dodge 9,796
Title Insurance & Trust 26,006

ONE HUNDRED TWENTY THREE THOUSAND DOLLARS

NEARLY SEVEN HUNDRED THIRTY SEVEN THOUSAND DOLLARS

ANNUALLY TO LOCAL ECONOMY.

Mr. Wilcof

Re: SB 509

Exhibit "F"

IN THE MATTER OF APPLICATIONS 30088,)
 30089, 30090, 30091, 30092, 30093,)
 30094, 30356, 30357, 30535, 30536,)
 30777, 30778, 30807, 30808, 30809,)
 AND 30810 TO APPROPRIATE WATER)
 FROM AN UNDERGROUND SOURCE IN)
 LEMMON VALLEY, WASHOE COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 were filed in this office of the State Engineer between March 18, 1976 and November 9, 1976, to appropriate water from an underground source in Lemmon Valley, Nevada.

In 1973 Water Resources Bulletin No. 42, "Evaluation of the Water Resources of Lemmon Valley, Washoe County, Nevada, with emphasis on effects of Groundwater Development to 1971" by James R. Harrill was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, the United States Department of the Interior, Geological Survey, Washoe County and the City of Reno. This report is available from the office of the State Engineer.

FINDINGS OF FACT

I

Applications 30088 through 30094 were filed on March 18, 1976 by Valley Water Company to appropriate underground water for Quasi-Municipal (subdivision) and domestic use. The place of use for all seven applications is the same and is within the NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 5, T.20N., R.19E., SE $\frac{1}{4}$ Section 15, E $\frac{1}{2}$ Section 21, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ Section 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, SE $\frac{1}{4}$ Section 32, Section 34, N $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35, T.21N., R.19E., M.D.B. &M.

Application 30088 is for 3.5 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T.21N., R.19E., M.D.B. &M.

Application 30089 is for 3.5 c.f.s. of water to be diverted from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.21N., R.19E., M.D.B. &M.

Application 30090 is for 1 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.21N., R.19E., M.D.B. &M.

Application 30091 is for 3 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T.21N., R.19E., M.D.B. &M.

Application 30092 is for 0.5 c.f.s. of water to be diverted from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T.20N., R.19E., M.D.B. &M.

Application 30093 is for 0.1 c.f.s. of water to be diverted from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.20N., R.19E., M.D.B. &M.

Application 30094 is for 0.5 c.f.s. of water to be diverted from a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T.20N., R.19E., M.D.B. &M.

Applications 30088 through 30094 are to be used to serve 440 single family homes, trailers, apartments and commercial units - along with warehouses. The applicant estimates the total use will be 624 ac-ft/yr.

Applications 30356 and 30357 were filed on June 28, 1976 by Emerson J. Wilson Company. Each application is to appropriate 4 c.f.s. of underground water for quasi-municipal and domestic use on 202 acres within Section 33, T.21N., R.19E., M.D.B. &M.

The point of diversion under Application 30356 is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 33 and the point of diversion under Application 30357 is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 33.

The proposed development under Applications 30356 and 30357 will consist of apartments, mobile home court and residential lots.

Applications 30535 and 30536 were filed on August 24, 1976 by Valley Water Company to appropriate underground water for quasi-municipal (subdivision) and domestic purposes.

Application 30535 is for 3.5 c.f.s. of water to be diverted at a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.21N., R.19E., M.D.B. &M.

Application 30536 is for 3.5 c.f.s. of water to be diverted at a point within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.21N., R.19E., M.D.B. &M.

Applications 30535 and 30536 are to be used to serve 750 single family homes, trailers, apartments and commercial units, along with warehouses. The applicant estimates the total use will be 924 ac-ft/yr.

Applications 30777 and 30778 were filed on October 22, 1976 by James S. Flannagan to appropriate underground water for quasi-municipal (subdivision) purposes.

Application 30777 is for 1 c.f.s. of water to be diverted at a point within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.21N., R.18E., M.D.B. &M.

