

The meeting was called to order at 2:05 p.m. Senator Neal in the Chair.

PRESENT: Senator Neal, Chairman
Senator Faiss
Senator Lamb
Senator Jacobsen
Senator Sloan

EXCUSED: Senator Glaser, Vice-Chairman

OTHERS

PRESENT: Assemblyman Dean A. Rhodes, District No. 33
Senator Carl Dodge, Western Nevada Senatorial District
Mr. Roland Westergard, Director, Department of Conservation and Natural Resources

Senator Neal announced that the committee would take testimony on S.B. 195, S.B. 235 and A.J.R. 11.

A.J.R. 11 - Requests return of portion of Ruby Lake in White Pine County to Nevada's control.

Assemblyman Dean Rhodes explained that Senator Glaser introduced a similar resolution, S.J.R. 9, which was passed by this committee. However, that resolution only requested Ruby Marsh be turned over to Nevada and provided no reason or "legal meat." Assemblyman Rhodes stated that he worked with the senatorial delegation from Nevada in Washington and they felt they could pass a similar bill through the United States Congress.

Assemblyman Rhodes mentioned that Senator Glaser concurs that S.J.R. 9 be postponed and A.J.R. 11 be passed by the Senate in its place.

Senator Neal asked why only the portion of the marsh located in White Pine County should be affected by the bill. Assemblyman Rhodes replied that one-third of the marsh is located in White Pine County and the other two-thirds is in Elko County. However, the most valuable portion is in White Pine County and without that portion, the Ruby Marsh would not exist.

Senator Neal stated he would entertain a motion for final action on this resolution.

Senator Faiss moved that A.J.R. 11 be passed out of committee with the recommendation: Do pass.

Seconded by Senator Sloan.

Motion carried.

S.B. 235 - Removes limitation on assessments for certain expenses of water distribution.

Senator Dodge explained that this bill deals primarily with the administration of the water allocations on the Humboldt River. The present limitation on the amount assessed does not raise enough funds to administer the allocations properly. He stated that the Pershing County Water Conservation District is in favor of this bill which would allow the Department of Conservation and Natural Resources to set the assessment to be self-sustaining for the administration of the river system.

Senator Lamb asked why the bill is needed. Mr. Roland Westergard of the Department of Conservation and Natural Resources responded by providing some background of the problems with the water distribution system. He stated that the state engineer has jurisdiction and authority throughout the statutes to provide water distribution on stream systems and ground water basins. Similarly, there is a responsibility to provide well supervision services on designated ground water basins and the authority to levy an assessment to defray the cost of that service. On the Humboldt River system, for some reason, there was an amendment passed to set a limit of 6¢ (which was subsequently raised to 8¢) per acre foot of water. He felt this was a result of concern by the users of that system that the state engineer would be unreasonable in his assessment. There are no limits on the other stream systems or ground water basins.

Mr. Westergard remarked that the amount levied is an assessment on the state engineer's part of what will be necessary to provide adequate service in a given year. In the case of the Humboldt River system, there is 668,000 acre feet of water allocated, over 300 water users, and the system covers 250,000 acres. It takes considerable staff to be sure that the people who are entitled to the water are receiving their allocations.

Mr. Westergard informed the committee members that the residents of Elko County, and Senator Glaser if he were present, would request that the limit not be removed entirely. Instead, they would probably suggest an increase from the present 8¢ level. However, Mr. Westergard requested that he not be required to come back each session to have the limit increased.

Senator Sloan asked Mr. Westergard what amount the limit would have to be increased to provide this service if the committee did not see fit to leave it open-ended. Mr. Westergard replied that because of the need for replacing the vehicles presently used and the increase in other costs, they would need the limit raised to 16¢.

Senator Neal asked how much money is generated under the present limit of 8¢, and what that money is used for. Mr. Westergard replied that the 8¢ limit brings in \$53,496.87 which is used to pay the salaries of 3 permanent people, and to pay expenses such as operating expenses for vehicles, supplies, printing, rental fees and other associated costs.


Senator Lamb suggested that the bill be held over in deference to Senator Glaser and the committee agreed. S.B. 195 will also be held until Senator Glaser is present.

There being no further business, the meeting was adjourned at 2:25 p.m.

Respectfully submitted,


Eileen Wynkoop
Committee Secretary

APPROVED:



JOE NEAL, CHAIRMAN

ASSEMBLY JOINT RESOLUTION NO. 11—ASSEMBLYMEN
RHOADS, POLISH AND MARVEL

JANUARY 24, 1979

Referred to Committee on Environment and Public Resources

SUMMARY—Requests return of portion of Ruby Lake in White Pine
County to Nevada's control. (BDR 513)

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

ASSEMBLY JOINT RESOLUTION—Requesting the United States Fish and
Wildlife Service and the Congress of the United States to return the portion
of Ruby Lake in White Pine County to the jurisdiction of the State of Nevada.

- 1 WHEREAS, At the time when the United States Fish and Wildlife Serv-
2 ice requested the consent of the people of the State of Nevada to the
3 acquisition and use of the portion of Ruby Lake in White Pine County as
4 a refuge under the Migratory Bird Conservation Act (16 U.S.C. §§ 715-
5 715r), the service represented to the people of the State of Nevada that
6 one of the purposes of the acquisition was to provide them with an area
7 for fishing, hunting and other recreation; and
8 WHEREAS, The State of Nevada and White Pine County gave their con-
9 sent in reliance upon that representation of purpose; and
10 WHEREAS, Subsection 5 of NRS 328.201 provides that the consent of
11 the State of Nevada continues only so long as Ruby Lake is used for the
12 purposes for which it was acquired; and
13 WHEREAS, The United States Fish and Wildlife Service has violated
14 its representation to the State of Nevada by substantially impairing the
15 recreational use of Ruby Lake; now, therefore, be it
16 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
17 That the consent of the State of Nevada to the acquisition and use of the
18 portion of Ruby Lake in White Pine County as a refuge for migratory
19 waterfowl is hereby revoked, and the United States Fish and Wildlife
20 Service and the Congress of the United States of America are hereby
21 requested forthwith to terminate the status of the portion of Ruby Lake
22 in White Pine County as such a refuge and to transfer the management of
23 that area to the Nevada department of fish and game; and be it further
24 *Resolved,* That copies of this resolution be transmitted by the legisla-
25 tive counsel to the Secretary of the Interior, to the Vice President of the
26 United States as presiding officer of the Senate, to the Speaker of the
27 House of Representatives and to each member of the Nevada congress-
28 sional delegation; and be it further
29 *Resolved,* That this resolution shall become effective upon passage
30 and approval.