

SENATE NATURAL RESOURCES COMMITTEE

MINUTES OF MEETING
Wednesday, April 6, 1977

The seventeenth meeting of the Natural Resources Committee was called to order on the above date at 1:35 p.m. in Room 131.

Senator Gary Sheerin was in the Chair.

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

OTHERS PRESENT: Don Crosby, Nevada Highway Department
Cal Collins, representing Battle Mountain Chamber
of Commerce and American Legion Post #15
Tom Norris, Battle Mountain
Earlene Stenton, Eureka
Louis M. Lemaire, Lander County
Elwyn M. Trigero, Manager of Land Bank Association,
Reno
David Horton, National Committee to Restore Justice
Wayne Worthington, Northeastern Nevada Miners and
Prospectors Association.
W. B. "Bill" Kohlmoos, Ely
George N. Swallow, White Pine Development Corp.
Alice R. Souza, Prospectors, Miners and Public Land
Users, Ely
Zelma Etchemendy, Free Enterprise Associates, Ely
Thomas P. Marvel, Lander County
John Marvel, Nevada Land Action Association
Ernest Newton, Nevada Taxpayers Association
Brent Eldridge, Nevada Land Action Association
H. R. Conrad, Nevada Prospectors Association
Charles J. Himes, Veterans of Foreign Wars, Sparks
Dean Saylor, Nevada Mining Council
Leona Pearce, Ely
M. Douglas Miller, State Miners and Prospectors
Association
Chuck White, Nevada Farm Bureau
Walt Plaskett, Eureka
Joe Rand, Diamond Valley
Ed Murphy, Citizens Against Bureaucracy
Ray Knisley, Lake Tahoe
Donald Potts, Citizens Against Bureaucracy
J. C. Parres, Tonopah
Andria Daley, Lander County

Bills before the Committee included: SB398, SB401, SB402 and SJR18.

SB 402 Provides exceptions for abandonment of water rights.

SENATOR GLASER, introducer of the bill, said this bill was introduced to correct a problem currently existing in Eureka County and Diamond Valley.

RAY KNISLEY, Lake Tahoe, submitted a proposed amendment, entered in the record, attached as EXHIBIT "A". He said this bill provides somewhat similar provision to the present Bureau of Land Management Grazing Act. It would prevent an applicant from asking for a non-use period in order to stop time running against him.

JOE RAND testified in favor of SB402. To make his point, he drew a diagram on a blackboard to demonstrate location of wells and improvements on his property in Diamond Valley, and outlined the cost of the improvements on the property. After all this investment, the wells were protested and had to be shut down.

WALT PLASKETT, Eureka, testified in favor of SB402. He stated an instrument drawn in Eureka which was signed by 15 to 20 families owning between 6,000 and 7,000 acres under protest were requesting legislative assistance. The affect of the current statute forces people to move in a helter skelter way of putting water around the ground in some way for the mere purpose of maintaining water rights. Mr. Plaskett said this decision should lay in the hands of the state engineer rather than force him as he is now, to revoke it if it is proven in fact that the land has not been irrigated for five years.

ELWYN M. TRIGERO, Manager of Land Bank Association, Reno, private money lenders using real estate and water as security on long term real estate loans, testified in favor of SB402. Properties that currently have a protest filed against them, will not get assistance from the lending company at this time.

A letter concerning water rights in Diamond Valley written by Mike E. Holm, County Supervisor, Farmers Home Administration, Elko, was entered as EXHIBIT "B".

CHUCK WHITE, Executive Vice President, Nevada Farm Bureau, testified in support of SB402. At a recent annual meeting of the Nevada Farm Bureau, a policy was established which states that the Farm Bureau favors extension of time on well permits if sufficient cause for delay was proven.

EARLENE STENTON, Diamond Valley, testified in opposition to SB402. The Stentons lost their water rights in 1975 through protest. New junior numbers were re-issued, and they would basically like the original permit numbers returned to them.

Senate

lands from the Federal Government without their consent, Senator Blakemore said this legal question had been discussed and technically it is possible.

SENATOR GLASER admitted a letter from LCB in which certain fears in certain areas were expressed. Attached EXHIBIT "C".

SENATOR BLAKEMORE said some highway funds could be lost from Federal sources, but there is a great deal of misunderstanding on that point. Losses are not that great.