Application 30778 is for 1 c.f.s. of water to be diverted at a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13,

Applications 30777 and 30778 are to be used for 130 residential units within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 13.

Applications 30807, 30808, 30809 and 30810 were filed on November 9, 1976 by Camino Viejo Investments to appropriate underground water for commercial (truck stop) purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.20N., R.19E., M.D.B. &M. The water is to be used for a truck stop (24 hr. coffee shop, gas station, casino, 60+ motel units and related services).

Application 30807 is to divert 1 c.f.s. from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30808 is to divert 1 c.f.s. from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30809 is to divert 1 c.f.s. from a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9.

Application 30810 is to divert 1 c.f.s. from a point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9¹

II

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 were filed to appropriate water from an underground source from within Lemmon Valley Basin, Washoe County, Nevada as designated and described by Order 391 of the State Engineer issued July 14, 1971.²

III

It is estimated that the perennial yield of the Lemmon Valley ground water reservoir is 1300 ac-ft/yr with 400 ac-ft/yr being available from the East Lemmon Valley Subarea and 900 ac-ft/yr being available from the Silver Lake Subarea. Allowing for additional recharge from imported water an augmented yield estimate is 1600 ac-ft/yr with 600 ac-ft/yr. from the East Lemmon Valley Subarea and 1,000 ac-ft/yr from the Silver Lake Subarea.³

IV

Beneficial use has been shown for a total of 2500 ac-ft/yr of underground water rights in Lemmon Valley with 1430 ac-ft/yr in East Lemmon Subarea and 1070 ac-ft/yr in Silver Lake Subarea.

A block of 4390 ac-ft/yr of permitted water rights is subject to cancellation for failure to show beneficial use but appeals have been filed in District Court asking review of the State Engineer's actions. 1440 ac-ft/yr of the contested water rights are in East Lemmon subarea and 2950 ac-ft/yr are in the Silver Lake Subarea.⁴

V

An estimated 2030 ac-ft of ground water was pumped in Lemmon Valley in 1976 with 1550 ac-ft pumped from the East Lemmon Subarea and 480 ac-ft pumped from the Silver Lake Subarea.⁵ In 1971 an estimated 920 ac-ft of ground water was pumped from Lemmon Valley.⁶

Approximately 1530 ac-ft was pumped by water right holders and 500 ac-ft was pumped by domestic wells which are not required to obtain permits to appropriate water?⁷

VI

Approximately 4800 lots have been formed by subdivision and parceling in Lemmon Valley. Residences have been established on approximately 2400 of those lots leaving 2400 lots.⁸

VII

Static water levels have been measured since 1971 in a monitor well net of over 30 wells in Lemmon Valley. Declining static water levels have occurred in Golden Valley; on the eastern side of the playa in East Lemmon Valley; and west of Black Springs. Rising static water levels have been shown to the south and west of the playa in East Lemmon Valley.⁹

VIII

Recognizing the critical nature of the ground water resource development, the State Engineer has initiated and pursued a policy of strict regulation of water rights in the designated Lemmon Valley Basin.

Extensions of time for proving beneficial use have not been granted since 1971.

Since 1969, 14 applications to appropriate ground water have been denied.¹⁰

Meters have been required on wells with water rights.

A notice, Order 388, was issued on May 18, 1971 declaring a moratorium on the issuance of permits to appropriate underground water in Lemmon Valley. Permits to appropriate underground water have not been issued since 1972 except Permit 29078 which proved beneficial use for 0.26 ac-ft/yr.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action.¹¹

2. The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.¹²

3. Existing water rights for ground water in Lemmon Valley exceed the estimated perennial yield and the estimated augmented perennial yield for the Lemmon Valley ground water reservoir. Beneficial use has been shown for water rights in excess of the estimated perennial yield in both the East Lemmon and Silver Lake subareas of Lemmon Valley.

In 1976 pumpage from the ground water reservoir in Lemmon Valley exceeded the estimated augmented yield.

