

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
February 11, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman D. Glaser, at 1:35 p.m., Wednesday, February 11, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Norman D. Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator James H. Bilbray
Senator Joe Neal
Senator Lawrence E. Jacobsen

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

GUEST LEGISLATORS:

Senator Virgil M. Getto
Assemblyman Joseph E. Dini

STAFF MEMBERS PRESENT

Robert E. Erickson, Senior Research Analyst
Carolyn L. Freeland, Committee Secretary

SENATE BILL NO. 14

Senator Getto, who introduced the bill, asked Mr. Richard S. Lattin, manager of the Truckee-Carson Irrigation District, to testify on the bill. Mr. Lattin explained this bill allows the District to deal with inflationary costs without requiring a bond issue to buy new equipment. Another section of the bill deals with posting of notices in three places, one of which must be the county courthouse. He said it had been asked to insert "or in the newspaper" in Section 5, lines 33 and 34 to give the District its choice of either using the

Senate Committee on Natural Resources
February 11, 1981

newspaper for notification or posting in three places.

Senator Faiss asked if a conflict would exist with the open meeting law. Mr. Lattin replied that posting refers strictly to claims allowed by the board in the preceding month. Mr. Myron Goldsworthy, of the PCWCD, noted that posting is accomplished after the fact--the claims had been approved at a previous meeting which itself had met the requirements of the open meeting law.

Senator Neal noted that the allowance for each meeting's expenses had been increased from \$35.00 to \$50.00 per day in Section 1 and asked how many meetings were held each month. Mr. Lattin said there was one regular monthly meeting and usually one special meeting per month. Senator Neal asked if a stipulation existed in the statutes limiting the number of meetings which could be held monthly. Mr. Lattin replied he was not aware of a limitation.

Senator Getto stated that the irrigation district would not meet any more than necessary. Senator Neal said that normally, when a per diem is allowed, there is a ceiling on the number of meetings which can be held. He asked how many acres were in the district. Mr. Lattin replied that 67,000 acres are in the district at the present time. He said the district has 73,002 acres of water right. Senator Neal referred to Section 4, line 17, which increases the indebtedness to \$250,000, not exceeding \$1 per acre. He felt this created a conflict. Mr. Lattin said changes have been requested to resolve this conflict.

Senator Faiss asked for the source of the funding to pay the directors of the irrigation district. Mr. Lattin answered that the district funds the payment of directors. Senator Getto clarified the question, saying water charges were the source of the funding.

Senator Neal suggested deleting Section 4, lines 18-20 to make the language compatible with \$250,000. Senator Faiss suggested changing the language from \$1 per acre to the approximate

Senate Committee on Natural Resources
February 11, 1981

amount per acre which would cover the costs. Senator Bilbray asked what per acre figure would make it relevant. Mr. Lattin said his district would need approximately \$4 per acre. He did not know the Pershing County or Walker River figures.

Senator Bilbray noted that the figure might have to be amended to \$6 per acre to adequately cover allowances for each irrigation district. Mr. Goldsworthy said he would like to see that section omitted from the law and an upper limit imposed.

Mr. Goldsworthy presented a brief background on irrigation districts. A district is totally funded by the people who use the water. It is governed and run by the people in the district. The Board of Directors is made up strictly of water users. He said there is no need for concern regarding the increase from \$50,000 to \$250,000. The board and the users are paying the bills and they will not over-authorize expenditures. The bill will give the irrigation districts some degree of flexibility but not unlimited spending privileges.

Senator Glaser asked if the money was needed primarily to buy equipment. Senator Faiss stated the bill would not direct the districts to spend money, but it would give them the option to do so. Senator Glaser said that the districts basically want to update the statutes because of the current inflationary situation.

A question was raised regarding the 9 percent interest per annum in section 4, lines 19-20. It was felt that this rate was no longer realistic.

Chairman Glaser stated that, if it was agreeable with the committee, Section 4 would be amended by deleting the words "per annum" on line 20. The \$250,000 on line 17 would remain, but the words "not to exceed \$1 per acre" on line 21 would be deleted.

Senator Neal asked how many irrigation districts are involved. Mr. Goldsworthy answered that three are involved.

The chairman referred to Section 4, lines 23-30, dealing with the annual operating assessment. He said a change has been

Senate Committee on Natural Resources
February 11, 1981

requested to increase the assessment from \$1.50 to \$2.00 per acre. He asked if this change was agreeable to all the districts. There was no dissent.

The chairman asked if the language in lines 45-49, Section 6 was acceptable to all the districts. There was no dissent.