DON CROSBY, representing Nevada Highway Department, said his department has some reservations with the language. He submitted proposed new language, entered in record, attached EXHIBIT "D". Basic highway law other than the Interstate System is predicated on 70% federal and 30% state participation. The Interstate System is predicated on 90% federal and 10% state. Nevada presently received 95% federal aid and 5% state match. He said Nevada would presumably revert to the 70%-30% and 90%-10% level if this bill passes. Presently Nevada gets between forty-seven and fifty-nine million dollars per year with a match of about three million dollars and probably would go up to fifteen million with the passage of SB398.

CAL COLLINS, representing Battle Mountain Chamber of Commerce and American Legion Post #15, testified in support of SB398. It is the feeling of these groups that Nevada is long overdue for full statehood and it is believed Nevada cannot enjoy that statehood until it controls at least 50 per cent of its land.

TOM NORRIS, Battle Mountain, testified in support of SB398.

LOUIS M. LEMAIRE, Lander County Commissioner, testified in support of SB398, saying the mechanics in this bill agree this is the golden opportunity for Nevada to finally have control over 80 per cent of its land.

DAVID NORTON, attorney, Battle Mountain, testified in support of SB398, saying it will open up vast resources to development rather than restriction and stagnation; it will broaden Nevada's economic base and increase its economic autonomy. Entered letter to Sheriff of Lander County as part of record, attached as EXHIBIT "E".

WAYNE WORTHINGTON, representing Northeastern Nevada Miners and Prospectors Association, Elko, testified in support of SB398. He presented photostatic copies of signatures of the Nevada Land Ownership Act sponsored by his organization, an Act similar to SB398. He submitted a copy of prepared statement, entered in record, attached as EXHIBIT "F".

W. B. "BILL" KOHLMOS, Ely, testified in support of SB398.

GEORGE N. SWALLOW, White Pine Development Corp., and Free Enterprise Associates, testified in support of SB398.

ALICE SOUZA, Ely, representing Prospectors and Miners and Public Land Users, testified in support of SB398.

ZELMA ETCHEMENDY, representing Free Enterprise Associates and ElCajon Cattle Co., White Pine County Cowbells, Ely, testified in favor of SB398.

THOMAS P. MARVEL, Jr., Lander County Planning Commission, testified in support of SB398.

JOHN MARVEL, Nevada Land Action Association, Battle Mountain, testified in favor of SB398. In reply to Senator Glaser's question of what kind of balance he sees in land ownership, Mr. Marvel said the number one priority is cities and towns, and the second priority is agriculture use. He said he would resist a wholesale transfer of lands into private ownership.

ERNEST NEWTON, Nevada Taxpayers Association, in testifying in favor of SB398, said this bill is a combination of 45 years of effort on the part of the people in the West to obtain title to what used to be called public trust lands. He remarked on the unreasonable fear of private ownership of land. He called to the attention of the Committee, that in areas where the normal is privately owned land, there is fine hunting and fishing and throughout the U.S. the areas that have the finest recreational areas the land is privately owned. A private and orderly transfer of what are now public lands to state public lands and ultimately to private ownership would be in the best interest of everyone. He felt the loss of federal funds would be more than made up through sale and taxation of lands.

BRENT ELDRIDGE, Nevada Land Action Association, testified in support of SB398.

H. R. CONRAD, President, Nevada Prospectors Association, Fallon, testified in favor of SB398, prepared statement entered in record, attached as EXHIBIT "F".

CHARLES J. HIMES, representing VFW, Sparks, testified in support of SB398.

DEAN SAYLOR, President, Nevada Mining Council, testified in favor of SB398. Letter addressed to the Honorable Mike O'Callaghan, Governor, entered in record, attached as EXHIBIT "H".

LEONA PEARCE, representing Miners, Prospectors, Land Use Owners Association, Ely, in testifying in favor of SB398. said what Nevada is fighting for is freedom.

M. DOUGLAS MILLER, President, State Miners and Prospectors Association, testified in favor of SB398. He believes SB398 will complement all the agencies created in the state which are fully competent to carry out responsibilities of the state government. He said he was formerly an engineer with the Nevada highway department and had studied the budget. None of the 95 per cent of the federal funds goes for highway maintenance, the taxpayer pays that including Interstate maintenance. Mining industry is the second largest industry in the state which produced 258.4 million dollars in 1975, and five per cent of that is Nevada's net mining proceeds. Nevada Legislature is legislating on 13 per cent of Nevada's lands for 650,000 people. He feels Nevada has to meet its adulthood and he feels Nevada is ready for it.