To grant additional water rights under the subject applications would adversely affect existing rights and threaten to prove detrimental to the public welfare.

4. The potential exists for additional development and pumpage from the Lemmon Valley ground water reservoir. Rapid urbanization of the area indicates pumpage will continue to increase.

Approximately 40% of existing water rights were not used in 1976.

Only one-half of the subdivided lots have existing residences and a domestic well may be drilled on a substantial portion of the undeveloped lots.

There are 4390 ac-ft/yr. of water rights now involved in litigation.

To grant additional water rights from the Lemmon Valley ground water reservoir under the subject applications, would overcommit this limited natural resource, conflict with existing rights, and threaten to prove detrimental to the public welfare.

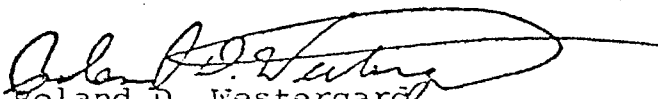
5. Water levels have shown declines in parts of Lemmon Valley, particularly where pumpage from deeper aquifers has occurred. While the present rates of decline may not be considered unreasonable, the potential for substantial additional pumpage and accelerated decline exists.

To appropriate more ground water for development would tend to accelerate water level declines and thereby conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 30088, 30089, 30090, 30091, 30092, 30093, 30094, 30356, 30357, 30535, 30536, 30777, 30778, 30807, 30808, 30809 and 30810 are denied on the grounds that the granting of water rights for additional ground water development from the designated Lemmon Valley basin would conflict with existing rights and threaten to prove detrimental to the public welfare in this area where appropriations and pumpage exceed estimates of available yield.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW/JC/dc

Dated this 15th day
of April 1977.

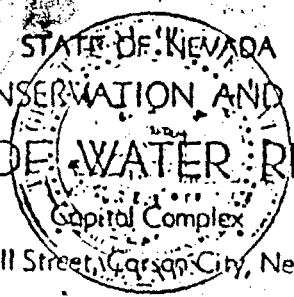
FOOTNOTES

1. Public records located within the Office of the State Engineer.
2. NRS 534.030
3. Water Resources Bulletin No. 42, p. 2, 77, 78.
4. Public records located within the Office of the State Engineer.
5. Estimates made by the Office of the State Engineer.
6. Water Resources Bulletin No. 42, p. 64.
7. Estimates made by the Office of the State Engineer.
8. Estimates made in the Office of the State Engineer partly from data received from the Regional Planning Commission, Reno, Sparks and Washoe County and the Office of the Washoe County Engineer and including the Lemmon Valley Comprehensive Plan, Phase I - Inventory and Analysis by the Regional Planning Commission, Reno, Sparks and Washoe County.
9. Hydrographs of the monitor well measurements are public records located within the Office of the State Engineer.
10. Public records located within the Office of the State Engineer. Denied applications are 22201, 22202, 22203, 26173, 26190, 26194, 26211, 26405, 26406, 27422, 28589, 28590, 29502 and 29503.
11. NRS 533.025 and 533.030, subsection 1.
12. NRS 533.370, subsection 4.

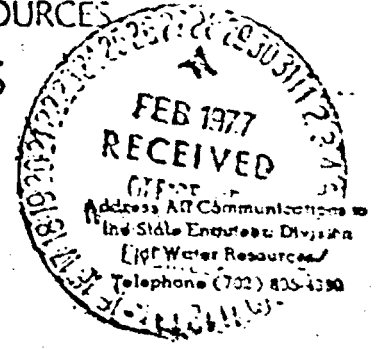
Ephraim "F."

ROLAND D. WESTERGARD
State Engineer

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



201 South Fall Street, Carson City, Nevada 89710



reply refer to
No.