Senator Neal asked for an explanation of the language in Section 6, subsection (b). Mr. Lattin felt the legislation was antiquated because of inflation and needed to be updated.

Assemblyman Dini testified he did not feel this was the time to remove the bracketed clause dealing with publishing in a newspaper in Section 5, lines 35-36. He recommended leaving the original wording.

Mr. Jim Weishaupt, manager of the Walker River Irrigation District and the Chief Deputy Commissioner of the U.S. Board of Water Commissioners of the Walker River, testified he agreed with the other irrigation districts and recommended passage of the bill.

Senator Glaser asked Mr. Weishaupt if he agreed with the proposed changes in Sections 4 and 6. Mr. Weishaupt answered in the affirmative. Senator Glaser asked Mr. Weishaupt's opinion regarding publishing in a newspaper. Mr. Weishaupt replied that his district would prefer to post it in three public places and not use the newspaper because of the cost involved. Senator Bilbray asked Mr. Weishaupt the approximate amount of his district's budget. The reply was approximately \$340,000. Senator Bilbray noted that if notice was posted once a month, it would cost approximately \$70.

Senator Jacobsen asked Mr. Weishaupt what type of equipment his district possesses. Mr. Weishaupt said the equipment was similar to all irrigation districts--hydraulic backhoes, draglines, and dozers. Senator Neal asked if the equipment could be used interchangeably among the districts. Mr. Weishaupt replied it would not be realistic because of the high cost of transporting the equipment from district to district, as well as the potential conflict of needing the equipment in two districts at the same time.

Senate Committee on Natural Resources
February 11, 1981

Mr. Marvin Weishaupt and Mr. Ira Kent, ranchers and users in the Newlands Project, testified. Mr. Kent felt changing the annual assessment from \$1.50 to \$2.00 was inflationary and would add to operation costs. He felt the irrigation district should institute money-saving measures as others have had to do. In reference to the \$250,000 indebtedness limit, he felt it was too great an increase and recommended a \$100,000 limit. There are no limitations on how much money could be spent, and he was fearful of paying higher irrigation charges.

Mr. Weishaupt felt the legislation was poor in that it allowed \$250,000 to be spent potentially many times a year. He and Mr. Kent own about 3,000 acres of water right and he asked what the effect would be on a ranching operation if \$25 per acre per year was extracted from the rancher. He explained a hobby farmer could become a director of the Truckee-Carson Irrigation District--in fact, all seven directors could be hobby farmers--and they could potentially put ranchers out of business in only two years. He felt that \$2 per acre is the maximum indebtedness that should be allowed to water users. Four dollars was too high a charge.

Senator Faiss questioned the indebtedness at the present time. He asked if the \$1 limit is causing problems. Mr. Weishaupt said that it isn't and that \$50,000 is too low. Senator Faiss asked Mr. Weishaupt if he would like to see the \$1 raised to \$2 and the \$50,000 to \$100,000. Mr. Weishaupt answered in the affirmative. He felt the district should enter into lease-option arrangements rather than purchase equipment. This would save money now paid in interest and provide a better cash flow.

Senator Neal asked for the figures on the annual operating expenses of the districts. The Walker River Irrigation District's total annual budget is \$360,000. The Truckee-Carson Irrigation District's budget is over \$2 million. They receive no federal moneys and have had to borrow money at various times.

Mr. Jim Weishaupt of the Walker River Irrigation District presented a paper prepared for the committee. (See Exhibit C.)

Senate Committee on Natural Resources
February 11, 1981

SENATE BILL NO. 120

Senator Getto stated this bill is an option to a bill which was introduced last session. It deals with elections of board members to irrigation districts. As a result of the bill passed last session, there has been some opposition to it. There will probably be two or more bills dealing with this subject. Former Senator Dodge requested a bill which will be delivered shortly, and Assemblyman Dini has prepared a bill for the Assembly. Senator Getto requested Senate Bill No. 120 be held until the other bills can be heard.

Chairman Glaser asked if this was agreeable to the committee. There were no objections and Senate Bill No. 120 was held.

SENATE BILL NO. 64

Former Senator Dodge, representing Churchill, Lyon, Pershing and Storey Counties, appeared in support of this bill. He stated the restructuring of section 2, lines 25-38 was already in the law and the only new section begins with line 38. Senator Dodge read from a prepared paper. (See Exhibit D.)

Senator Neal asked which rivers are involved. Senator Dodge replied the rivers are the Truckee, the Carson, the Walker and the Humboldt. There was a lengthy discussion on water rights. Senator Dodge said that water is a property right.