CHUCK WHITE, Executive Vice President, Nevada Farm Bureau, said that organization held a policy development session during an annual meeting of delegates from throughout Nevada at which time the following policy recommendation was made: "Nevada Farm Bureau supports reasonable actions to transfer federal lands to Nevada except for parks and reservations, provided that any individual, firm or corporation which now has beneficial lease of these, shall continue that use without prejudice because of the proposed land transfer. We support the state ownership of lands managed on a multiple use concept." Mr. White thinks SB398 is the first step of a very long process.

ED MURPHY, representing Citizens Against Bureaucracy, Tonopah, talked in support of SB398.

JIM PARRES, Canadian citizen, mining geologist living at Tonopah, testified in favor of SB398.

ANDRIA DALEY, Lander County Citizens for Mining, said that group was in strong support of SB398.

DON POTTS, Citizens Against Bureaucracy, Tonopah, said everyone he talked to in Nye County is in support of SB398.

SJR 18

Memorializes President of the United States to appoint mineral affairs adviser to White House staff.

DOUGLAS MILLER testified there has never been in the nation's history a qualified person with full knowledge of the minerals of the U.S. to sit as an adviser. He said the

Nevada Miners and Prospectors Association recommends
and supports SJR 18.

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

SB 401 Authorizes capture of wild horses and burros by means of
aircraft and motor vehicles.

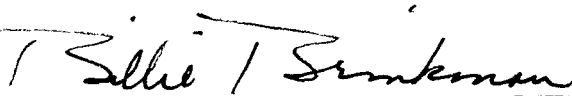
SENATOR GLASER introducer of this bill, said it brings
into compliance the Nevada Statutes with the Federal
Organic Act which was recently passed. The Organic Act
allows the use of aircraft for the purpose of capturing
wild horses, which the Nevada Statutes in the past have
not provided for.

TOM BALLOW, Executive Director, Nevada State Department
of Agriculture, said the so-called Organic Act did
authorize use of helicopters to gather excess wild horses
and burros off public lands. At the present time the
estimated number of wild horses and burros on Nevada
public lands is 39,000 head, causing severe damage to
the forage. It is felt the aircraft is needed to gather
the animals successfully and humanely.

Senator Dodge moved "DO PASS."
Senator Echols seconded the motion.
Motion carried unanimously.

There being no further business, the meeting was adjourned at 5:05 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 6, 1977

Robert

NAME	Do you wish to testify	Bill No.	REPRESENTING
<i>Bob Conway</i>	<input checked="" type="checkbox"/>	SB 398	SB Nevada president
<i>Charles J. Thomas</i>	<input checked="" type="checkbox"/>	SB 398	Veterans of Foreign Wars
<i>Dean Saylor</i>	<input checked="" type="checkbox"/>	SB 398	Nevada Mining Council
<i>Lore Pearce</i>	<input checked="" type="checkbox"/>	SB 398	Ely Nevada Mine Owners
<i>Douglas Miller</i>	<input checked="" type="checkbox"/>	SB-18 SB-398	State Miners & prospectors <i>president</i>
<i>Howell Ward</i>	<input type="checkbox"/>	NO SHOW	
<i>Chuck White</i>	<input checked="" type="checkbox"/>	SB-398 SB-401 SB-402	NEV. FARM BUREAU
<i>WALT Plaskett</i>	<input checked="" type="checkbox"/>	SB 402	
<i>Joe Rand</i>	<input checked="" type="checkbox"/>	SB 402	Self
<i>Ed Murphy</i>	<input checked="" type="checkbox"/>	SB 398	CITIZENS AGAINST BUREAUCRACY
<i>RAY KNISLEY</i>	<input checked="" type="checkbox"/>	402	
<i>Donald Batts</i>	<input checked="" type="checkbox"/>	SB 398	Citizens against Bureaucracy
<i>JeParres</i>			Tonopah
<i>Andrea Daley</i>			Citizens for Mining
<i>Tom</i>		401	