February 25, 1977

Mr. Floyd Vice
Washoe County Engineer
Department of Public Works
P. O. Box 11130
Reno, Nevada 89510

Dear Mr. Vice:

We have considered your February 9 letter requesting our comments on parcel maps in the Lemmon Valley area. Attached is a copy of a January 19, 1977 brief report on the 1976 statistics for the Lemmon Valley area. Numerous applications to appropriate groundwater within the Lemmon Valley area have been denied in the last several years. We have also been restrictive on the granting of extensions of time on groundwater permits in this area. We have also established a position that we could not issue a favorable report as regards water quantity on proposed subdivisions in this area where the source of water was to be individual domestic wells.

Your letter indicates that there had recently been 68 new lots created in the valley by the filing of parcel maps. We understand that there are approximately 52 additional lots under consideration through parcel maps at the present time. It appears that the "parcel map" procedure is resulting in the potential withdrawal of significant quantities of water from the Lemmon Valley groundwater basin. It also appears that this is inconsistent with our actions to protect existing rights in the area and the groundwater resource.

We therefore suggest your consideration of action to prevent this from happening, at least until such time as it is determined that such approvals would not adversely affect the water resources of the area and existing water rights.

Sincerely,
Roland D. Westergard
Roland D. Westergard
State Engineer



OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS.

P. O. BOX 11130, RENO, NEVADA 89510

PHONE (702) 785-4172

ALEX COON
COUNTY CLERK

March 9, 1977

Washoe County Engineer
P. O. Box 11130
Reno, Nevada 89510

Dear Sir:

I, Alex Coon, County Clerk and Clerk of the Board of County Commissioners, Washoe County, do hereby certify that at a regular meeting of the Board held on March 7, 1977, the following order was made, to wit:

77-385 PARCEL MAPS - LEMMON VALLEY

The County Manager advised that reports have been received from the County Engineer and Roland D. Westergard, State Engineer, regarding the filing of parcel maps in the Lemmon Valley area and the potential withdrawal of quantities of water from the Lemmon Valley groundwater basin; that the Nevada Division of Water Resources expects to have its update of the Lemmon Valley Water situation completed in the next month or two; that it is recommended that action to prevent adverse effect on quantity of water resources be considered.

After considerable discussion, on motion by Commissioner Rusk, seconded by Commissioner Gaunt, which motion duly carried, it was ordered that the State Engineer be requested to provide a firm date when they will be able to provide the results of their study concerning Lemmon Valley Water situation and no more parcel maps be approved in the Lemmon Valley area until information from the State Engineer is received.

Sincerely yours,

Alex Coon, County Clerk
and Clerk of the Board
of County Commissioners,
Washoe County, Nevada

AC:bj

cc: Public Works

"To Protect and To Serve"



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

P. O. BOX 11130
1205 MILL STREET
RENO, NEVADA 89510
PHONE: (702) 785-4281

March 1, 1977

Mr. Robert A. Rasmussen
485 Tasker Way
Sparks, NV 89431

Dear Mr. Rasmussen:

Please be advised that your recently submitted Tentative Parcel Map which is located within the Lemmon Valley Groundwater Basin has been disapproved.

Disapproval was based on information recently received from the Nevada Division of Water Resources that indicates there may be insufficient groundwater supply within the basin to support additional development.

Should the State Engineer's Office develop sufficient data in the future indicating that additional groundwater supplies exist that would permit further development, your parcel map could be resubmitted for consideration.

Very truly yours,

WASHOE COUNTY PARCEL MAP REVIEW COMMITTEE

By

LARRY BOGDON
Staff Engineer

LB/lb

cc: Barbara Althouse, R.P.C.
Jerry Brownfield, Health
Gene LeBlanc, T.M.F.P.D.
Tony Taormina, Building Dept.
Tommy Thompson, City of Reno
John Modawell-Surveyor
2375 Hunter Lake Dr.
Reno, NV 89504

upon recommendation of the Parcel Map Review Committee, on motion by Commissioner Gaunt, seconded by Commissioner Rusk, which motion duly carried, it was ordered that the final plat of Imperial Lead mines parcel map located approximately 3,000' west of the intersection of Highway 395 South and Pagni Lane in Pleasant Valley, be approved and duly recorded, subject to the lot design, offsite access, street alignment, surfacing and width, water quality, water supply, and sewerage provisions being provided in a manner consistent with the existing development of adjacent property; that SE & A Engineer's Check No. 1092, in the amount of \$5.00, for the recording fee, be accepted, and the attached deed be approved and recorded. (RECORDED - #440201, Bk. 1035, Pgs. 18 & 19)
 76-2316 PARCEL MAP - FRED LICHENS (CORRECTED - See Item 77-14, Pg. 56)