Mr. Roland Westergaard, Director of the Department of Conservation and Natural Resources, stated this bill addresses only existing water rights which have been exercised, in many cases, for one hundred years. It is necessary to distinguish what has been used for many years opposed to new appropriations.

Senator Bilbray defined water rights. He said that when water comes out of the mountains, most of that water, by the appropriation doctrine adopted in the West, already belongs to someone. Mr. Westergaard said water is served on a priority basis and it is delivered and distributed in accordance with the priorities established. He feared that the law infringes on the rights of individuals to make business deals. Mr. Westergaard said the change is administratively feasible. A section

Senate Committee on Natural Resources
February 11, 1981

of the statutes deals with the responsibilities and obligations of the irrigation districts. He felt it is logical for the irrigation districts to have a voice in advising the state engineer of the possible effects on the public and individuals in the districts. He did not feel the language in the bill was prohibitive.

Mr. Westergaard addressed the distribution problems. He said an irrigation district has an obligation to deliver water. This bill would offer possible solutions in meeting that obligation. Protests are presently allowed under the statutes, and the State Engineer is required to hold hearings and make judgements. Mr. Westergaard felt this bill is a logical addition to the statute and makes implementation of responsibilities under the statute more compatible.

Senator Dodge pointed out that the United States Department of the Interior and the Bureau of Reclamation would be greatly disturbed if there was not some kind of coordinated plan to bring about proper handling of water transfers.

Mr. Lattin supported Senator Dodge's statement. He said that his irrigation district was not requesting to be allowed to approve transfers of water rights which are upstream of its projects. This remains the State Engineer's responsibility.

Mr. Dave Small of Carson City spoke against the bill. He expressed concern regarding matters of bonded indebtedness and unfair distribution. He was also concerned about the total veto power this bill would give an irrigation district.

Mr. Jim Weishaupt spoke in support of the bill. He said a review process by an irrigation district accomplishes two things. It creates a feeling of certainty that an application has not been overlooked in the public notices and the interests of the irrigation districts are expressed directly. He presented a prepared statement. (See Exhibit E.)

The chairman stated the committee would render a decision on this bill within the next week or two.

Senate Committee on Natural Resources
February 11, 1981

SENATE BILL NO. 46

The chairman presented amendments to Senate Bill No. 46 and asked for final action. The three amendments are: 1) adding two additional members to the proposed metric advisory council, one from the faculty of the University of Nevada System and one from the faculty of a public elementary or secondary school; 2) the creation of a special trust fund within the state treasury in which gifts would be deposited and claims and bills would be paid from the trust fund; 3) the language on page 2 of Senate Bill No. 46 was conformed to the language in Senate Bill No. 152, making it standard inches, yards and feet.

The Department of Agriculture asked the committee to hold Senate Bill No. 152 until a determination has been made on Senate Bill No. 46. If that bill does not pass, the Department would like the committee to process Senate Bill No. 152.

Senator Bilbray moved to accept Senate Bill No. 46 as amended. (Exhibit F)

Senator Neal seconded the motion.

The motion unanimously carried. (Senator Lamb was absent for the vote.)

SENATE JOINT RESOLUTION NO. 9

The chairman advised Senator Bilbray that the committee wanted his input on this bill.

Senator Bilbray moved that Senate Joint Resolution No. 9 be passed. (Exhibit G)

Senator Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote.)

The chairman stated the liquid gas bill would be heard at a later date when more people were present to testify.

Senate Committee on Taxation
February 11, 1981

There was informal discussion regarding Senate Bill No. 64. Senator Jacobsen will examine an Assembly bill from the 60th session dealing with this subject and report back to the committee.

There was informal discussion on Senate Bill No. 14. The members of the committee wanted to obtain more information and to study possible compromises.


Mr. Bill McConnell, Humboldt County District Attorney, offered informal testimony on Senate Bill No. 120. He spoke of the need for clarification of voting lists and the total number of eligible voters.

There being no further business, the meeting was adjourned at 3:10 p.m.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED BY:


Senator Norman D. Glaser, Chairman

DATE: Feb 18, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources, Room 323.

Day Wednesday, Date February 11, Time 1:30 P.m.

S. B. 14--Revises certain provisions relating to irrigation districts.

S. B. 64--Limits transfer of water rights affecting irrigation districts.

S. B. 120--Allows each irrigation district to determine voting procedures at its general elections.

FINAL ACTION:

S. B. 46--Creates metric system advisory council.

THIS PAPER IS PREPARED FOR A HEARING OF SENATE BILL NUMBER 14,
WHICH REVISES CERTAIN PROVISIONS RELATING TO IRRIGATION DISTRICTS.