GUEST REGISTER

SENATE NATURAL RESOURCES COMMITTEE

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

DATE: April 6, 1977

NAME	Do you wish to testify	Bill No.	REPRESENTING
Don Crosby	✓ Yes	SB 398	Hwy Dep
Cal Collins	✓ Yes	SB 398	Battle Mtn. Chamber of Commerce & Cm. Region Cont 15
Tom NORRIS	✓ Yes	SB 398	Battle Mt. Nevada
Walter Stepton	✓ Yes	SB 402	Eureka Nev
Lawrence Jernaux	✓ Yes	SB 398	Jander County
Elwyn M. Trigen	✓ Yes	SB 402	Land Bank
David Hatan	✓ Yes	SB 398	Nat'l Com'ee for Restor. Couns.
Wayne Wark	✓ Yes	SB 398	N.E. Nev. Miners & Prosp. Assoc.
W. B. "Bill" Kohlman	✓ Yes	SB 398	Self Ely
George M. Swallow	✓ YES	SB 398	WHITE PINE DEVELOPMENT CORP Ely
Alice R. Souza	✓ Yes	SB 398	Prospectors - Miners + Public Land Users
Jelena Etchemendy	✓ Yes	SB 398	Free Enterprise Association + LANDER CO. PLANNING COMMISSION
Thomas P. Merrill	✓ Yes	SB 399	
John Marvel	✓ Yes	SB. 398	Nev. Land Action Assoc.
Ernest Newton	✓ Yes	SB. 398	Nev. Taxpayers Assoc.
R. J. Ginn	✓ No		Nev. Land Action Assoc.

Krisley

Exhibit "A"

Senate Bill 402

Amend section 1, page 1, line 18, delete comma and insert:
"and essential for the welfare of the area,".

Amend the bill as a whole by adding new sections, designated sections 2 and 3, following section 1, to read:

"Sec. 2. This act applies to proceedings for the forfeiture of water rights which are pending on the effective date of this act ^{and} ~~as~~ to proceedings begun after the effective date of this act.

Sec. 3. This act shall become effective upon passage and approval."

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
975 Fifth Street
Elko, NV 89801
702-738-8468

Norman Glaser
SB 402
Exhibit "B"
April 4, 1977

Honorable Norman Glaser
Nevada State Senator
North Senate Legislative Building
Carson City, NV 89701

Dear Sir:

In accordance with instructions from Farmers Home Administration (FmHA) District Director Elvon H. Spencer, I submit the following concerning water rights in Diamond Valley, NV:

FmHA loan procedures require valid water rights on any farm on which we lend money for purchase or development. At the present time, we have several loans in Diamond Valley on which all development has not been completed to date. Under the present law, some of these farms could possibly lose their water rights, thereby affecting our loan security which we assumed to be 100% water-right sufficient.

Our agency has worked under the assumption that if the beneficial use permit has been issued, we have valid water certificates. However, because of the five-year revocation law, there remains the possibility that we are financing the purchase of or development of a farm on which we may not have valid water rights.

We now have loans with farmers who have need for additional development to maintain an adequate standard of living from farm income, but because of the current water right laws, we have been unable to finance improvements.

We are presently delaying the closing of five loans, totaling approximately \$330,000.00, in Diamond Valley because water rights have been protested and the Water Board has not determined the legitimacy of these protests.

We also have been unable to process applications to purchase farms because of the possibility of invalid water rights. In these cases, water rights could not be established until the farm is developed, and the development could not be done by our Agency until we are able to secure valid water rights, thereby making it impossible for the sellers to develop or the buyer to purchase. The dilemma lies in the fact that an irrigation system is necessary to develop a farm and obtain the water rights, but FmHA cannot finance development until we have valid water rights.

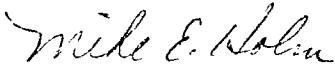
Honorable Norman Glaser

Water Rights

To summarize the FmHA position, we are unable to finance the development or purchase of farms on which water rights are questionable or have the potential of being revoked.

If we can be of further assistance, please do not hesitate to contact this office.

Sincerely,



Mike E. Holm
County Supervisor

cc: District Director, FmHA, Reno, NV

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



Leahurt C
LEGISLATIVE COMMISSION (702) 885-5627

JAMES I. GIBSON, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640

DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
John F. Dolan, *Assembly Fiscal Analyst*

ARTHUR J. PALMER, *Director*
(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

March 21, 1977

Senator Norman D. Glaser
Senate Chamber
Legislative Building
Carson City, Nevada 89710

Dear Senator Glaser:

BDR 26-1000, which is attached, has been drafted in accordance with your instructions and the draft which was discussed as an initiative measure. In section 6 it declares that the public lands are the exclusive property of the State of Nevada, in several sections it provides for their management by the state and for the deposit of the proceeds in the state treasury, and in section 10 it purports to provide a penalty for "any person who attempts to exercise jurisdiction over the public lands in a manner not permitted by the laws of the State of Nevada."