It appearing that Findings, as required in NRS 278.330, have been made and upon recommendation of the Parcel Map Review Committee, on motion by Commissioner Nelson, seconded by Commissioner Gaunt, which motion duly carried, it was ordered that the final plat of Fred Lichens' parcel map located on the east side of Franktown Road across from the J-S Bar Ranch Road in Washoe Valley, be approved and duly recorded, subject to the lot design, offsite access, street alignment, surfacing and width, water quality, water supply, and sewerage provisions being provided in a manner consistent with the existing development of adjacent property; that Bob LeMond's Check No. 2254, in the amount of \$5.00, for the recording fee, be accepted. (CORRECTED - See Item 77-14, Pg. 56)
 76-2317 PARCEL MAP - J. S. FLANNAGAN

It appearing that Findings, as required in NRS 278.330, have been made and upon recommendation of the Parcel Map Review Committee, on motion by Commissioner Grow, seconded by Commissioner Rusk, which motion duly carried, it was ordered that the final plat of J. S. Flannagan's parcel map located at the northeast corner of Birch Street and Nector Drive, Heppner Subdivision No. 2, Lermon Valley, be approved and duly recorded, subject to the lot design, offsite access, street alignment, surfacing and width, water quality, water supply, and sewerage provisions being provided in a manner consistent with the existing development of adjacent property; that Ernie Muller's Check No. 911, in the amount of \$5.00, for the recording fee, be accepted. (CORRECTED - See Item 77-14, Pg. 56)
 76-2318 PARCEL MAPS - LEGISLATION

Since parcel maps are being approved by the County Commissioners pursuant to Washoe County Ordinance No. 215, which is inconsistent with the requirements of NRS 278.500 authorizing the Director of Planning to be the approving authority, on motion by Commissioner Rusk, seconded by Commissioner Nelson, which motion duly carried, it was ordered that Russell W. McDonald, Special Assistant to the Commissioners, be directed to seek legislative correction returning authority for approval of parcel maps to the County Commissioners.

December 15, 1976

*Washoe Co.
 Commissioner
 minute 5*

James C. Sweeger---

Lancaster Industrial Center, Inc.
Silver Knolls Ranch Estates, Reno

INVESTMENT MANAGEMENT CO.

1215 SOUTH MARSH AVE., RENO. NEVADA 89502 (702) 329-7648

August 24, 1971

Morley W. Griswold
Director of Reno Insuring Office
Federal Housing Administration
70 Linden Street
Reno, Nevada

Dear Mr. Griswold;

Permit me to request your help in finding a solution to this serious problem now surrounding the SILVER KNOLLS Subdivision on Red Rock Road in the Silver Lake Basin. Recent actions taken by the Office of the Nevada State Engineer pertaining to water development in Lemmon Valley has, in turn, caused the Federal Housing Authority to declare a moratorium on home loans there.

As a result of this moratorium, the Savings & Loans in Reno have also decided not to loan "North of Reno", even though ten custom houses are currently under construction in SILVER KNOLLS with loans approved prior to the FHA decision, from American Savings, Union Federal, FHA and Capp Homes.

It is highly disturbing that the unadvisable drilling of water wells and other water problems in Golden Valley has caused this severe handicap to be imposed upon SILVER KNOLLS. The two subdivisions are located in water-sheds entirely separated. Golden Valley is in the Lemmon Valley water-shed while Silver Knolls is in the Silver Lake water-shed. It is my understanding that the moratorium will remain effective until such time as the US Geological Survey study is completed (6 to 12 months hence) and evaluated by FHA Officials.