LADIES AND GENTLEMEN OF THE COMMITTEE: MY NAME IS JIM
WEISHAUP AND I AM THE MANAGER OF THE WALKER RIVER IRRIGATION
DISTRICT AND CHIEF DEPUTY COMMISSIONER FOR THE U. S. BOARD OF
WATER COMMISSIONERS FOR THE WALKER RIVER.

PLEASE NOTE THAT THE COMMENTS REFER TO THE SECTION AND
PARAGRAPH AS LISTED IN THE TEXT OF THE BILL.

SECTION 1, AMENDS NRS 539.080.

PARAGRAPH 1, THE WALKER RIVER IRRIGATION DISTRICT IS IN
FAVOR OF INCREASING THE DAILY ALLOWED SALARY
FOR DIRECTORS FROM \$35.00 TO \$50.00.

SECTION 2, AMENDS NRS 125,

PARAGRAPH 1, THE WALKER RIVER IRRIGATION DISTRICT AGREES
WITH PUBLISHING THE NOTICE OF ELECTIONS IN THE
NEWSPAPER AS OPPOSED TO POSTING THE NOTICES IN
THREE (3) PUBLIC PLACES. IT SIMPLIFIES THE
THE PROCEDURE AND HOPEFULLY PROVIDES A BETTER
ELECTOR TURN-OUT FOR DISTRICT ELECTIONS.

SECTION 4, AMENDS NRS 539.145.

PARAGRAPH 1, THE EXISTING LIMIT OF INDEBTEDNESS OF \$50,000
IS TOO RESTRICTIVE. TODAY'S EXCAVATING EQUIP-
MENT COSTS ARE FAR IN EXCESS OF THE \$50,000
LIMIT. A MORE REALISTIC APPROXIMATION WOULD
BE IN THE \$200,000 RANGE.

SECTION 5, AMENDS NRS 539.485.

THE COST OF POSTING A LIST OF CLAIMS FOR THE
MONTH IN A NEWSPAPER IS QUITE HIGH. TODAY THE
COST IS APPROXIMATELY \$70.00 PER MONTH. ALTHOUGH
TIME CONSUMING THE PROPOSED METHOD OF POSTING

PAGE No. 2

THE CLAIMS AT THE THREE PUBLIC PLACES, ONE
OF WHICH WOULD BE THE COURT HOUSE WOULD BE
LESS EXPENSIVE TO AN IRRIGATION DISTRICT

LADIES AND GENTLEMEN OF THE COMMITTEE ON NATURAL RESOURCES,
THE WALKER RIVER IRRIGATION DISTRICT ENCOURAGES YOU TO PASS SENATE
BILL NUMBER 14.

STATEMENT OF CARL F. DODGE
CONCERNING SENATE BILL 64
BEFORE COMMITTEE ON NATURAL RESOURCES
FEBRUARY 14, 1981

EXHIBIT D

FOR THE RECORD, MY NAME IS CARL F. DODGE, FORMER SENATOR REPRESENTING CHURCHILL, LYON, PERSHING AND STOREY COUNTIES. I APPEAR HERE IN SUPPORT OF S. B. 64, WHICH I AUTHORED AND WHICH I HAVE BEEN WORKING ON FOR THE PAST YEAR.

THIS BILL ASSUMES THE AUTHORITY OF THE STATE ENGINEER TO TRANSFER WATER RIGHTS APPURTENANT TO THE LAND IN IRRIGATION DISTRICTS FORMED UNDER THE IRRIGATION DISTRICT ACT, CHAPTER 539 OF NEVADA REVISED STATUTES. THERE ARE THREE SUCH DISTRICTS - THE PERSHING WATER CONSERVATION DISTRICT, THE WALKER RIVER IRRIGATION DISTRICT AND THE TRUCKEE-CARSON IRRIGATION DISTRICT. ALL OF THEM SUPPORT THIS BILL.