The second clause of Article VI of the United States Constitution provides:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Section 2 of article 1 of the Nevada constitution provides in relevant part, after declaring that government exists for the benefit of the people:

But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise

Senator Norman D. Glaser
March 21, 1977
Page 2

of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair [,] subvert, or resist the Supreme Authority of the Government of the United States.

Under the former clause, it has been held that:

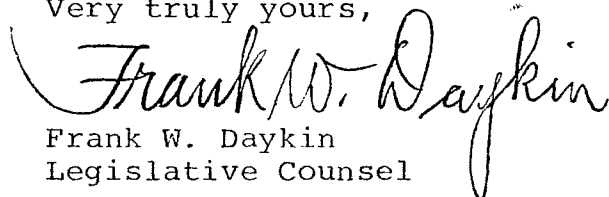
1. The federal government and its agencies are immune from state or local control. Mayo v. United States, 319 U.S. 441; Maun v. United States, 347 F.2d 970.

2. Even to call federal employees before a state grand jury was an illegal invasion of federal sovereignty. United States v. McLeod, 385 F.2d 734.

3. A state cannot interfere with the disposition of the public lands by the United States. United States v. Board of Commissioners, 145 F.2d 329, certiorari denied 323 U.S. 804.

Assuming only for the sake of argument that Nevada does have a legally enforceable right to ownership of the public lands, the state cannot seize it by statutory enactment. We have so drafted the bill that the statute would not be clearly unconstitutional on its face, but that result is reached only by reading, for example in section 10 "laws of the State of Nevada" to include the supremacy clauses, and this means that the statute could not be enforced against any federal officer or employee or against any person claiming under the United States.

Very truly yours,


Frank W. Daykin
Legislative Counsel

FWD:jll

STATE OF NEVADA
DEPARTMENT OF HIGHWAYS

Ephelut 425 11 D. 1

MEMORANDUM

March 29, 1977

To: Donald J. Crosby

Deputy State Highway Engineer

From: Office of the Chief Counsel

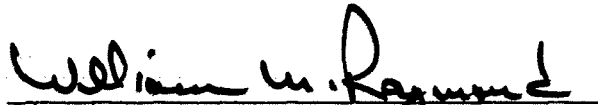
Subject: Senate Bill 398

The following are comments on S.B. 398:

Section 5, subsection 3, provides "No public lands may be disposed of before July 1, 1979, except for any sales or exchanges which were pending on July 1, 1977." It would seem that this would preclude the State of Nevada Department of Highways, any county, city or utility company, from acquiring necessary rights-of-way for public purposes during this two-year period.

Suggested amendatory language could be as follows:

"No public lands may be disposed of before July 1, 1979, except for any sales or exchanges which were pending on July 1, 1977, and further except for lands or interests in lands necessary for the construction of improvements by the state, the counties or cities or any utility company for a public purpose."



William M. Raymond
Deputy Attorney General
Assistant Chief Counsel
Department of Highways

WMR:p

C. Schubert "E"

DAVID HORTON

ATTORNEY AT LAW

POST OFFICE BOX 157
BATTLE MOUNTAIN, NEVADA 89820

635-2469 635-2536
AREA CODE 702

April 6, 1977

Sheriff George Schwin
Battle Mountain, Nevada 89820

Dear Sheriff Schwin,

The following considerations bear on whether to accept BLM funding for hiring Sheriff's Deputies to enforce regulations promulgated under the so-called "BLM Organic Act".

1. The U.S. Constitution provides:

"Congress shall have the power... to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, dock-yards and other needful buildings."

Attempts by federal bureaucrats to exercise control over land within a State are therefore violative of the U.S. Constitution (See Pollard v. Hagen 3 Howard, 212, 1 Lawyer's Edition 565) which Constitution you as an elected County official, are sworn to uphold.