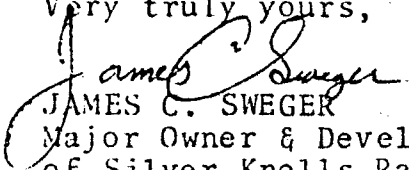
This "easy" FHA solution, to a localized problem, is both irresponsible and unreasonable when considered in the light of the critical housing shortage in the Reno area. This discriminatory ruling, by government agencies, is not only unfair to the developer but also to the lot owners and many middle-income Reno-Sparks families desiring to build and live in the rural, deed restricted, SILVER KNOLLS.

This discriminatory act of government must immediately be revoked. I respectfully request serious attention to this unjustifiable moratorium by the Officials of Washoe County, Regional Planning Commission, Office of the State Engineer and Federal Housing Authority who, in fact, are collectively responsible.

Thousands of dollars have already been spent by the developer of SILVER KNOLLS to improve, promote and protect the land. No moratorium was declared on property taxes, loan interest costs and management expenses. The damage being generated by an arbitrary act of Government, which operates as a condemnation without compensation, cannot ever be repaired. The developer is being persecuted while the community suffers.

Attached to this letter are detailed water reports, based on engineering studies, germane to the SILVER KNOLLS Development. These reports, by Experts, demonstrate clearly that underground water is not in short supply in the SILVER KNOLLS area. Study these reports, if you will, and conclude that the subject development should continue to grow according to the comprehensive and approved Master Plan.

Very truly yours,


JAMES C. SWEGER
Major Owner & Developer
of Silver Knolls Ranches

Copies To:

The Honorable Governor Mike O'Callaghan
The Honorable Senator Alan Bible
The Honorable Senator Howard W. Cannon
The Honorable Congressman Walter S. Baring
Roland D. Westergard, State Engineer
James Harrill, United States Geological Survey
Lloyd Leslie, HUD - Regional Sanitary Engineer
Washoe County Commissioners
Richard J. Allen, Regional Planning Commission
Joe Latimore, Reno City Manager
George Oshima, Acting Washoe County Manager

INACCURATE & MISLEADING INFORMATION ON THE LEMMON VALLEY WATER
SITUATION RELEASED TO THE PUBLIC BY THE NEVADA STATE ENGINEER

Reno Evening Gazette

-Wednesday, July 14, 1971

Well water controls are tightened

The state has taken steps to tighten its controls over well water in the Lemmon Valley area north of Reno.

State Engineer Roland D. Westergard today declared Lemmon Valley a "designated ground water basin."

Westergard said the designation will permit the state to determine use priorities for well water in the area and will mean persons wishing to drill wells will have to get state permission.

"We need to protect the investment of persons already living in the valley," Westergard said, "and prevent it from growing beyond the ability to serve the area with water."

He said the population of Lemmon Valley is almost equal to that of Winnemucca and nearly all the water is from wells.

Lemmon Valley areas affected by the order include Black Springs, Golden Valley, the Stead section of Reno, Horizon Hills and Silver Knolls.

The public has been unduly alarmed and misled by grossly inaccurate information which was presented by the State Engineer for publication in the "Reno Evening Gazette" on July 14, 1971:

- (a) "Persons wishing to drill wells will have to get state permission."

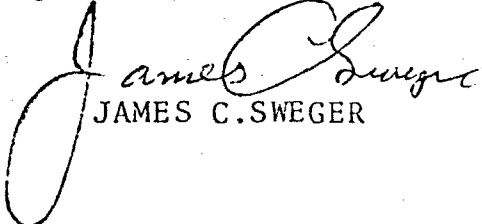
This is untrue as the Nevada Revised Statutes, Chapter 534.180 specifically permits that underground water from wells may be used for domestic (not to exceed 1800 GPD) purposes without requiring permission from the State of Nevada.