THE BILL PROVIDES THAT WITHIN THESE DISTRICTS THE STATE ENGINEER SHALL NOT GRANT THE TRANSFER OF WATER RIGHTS WITHOUT THE PRIOR APPROVAL OF THE DIRECTORS OF THE IRRIGATION DISTRICT. IT IS A RECOGNITION OF A WHOLE DIFFERENT SET OF CIRCUMSTANCES SURROUNDING THE TRANSFER OF WATER RIGHTS FROM AN INDIVIDUAL FARMER WITHIN AN IRRIGATION DISTRICT AS DISTINGUISHED FROM A TRANSFER FROM AN INDIVIDUAL WATER RIGHT OWNER ALONG A STREAM SYSTEM. IN THE LATTER CASE, A TRANSFER OF THE NET WATER ENTITLEMENT BY THE STATE ENGINEER WOULD HAVE LITTLE OR NO EFFECT UPON ANY OTHER BENEFICIAL USER OF WATER. THIS IS NOT THE CASE IN AN IRRIGATION DISTRICT WHERE THE WATER RIGHT TRANSFER MAY HAVE AN EFFECT UPON ALL OTHER WATER USERS IN THE DISTRICT - 2,300 IN THE TRUCKEE-CARSON IRRIGATION DISTRICT. THE PRESSURE FOR REZONING OF AGRICULTURAL LAND TO OTHER USES, BY VIRTUE OF GROWTH IN THE FALLON AND FERNLEY AREAS, IS PRESENTLY GREATER IN THE TRUCKEE-CARSON IRRIGATION DISTRICT THAN IN THE PERSHING AND WALKER RIVER DISTRICTS; THEREFORE, I WILL DIRECT SOME REMARKS SPECIFICALLY TO CONSIDERATIONS WITHIN THE TRUCKEE-CARSON IRRIGATION DISTRICT.

FIRST AND FOREMOST, THE TRUCKEE-CARSON IRRIGATION DISTRICT NEEDS TO MAINTAIN ITS 73,000 ACRES OF WATER RIGHT LAND. THE OBVIOUS REASON FOR THIS IS TO SPREAD THE COSTS OF OPERATION AND MAINTENANCE AND CAPITAL IMPROVEMENTS OVER A MAXIMUM NUMBER OF WATER RIGHT ACRES, SO IT CANNOT AFFORD TO HAVE LAND REZONED FROM AGRICULTURAL TO OTHER USES WITHOUT THE TRANSFER OF THE WATER RIGHT TO OTHER AGRICULTURAL LANDS SO AS TO PRESERVE THOSE WATER RIGHTS THROUGH CONTINUED BENEFICIAL USE.

PRESENTLY, THE TRUCKEE-CARSON IRRIGATION DISTRICT HAS APPLICATIONS FOR WATER RIGHTS ON ABOUT 3,000 ACRES OF LAND, MOSTLY WITHIN EXISTING FARMSTEADS, UPON WHICH T.C.I.D. HAS BEEN ACCEPTING WATER RIGHT PAYMENTS INTO A TRUST ACCOUNT. THE UNDERSTANDING WITH APPLICANTS IS THAT THEY WILL ACQUIRE THE WATER RIGHTS ON A FIRST COME, FIRST SERVED BASIS AS TRANSFERS OCCUR. IF THIS PLAN IS TO BE CARRIED OUT, IT WOULD OBVIOUSLY BE NECESSARY FOR T.C.I.D. TO NOMINATE OR APPROVE THE LANDS TO WHICH THE WATER RIGHT WAS TRANSFERRED BY THE STATE ENGINEER. AND THIS IS GOOD. THE TRUCKEE-CARSON IRRIGATION DISTRICT CAN AID THE STATE ENGINEER AS THE CLEARING HOUSE FOR WATER RIGHT TRANSFERS, AND THE TRUCKEE-CARSON IRRIGATION DISTRICT CAN MAKE THE BEST JUDGMENT CONCERNING THE LANDS TO WHICH WATER RIGHTS SHOULD ATTACH. THESE ARE THE GUIDELINES WHICH NEED TO BE CONSIDERED:

(1) THE TRANSFER SHOULD NOT BE TO LAND WHICH LACKS ECONOMIC PRODUCTION POTENTIAL.

(2) THE TRANSFER SHOULD NOT BE TO LAND WHICH HAS AN ANNUAL WATER REQUIREMENT BEYOND THE DECREED 3.5 OR 4.5 ACRE FEET PER ACRE, DEPENDING ON THE LOCATION.

(3) THE TRANSFER SHOULD NOT BE TO LAND TOO HIGH IN ELEVATION TO BE SERVICED BY EXISTING GRAVITY DITCH SYSTEMS.

(4) THE TRANSFER SHOULD NOT BE TO LAND WHICH IS ISOLATED OR WHICH REQUIRES AN UNREASONABLE EXTENSION OF EXISTING DELIVERY DITCHES. THESE SITUATIONS INCREASE WATER TRANSPORTATION LOSSES. THIS WE

CAN'T AFFORD IN THE FUTURE.

(5) COST AND FUTURE OPERATION AND MAINTENANCE FACTORS NEED TO BE ASSESSED IN CONNECTION WITH WATER DELIVERIES TO NEW LAND.