2. The search and seizure provisions of the "BLM Organic Act" greatly exceed the standards that you now apply in criminal cases. You would therefore be placed in the position of applying one standard in enforcing the criminal laws of this State and a harsher standard in inflicting upon your constituents the regulations dreamed up by nameless bureaucrats who cannot now be identified even by our Congressman who was, as you know, a sponsor of the BLM bill. The political consequences of your being

placed in this position need no elaboration.

3. The initiative petition known as the "Nevada Public Lands Ownership Act" is being considered today in bill form by the Senate Natural Resources Committee. The Initiative Petition provided that anyone purporting to exercise control over Nevada's Public Lands other than as an agent of the State of Nevada would be guilty of a felony. Such a provision would place you in the anomalous position of having to arrest your own deputies (and possibly yourself as an aider and abettor of those deputies).

Although the offer of the BLM to hire many deputies for your Department may be an attractive proposition on its face, closer inspection reveals it to be an effort to use public funds to compromise Nevada officials who are charged with supporting the lawful government of this State. The BLM Organic Act (as was publicly asserted by Jim Santini in Reno on January 28, 1977) is another example of the exercise of the legislative initiative by the federal bureaucracy. In other words, the appointed bureaucrats in Washington, who are supposed to have no legislative power under the Constitution, are in fact using our money to lobby their bills through our Congress to give them power to regulate our citizens on our land. It is doubtful that the Nevada Legislature will abide for very long such a flagrant move to undermine the lawful government of this State.

Very truly yours,

David Horton
David Horton

DH/j

Exhibit "F"

Mr. Chairman, Members of the Committee:

I am here as Chairman of the Northeastern Nevada Miner's and Prospectors' Association, and am speaking on their behalf.

It seems a rarity in this day and age to have our chosen electorates present a bill in which all the people in the entire state will benefit. We are proud of Senator Glaser and Senator Blake-more for the forethought and time spent in the drafting of this bill.

It has long been our thought that what happens to and becomes of Nevada and its public lands, would best be decided by the people of the state. We, the people of this great state, are proud of our heritage and want to be proud of our future, and we can be, if we can determine our own fate.

It would be foolish to say that the passing of this bill (SB 398) will make the road ahead smooth and straight. However, when it does become rocky and full of ruts, we will know who to call on, who to praise, and who to call the demons down upon.

Nevada's land should be governed by Nevadans, not by the Washington demigods and leeches.

I have been told that for every dollar and a half that is paid the various government agencies, one dollar is returned to the state. This is not a good enough return on our money. It would be better to misuse the entire amount in Nevada, than let a portion of it be wasted in Washington.

As Chairman of the Northeastern Nevada Miners' and Prospectors' Association, I have been instructed by the advisory board and the general membership to present these photostatic copies of signatures of the Nevada Public Lands Ownership Act that we sponsor. This act is similar to SB 398. These copies are but a few. Because of the statewide coverage we have, and the slow mail delivery, we were not able to recall them all for copying.

(Cont.)

In northern Nevada, the Federal Fish and Wildlife have determined that the Ruby Marshes is best fitted for raising ducks to be shot in Mexico, than for Nevadans to enjoy fishing and waterskiing.

The BLM has grossly mismanaged the wild horses. Nevada can solve this easily, let the State Fish and Game control them, look what they did for our large deer herds.

Wild Horse Reservoir is another segment of Federal mismanagement.

The BLM range management program is a farce. However I will let the cattlemen prove this which I know they will or have already.

The new BLM mining regulations are an unrealistic farce, dreamed up by somebody (no one will admit to writing them) who has only seen the ghettos and slums of Washington, D. C., or Boston, Mass., and has never been west of the city limits.

In times past we have been content to let our legislatures decide what is best, but this has not always been to the benefit of all. We hope and anticipate that this committee will see to the presentation of public hearings in every county seat in the state concerning this bill. Gather the data from all over the state, and then let the people make their choices known. Their choice will be, I am sure, that the passage of this bill (SB 398) is the peoples' choice.

Conrad

Exhibit "G."

NEVADA PROSPECTORS ASSOCIATION, INC,

P.O. BOX, 94,
FALLON, NEVADA, 89406,

April 3, 1977

SUBJECT: NEVADA PUBLIC LANDS COMMISSION. S.B. 398;

Mr. Chairman Members of this Committee:

There seems to be very few basic points of real issue in this Public Land controversy. There must be necessities of life and there are only two prime industries on this Planet that can and do provide these necessities, MINING and AGRICULTURE who provide the new sources of wealth that is required to maintain a healthy Economy.