- (b) "Population of Lemmon Valley is almost equal to that of Winnemucca and nearly all the water is from wells."

This also is untrue according to population figures released by the Nevada Employment Security Department's Spring 1971 issue of "Semi-Annual Area Manpower Review" on pages 1 through 6. As a result of their figures, 44.9% of the population in Lemmon Valley live in "Stead" which is supplied water from the Truckee System by Sierra Pacific Power Co. - - not from Lemmon Valley wells!

This is calculated from figures showing that Stead has 2.2% of the Washoe County population while Coldsprings, Red Rock Area, Lemmon Valley, Blacksprings and Golden Valley have 2.7% of Washoe County's population. Also, Coldspring Valley residents do not receive water from Lemmon Valley wells.

This inaccurate and depressing information which was issued to the public was most damaging to lot owners, potential buyers and lenders in the Silver Knolls area; and, should be publicly corrected.


JAMES C. SWEGER

April 27, 1977

To: Members of the Committee on Natural Resources

From: Joe M. Ratliff, a Nevada resident, residing at
2158 Dickerson Road, Reno, Nevada 89503

Subject: Exempting committed and current construction,
and concurrent drilling of domestic wells,
from the provisions of S.B. 509.

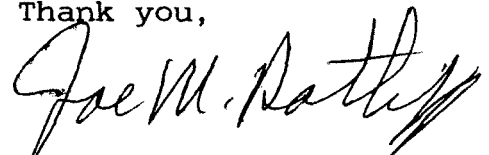
I understand and appreciate your concern about the actual or potential critical water depletion problems within designated ground water basins. New developments such as single and multiple dwellings, industrial and commercial establishments, public service entities and utilities are dramatically increasing in certain areas of the state, due to our rapid growth rate.

Water is a finite and scarce resource in Nevada, which we must manage wisely, especially where it occurs only as groundwater within closed hydrographic basins which are experiencing substantial development.

S.B. 509 correctly addresses the problem of depletion of groundwater supplies where it would seriously affect existing domestic water sources. However, it does not take into account the subject of domestic dwelling units which are currently under construction, or committed to construction within designated basins. Large amounts of effort, time, emotions and money have been spent by many individuals to accomplish such construction. And it would be morally wrong and a lack of foresight to halt these projects through the moratorium provision of S.B. 509.

Therefore, I urge you to carefully reconsider the subject of current and committed construction, and the concurrent drilling of domestic wells for such units. I hope you will amend the bill to exempt such projects from the moratorium provision.

Thank you,



Joe M. Ratliff

ASSEMBLY JOINT RESOLUTION NO. 53—
ASSEMBLYMAN RHOADS

APRIL 12, 1977

Referred to Committee on Government Affairs

SUMMARY—Urges Congress to transfer to State of Nevada public lands in checkerboard ownership pattern along railroad right-of-way in northern Nevada. (BDR 1643)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Urging the Congress of the United States to transfer to the State of Nevada the public lands in the checkerboard ownership pattern situated along the railroad right-of-way which crosses northern Nevada.

- 1 WHEREAS, During the Civil War, the Congress of the United States
2 granted to the Central Pacific Railroad every other section of land for a
3 distance of 20 miles on each side of the railroad right-of-way which runs
4 across the northern part of the State of Nevada, thereby creating what is
5 known as a checkboard pattern of land ownership; and
6 WHEREAS, This grant of alternate sections of land to the railroad
7 served a useful purpose when the railroad was under construction, but
8 the checkerboard pattern of land ownership now presents severe land
9 planning, use and management problems for private owners, cities, coun-
10 ties, the State of Nevada and the Bureau of Land Management of the
11 United States Department of the Interior; and
12 WHEREAS, The BLM Organic Act and the policies and regulations of
13 the Secretary of the Interior and the Bureau of Land Management pre-
14 vent solution of the land planning, use and management problems
15 through sales and exchanges; and
16 WHEREAS, The owners of the private lands within the checkerboard
17 area have been deprived of their property rights, including access to their
18 land and the most efficient uses of their land, without judicial process or
19 just compensation; and
20 WHEREAS, These public lands cannot be properly managed or fully
21 used for wildlife development, recreation or other beneficial uses without
22 interfering with the rights of the private landowners because of the check-
23 erboard pattern; and
24 WHEREAS, The land pattern frequently prevents development of city,
25 county and state projects; now, therefore, be it
26 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. J. R. 43