ALL DISTRICTS NEED TO PLAN JOINTLY WITH THEIR COUNTY COMMISSIONERS AND PLANNING COMMISSIONS AS TO FUTURE DEVELOPMENT. ALL PARTIES HAVE AN INTEREST IN MAINTAINING THE AGRICULTURAL CHARACTER OF THEIR AREAS. THE INVOLVEMENT OF THE DISTRICTS CAN OFFER TO EVERYONE, INCLUDING THE STATE ENGINEER, A CENTRAL SERVICE POINT AROUND WHICH THE ULTIMATE DECISIONS CONCERNING RE-ZONING AND WATER RIGHT TRANSFERS CAN BE MADE ON A FULLY INFORMED AND COORDINATED BASIS.

FINALLY, NOTHING IN THE LANGUAGE OF THE BILL PREVENTS SOME FUTURE SALE OF WATER AND THE TRANSFER OF THE PLACE AND MANNER OF USE BY THE STATE ENGINEER. IF PEOPLE, WITHIN OR WITHOUT THE DISTRICT, NEEDED WATER FOR MUNICIPAL AND INDUSTRIAL PURPOSES, THEY COULD NEGOTIATE WITH THE DISTRICT. IF THE DISTRICT APPROVED THE TRANSFER, PRESUMABLY IT WOULD BE AS A RESULT OF AGREEMENT AS TO BLOCKS OF AGRICULTURAL LAND TO BE RETIRED (RATHER THAN CHECKERBOARDING THE PROJECT!) AND THE PROTECTION OF THE REMAINING FARMERS AGAINST INCREASED COST IMPACTS BY VIRTUE OF DECREASED FARM ACREAGE.

IT IS NOT THE INTENT OF THE IRRIGATION DISTRICTS TO VETO WATER RIGHT TRANSFERS, BUT ONLY TO SEE THEM COME ABOUT IN SUCH A WAY AS TO ACCOMPLISH THE BEST CONCEPTS IN LAND AND WATER USE PLANNING. THIS BILL WILL ADD NEW DIMENSIONS IN THE FURTHERANCE OF THAT OBJECTIVE.

HEARING ON S.B. #64
FEBRUARY 11TH, 1981
ROOM 323
LEGISLATIVE BUILDING
CARSON CITY, NEVADA

EXHIBIT E

THIS PAPER IS PREPARED FOR A HEARING ON SENATE BILL NUMBER 64, WHICH LIMITS THE TRANSFER OF WATER RIGHTS AFFECTING IRRIGATION DISTRICTS.

LADIES AND GENTLEMEN OF THE COMMITTEE OF NATURAL RESOURCES:
MY NAME IS JIM WEISHAUP AND I AM THE MANAGER OF THE WALKER RIVER IRRIGATION DISTRICT AND CHIEF DEPUTY COMMISSIONER FOR THE U. S. BOARD OF WATER COMMISSIONERS FOR THE WALKER RIVER.

MY COMMENTS WILL ADDRESS SECTION 2, PARAGRAPHS 1 AND 3 OF CHAPTER 533.

APPLICATIONS INVOLVING THE INDUSTRIAL PURPOSE OF GENERATING POWER ARE PRESENTLY AN ISSUE WITH THE WALKER RIVER SYSTEM IN CALIFORNIA, ALTHOUGH NON-CONSUMPTIVE IN NATURE, THEY WILL REQUIRE CLOSE SCRUTINY BY THE STATE ENGINEERS OF BOTH STATES, AND WILL NO DOUBT REQUIRE A REVIEW BY THE U. S. FEDERAL DISTRICT COURT. THEY DO AFFECT THE OPERATING DECREE ON THE WALKER RIVER, WHICH DOES NOT RECOGNIZE OR PROVIDE FOR AN INTERPRETATION OF NON-CONSUMPTIVE USE RIGHTS FOR HYDRO POWER GENERATION. THE INTERSTATE COMPACT, IF RATIFIED, WILL RECOGNIZE POWER GENERATION RIGHTS.

AT THIS POINT IN TIME, CAUTION SHOULD BE EXERCISED IN APPROVING AN APPLICATION FOR THIS TYPE OF USE, SPECIFICALLY WHERE EXISTING DAMS ARE CONCERNED AND SMALL AMOUNTS OF STORAGE ARE REQUIRED. ALL DIVERSIONS MUST BE MONITORED. THAT IS, THEY MUST BE MEASURABLE AS WELL AS ADJUSTABLE. IN CALIFORNIA, PRESENTLY ON FILE THERE IS AN APPLICATION TO USE UNAPPROPRIATED WATER IN THE WALKER RIVER, OF WHICH THERE ARE NONE; AND A PROTEST HAS BEEN FILED. THE APPLICATION REQUESTS TWENTY CFS TO BE USED FOR POWER GENERATION.