The blunt realities that Administration Washington and our Congress have proven that for some unexplained reasoning they do not realize that it is impossible for any Person or Government Agency to approach proper Management of our Public Lands, to appreciate and consider the must have of those who must live or die as result of Public Land Management.

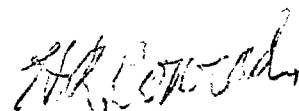
Laws Executive orders, Rules, Regulations so drastically effecting the well being of us who must acquire the necessities of life and equally important provide the full necessities of life and all luxuries as well.

The arbitrary closing of prime Agriculture, Mineral Lands and the closing of other Public Lands for some obscure reason on argument to preserve for future generations but reduce the sum of total productive Lands in Agriculture, Minerals is certainly not good judgement.

It is estimated that some 5 to 7 Million Persons will die of starvation this year 1977 and about 1, 1/2 Million of those will die in the UNITED STATES,, yet we continue to reduce the Acreage and opportunity for Individuals to provide the demanding new Wealth that is a must.

The argument that we did not demand Title to all Public Lands within our State boundaries is not valid, can you find where we did relinquish Title to any of the remainder or is it not a fact that we only did include but never request at that time, is no argument of relinquishment of Title.

Thank you,



H.R. Conrad.
President.

Capital "H"

Dean Saylor
2837 Hermosa Street
Las Vegas, Nevada 89109

April 4, 1977

The Honorable Mike O'Callahan
Governor of Nevada
Carson City, Nevada

Re: Senate Bill #398, introduced by
Senator Norm Glaser

Dear Governor O'Callahan:

I believe it is most important that this Bill (referred above) receives the full support of your Office, in assuring its passage, in light of present facts as they are being applied against citizens of Nevada by the BLM, through the Offices of the Department of the Interior.

It is quite apparent that the wishes and needs of the people of Nevada are no longer recognized by the BLM. That "Federal Bureaucracy" can no longer mask its intentions as being the "will of the people" of Nevada.

Governor, from your high office, I believe you are in a position to realize a lot of Nevadans already feel the devastating affects of the BLM advance in our State. There are untold numbers of innocent Nevadans that, unknowing at this time, will suffer by the BLM's inroads in Nevada, in the future.

Based on their past and current performance, we can predict their future activities and policies, on how little they intend to relate to our voices.

Governor, I hope you will consider this subject on a long term basis, in terms of the welfare of our State. There are many deposits of commercial ore locked away in the State of Nevada to be found and developed in the future by its citizenry. We do not have a lock on gambling and entertainment; these are intangibles, and as other States change policies and liberalize, they will doubtlessly want part of the action.

We have, at this time, a legitimate right to a patent on the process of handling a successful, State controlled Gambling Industry. I believe that this Industry has not as yet reached its peak in Nevada. However, due to the tremendous success of this Industry, competition will invade, and the cycle of our patent will pass.

Our successful blueprints in this field are being exported daily. In fifty years, gambling will be a business conducted across the United States in about the same manner as supermarkets are being operated now. We have shown them how.

II

I believe fifty years from now, mining will be the Number One Industry in our State again. When this day arrives, who will control the destiny of this Industry within our bounds? Will it be the State? or the Federal Government?

Will you please consider the options before you now! and how they will affect, in long range terms, the people of this wonderful State.

I have been told that concessions made by long ago State Legislators may have put a cloud over the issue. This was their mistake. With sufficient fight and perseverance, we should be able to rectify any honest mistakes made by that past administration.

It is conceivable that the Administration that wrests from the Federal Government, the legal title of land, returning it to the rightful owner (in this case, the State of Nevada) will be recorded in Nevada History in a highly recognized and respected manner.

I urge you to consider the issue at hand with these comments in mind for the benefit of the future of Nevada.