ASSEMBLY JOINT RESOLUTION NO. 43—ASSEMBLYMEN
SCHOFIELD, JEFFREY, VERGIELS, GOMES, MURPHY,
HARMON, BENNETT, MOODY AND HORN

MARCH 29, 1977

Referred to Committee on Agriculture

SUMMARY—Memorializes Congress to enact legislation to protect desert
flora on federal land. (BDR 1433)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Memorializing the Congress promptly to
enact legislation to protect cacti and yucca on federal land.

- 1 WHEREAS, Hundreds of thousands of cacti and yucca annually are
2 being ripped from deserts in many southwestern states by greedy profi-
3 teers; and
4 WHEREAS, Concerned state legislators have enacted statutes to control
5 the removal of cacti and yucca from private lands but states such as
6 Nevada, over 86 percent of whose territory is federally owned land, have
7 large areas which remain unprotected; and
8 WHEREAS, The continued bootlegging of precious and rare cacti and
9 yucca—many species of which grow only 1 or 2 inches a year—will
10 permanently strip southwestern deserts; now, therefore, be it
11 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
12 That this body respectfully but urgently memorializes the Congress of the
13 United States to enact legislation to protect cacti and yucca on federal
14 land; and be it further
15 *Resolved,* That copies of this resolution be prepared and transmitted
16 forthwith by the legislative counsel to the Vice President as presiding offi-
17 cer of the Senate, to the Speaker of the House of Representatives and to
18 all members of the Nevada congressional delegation; and be it further
19 *Resolved,* That this resolution shall become effective upon passage and
20 approval.

80

Original bill is on file at
the Research Library.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 616

ASSEMBLY BILL NO. 616—COMMITTEE ON AGRICULTURE

APRIL 5, 1977

Referred to Committee on Agriculture

SUMMARY—Provides for protection of cacti and yucca. (BDR 47-1825)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to protection of flora; providing for the protection of cacti and yucca; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 527.060 is hereby amended to read as follows:
2 527.060 [For the purpose of NRS 527.060 to 527.120, inclusive, a
3 Christmas tree shall include any evergreen tree or part thereof cut and
4 removed from the place where grown without the foliage having been
5 removed.] *As used in NRS 527.060 to 527.120, inclusive, unless the con-*
6 *text otherwise requires:*
7 1. "Cactus" includes any member of the *Cactaceae* family.
8 2. "Christmas tree" includes any evergreen tree or part thereof cut
9 and removed from the place where grown without the foliage being
10 removed.
11 3. "Yucca" includes any member of the genus *Yucca*.
12 SEC. 2. NRS 527.070 is hereby amended to read as follows:
13 527.070 1. For the purpose of NRS 527.060 to 527.120, inclusive,
14 the [cutting] removal or possession of Christmas trees, cacti or yucca
15 for commercial purposes [shall mean the cutting] means the removal or
16 possession of six or more [Christmas trees] of such plants in any 1
17 calendar day or the [cutting] removal or possession of less than six
18 [Christmas trees] of such plants each for 7 or more consecutive calendar
19 days [.] , except removal or possession of the plants for scientific or
20 educational purposes with the permission of the owner of the plants.
21 2. A person proposing to [cut Christmas trees] remove or possess
22 any Christmas tree, cactus or yucca for commercial purposes on any
23 state, county or privately owned lands shall [give notice to that effect to]
24 notify the state forester firewarden. Upon receipt of such notice the state
25 forester firewarden shall provide the person with registration forms, and

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.