SECONDLY, A FEW COMMENTS ON THE TRANSFER APPLICATIONS BEING APPROVED OR DISAPPROVED BY AN IRRIGATION DISTRICT.

PAGE 2

TWO THINGS ARE ACCOMPLISHED BY HAVING A REVIEW PROCESS BY AN IRRIGATION DISTRICT BEFORE APPROVAL OF AN APPLICATION TO TRANSFER WATER WITHIN ITS BOUNDARIES: FIRST, IT GIVES A FEELING OF CERTAINTY THAT AN APPLICATION HAS NOT BEEN OVERLOOKED IN THE PUBLIC NOTICES. SECONDLY, THE INTEREST OF THE IRRIGATION DISTRICT HAS BEEN EXPRESSED DIRECTLY.

IRRIGATION DISTRICTS SHOULD NOT HAVE THE AUTHORITY TO ALLOCATE WATER. A SYSTEM BY WHICH THEY CAN PROTECT THOSE RIGHTS THAT THEY DO HAVE FROM BECOMING TRANSFERRED TO AN UNDESIREABLE LOCATION OR USE, SHOULD BE AVAILABLE TO THEM. ONCE NOTIFICATION IS MADE THAT AN APPLICATION ON THE STREAM SYSTEM HAS BEEN FILED, THE EXISTING PROTEST PROCEDURE IS ADEQUATE TO ALLOW ALL THE LEGAL PARAMETERS TO BE EXPRESSED. THE PROBLEM LIES IN RECEIVING THE NOTIFICATION.

THE WALKER RIVER IRRIGATION DISTRICT, HAS NOT EXPERIENCED ANY DIFFICULTY RECEIVING NOTIFICATION OF APPLICATIONS FILED IN NEVADA; BUT THE WALKER RIVER, BEING AN INTERSTATE STREAM, HAS PROBLEMS OF RECEIVING NOTIFICATION IN CALIFORNIA WHEN APPLICATIONS ARE MADE ON THE TRIBUTARIES. IT BECOMES QUITE A TASK TO MONITOR ALL THE POSSIBLE NEWSPAPERS IN WHICH AN APPLICATION CAN BE PUBLISHED AND GO UNNOTICED.

LADIES AND GENTLEMEN OF THE COMMITTEE ON NATURAL RESOURCES, THE WALKER RIVER IRRIGATION DISTRICT ENCOURAGES YOU TO PASS SENATE BILL NUMBER 64.

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

S. B. 46

SENATE BILL NO. 46—SENATOR JACOBSEN

JANUARY 21, 1981

Referred to Committee on Natural Resources

SUMMARY—Creates metric system advisory council. (BDR 51-338)

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

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

AN ACT relating to weights and measures; creating an advisory council on the metric system; providing for its organization, powers and duties; 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. Chapter 581 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this act.
3 SEC. 2. "Council" means the advisory council on the metric system.
4 SEC. 3. 1. The council, consisting of seven members appointed by
5 the governor, is hereby created within the state department of agriculture.
6 2. The governor shall appoint:
7 (a) One member from business.
8 (b) One member from the engineering profession.
9 (c) One member from a trade organization.
10 (d) One member from industry.
11 (e) One member from a labor organization.
12 (f) One member from the faculty of a university in the University of
13 Nevada System.
14 (g) One member from the faculty of a public elementary or secondary
15 school.
16 SEC. 4. 1. The council shall meet as its president deems necessary.
17 2. Four members of the council constitute a quorum.
18 3. The members of the council shall elect a president, a vice presi-
19 dent, an executive secretary and a treasurer.
20 SEC. 5. 1. The council may accept gifts or grants from any source,
21 and expend money so received or otherwise available to it to contract
22 with qualified persons or institutions for research in matters related to
23 conversion to the metric system of weights and measures.
24 2. There is hereby created in the state treasury the metric system

1 trust fund. The executive director of the state department of agriculture
2 is responsible for the administration of the trust fund and shall deposit
3 with the state treasurer for credit to the trust fund any money obtained
4 by the council pursuant to this section. Claims against the trust fund must
5 be approved by the council and paid as other claims against the state are
6 paid.

7 SEC. 6. The council shall:

8 1. Conduct appropriate research and investigations to determine the
9 problems faced by business, industry, science, engineering, education,
10 labor, governmental agencies and the people of Nevada in a transition to
11 the metric system.