Sincerely,

Dean Saylor, President,
Nevada Mining Council
Las Vegas, Nevada

DS/wc

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 402

SENATE BILL NO. 402—SENATOR GLASER

MARCH 25, 1977

Referred to Committee on Natural Resources

SUMMARY—Provides exceptions for abandonment of water rights.
(BDR 48-1493)

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 underground water; providing for exceptions to the 5-year abandonment provision for forfeiture of water rights; 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 534.090 is hereby amended to read as follows:
2 534.090 1. [Failure] *Except as provided in subsection 2, failure* for
3 5 successive years on the part of the holder of any right, whether it [be]
4 *is* an adjudicated right, an unadjudicated right, or permitted right, and
5 [further whether such right be] *whether the right was initiated after or*
6 *before March 25, 1939, to use beneficially all or any part of the under-*
7 *ground water for the purpose for which [such right shall be] the right*
8 *was acquired or claimed, [shall work] works a forfeiture of both*
9 *undetermined rights and determined rights [of the right] to the use of*
10 *such water to the extent of such nonuse. Upon the forfeiture of a right*
11 *to the use of ground water, [such water shall revert] the water reverts*
12 *to the public and [shall be] is available for further appropriation,*
13 *subject to existing rights. If, upon notice by registered or certified mail*
14 *to the person of record whose right has been declared forfeited, [such]*
15 *the person fails to appeal [such] the ruling in the manner provided [for]*
16 *in NRS 533.450, and within the time provided for therein, the forfeiture*
17 *becomes final.*
18 2. *If he finds that an extension is in the interest of water conservation*
19 *and essential for the welfare of the area, the state engineer may extend*
20 *a water right in an agricultural irrigation area for any length of time*
21 *beyond that limited in subsection 1.*
22 3. A right to use underground water, whether it [be] *is* vested or
23 otherwise, may be lost by abandonment. If the state engineer, in investi-
24 gating a ground water source [.] upon which there has been a prior right,

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

SENATE BILL NO. 401—SENATOR GLASER

MARCH 25, 1977

Referred to Committee on Natural Resources

SUMMARY—Authorizes capture of wild horses and burros by means of aircraft and motor vehicles. (BDR 50-1229)

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 animals running at large; authorizing the capture of wild horses and burros by means of aircraft and motor vehicles; 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 569.420 is hereby amended to read as follows:
2 569.420 [1. It shall be] *It is* unlawful for any person, under the
3 provisions of NRS 569.360 to 569.430, inclusive, [:
4 (a) To hunt wild horses, mares, colts or burros by means of airborne
5 vehicles of any kind or motor-driven vehicles of any kind.
6 (b) To] *to* pollute watering holes in order to trap, kill, wound or
7 maim [such animals.
8 2. The provisions of NRS 569.360 to 569.430, inclusive, shall not
9 be construed to conflict with the provisions of any federal law or reg-
10 ulation governing the hunting or driving of horses, mares, colts or burros
11 by means of airborne or motor-driven vehicles.] *any wild horses, mares,*
12 *colts or burros.*

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Original bill is on file at
the Research Library.

SENATE JOINT RESOLUTION NO. 18—
SENATOR BLAKEMORE

MARCH 29, 1977

Referred to Committee on Natural Resources

SUMMARY—Memorializes President of the United States to appoint mineral affairs adviser to White House staff. (BDR 1396)

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

SENATE JOINT RESOLUTION—Memorializing the President of the United States to appoint a mineral affairs adviser to the White House staff.

- 1 WHEREAS, One-half of the earth's natural resources are minerals; and
2 WHEREAS, This nation's high standard of living, based almost entirely
3 upon a sophisticated industrial and technological foundation, is dependent
4 upon mineral resources; and
5 WHEREAS, The national defense and economic security and well-being
6 of this country depend upon an adequate and assured supply of minerals;
7 and
8 WHEREAS, Problems surrounding mineral resources and supplies are
9 distinct from those which relate to other aspects of this nation's economy;
10 and
11 WHEREAS, This country needs a national and comprehensive mineral
12 resources policy; and
13 WHEREAS, The President of the United States should have access to a
14 knowledgeable mineral affairs adviser; now, therefore, be it
15 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
16 That the legislature hereby respectfully memorializes the President of the
17 United States to recognize the value and critical importance of mineral
18 resources and to appoint a mineral affairs adviser to the White House
19 staff; and be it further
20 *Resolved,* That copies of this resolution be prepared and transmitted
21 forthwith by the legislative counsel to the President of the United States,
22 the Vice President of the United States as the presiding officer of the
23 Senate, the Speaker of the House of Representatives, the chairmen of the
24 Interior Committees of Congress and to all members of the Nevada
25 congressional delegation; and be it further
26 *Resolved,* That this resolution shall become effective upon passage and
27 approval.

30