12 2. Provide information on the metric system and on conversion to
13 its use.

14 3. Recommend legislation and amendments to regulations of execu-
15 tive agencies to provide for a smooth transition to the metric system.

16 4. Cooperate with the United States Metric Board where appropriate.

17 5. Report to the legislature and to the governor through the execu-
18 tive director of the state department of agriculture, during the month of
19 January of each odd-numbered year, on its activities and the progress
20 toward conversion to the metric system of weights and measures.

21 6. Perform other duties necessary to carry out the provisions of sec-
22 tions 2 to 7, inclusive, of this act.

23 SEC. 7. Any executive agency or political subdivision of the state
24 interested in assisting the council shall appoint a representative to par-
25 ticipate in the council's activities as part of his official duties.

26 SEC. 8. NRS 581.001 is hereby amended to read as follows:

27 581.001 As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS 581.003 to 581.020, inclu-
29 sive, and section 2 of this act, have the meanings ascribed to them in
30 [NRS 581.003 to 581.020, inclusive.] those sections.

31 SEC. 9. NRS 581.290 is hereby amended to read as follows:

32 581.290 Designation by weight [shall] must be in terms of avoird-
33 dupois pounds and ounces, designation by length must be in terms of
34 the standard yard, feet and inches and designation by liquid measure
35 [shall] must be in terms of the standard gallon, quarts, pints or fluid
36 ounces. In lieu thereof, these designations may be in terms of the metric
37 system of weights and measures.

38 SEC. 10. The governor shall initially appoint seven persons qualified
39 under section 3 of this act to the advisory council for terms expiring as
40 follows:

41 1. Three members, on June 30, 1984.

42 2. Two members, on June 30, 1983.

43 3. Two members, on June 30, 1982.

S. J. R. 9

**SENATE JOINT RESOLUTION NO. 9—SENATORS
GLASER, GETTO AND BLAKEMORE**

JANUARY 26, 1981

Referred to Committee on Natural Resources

SUMMARY—Urges Congress to mandate stronger controls over the number of wild horses and burros in Nevada. (BDR 467)

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

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

SENATE JOINT RESOLUTION—Urging the Congress of the United States to enact legislation which increases controls on the number of wild horses and burros and which authorizes additional methods of removing the animals from public lands.

- 1 **WHEREAS, The Wild Free-roaming Horses and Burros Act of 1971, 16**
2 **U.S.C. §§ 1331 et. seq., protects wild horses and burros from destruc-**
3 **tion, capture or sale by any person or governmental entity except when**
4 **authorized by the Secretary of the Interior or the Secretary of Agricul-**
5 **ture in connection with public lands administered by the Bureau of Land**
6 **Management and the Forest Service; and**
7 **WHEREAS, The Wild Free-roaming Horses and Burros Act has been**
8 **overly successful and has allowed once-threatened populations of wild**
9 **horses and burros in Nevada to increase to the extent that approximately**
10 **35,000 wild horses and 1,800 wild burros currently inhabit public lands**
11 **in this state; and**
12 **WHEREAS, The populations of wild horses and burros are increasing at**
13 **an annual rate between 12 and 18 percent and will, absent stronger**
14 **measures to control their numbers, double in the next 5 years; and**
15 **WHEREAS, The Wild Free-roaming Horses and Burros Act requires the**
16 **Secretary of the Interior and the Secretary of Agriculture to manage the**
17 **wild horse and burro populations in a manner that protects the natural**
18 **ecological balance of all species of wildlife inhabiting the public lands;**
19 **and**
20 **WHEREAS, Wild horses and burros are already so numerous that they**
21 **are destroying the habitat used by other species of wildlife; now, there-**
22 **fore, be it**

1 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
2 That the legislature of the State of Nevada strongly urges the Congress
3 of the United States to enact legislation which:

4 1. Requires the Secretary of the Interior and the Secretary of Agri-
5 culture to control strictly the populations of wild horses and burros on
6 public lands; and

7 2. Authorizes additional or more effective methods for the capture,
8 sale, donation, transfer or other removal of wild horses and burros from
9 public lands in Nevada;
10 and be it further;

11 *Resolved,* That copies of this resolution be prepared and transmitted
12 forthwith by the legislative counsel to the President of the United States,
13 the Vice President of the United States as presiding officer of the Senate,
14 the Speaker of the House of Representatives, the Secretary of the Inte-
15 rior, the Secretary of Agriculture, the director of the Bureau of Land
16 Management and each member of the Nevada congressional delegation;
17 and be it further

18 *Resolved,* That this resolution shall become effective upon passage and
19 approval.