

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 27, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 2:00 P. M., Monday, April 27, 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 Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator Lawrence E. Jacobsen
Senator James H. Bilbray
Senator Joe Neal

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

GUEST LEGISLATOR:

Assemblyman David D. Nicholas

STAFF MEMBERS PRESENT:

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

ASSEMBLY BILL NO. 367

Assemblyman Nicholas briefly described the bill, which authorizes trading state land for private land in the Tahoe basin. He said the exchange requires the acquiescence of both parties. The trustees of the Incline Village Improvement District have voted unanimously in favor of the bill. Assemblyman Craddock had requested an amendment stipulating that there be certified appraisals utilized on the part of both parties and this amendment was added to the bill. Total number of acres of land that could be impacted number 1746. However, Mr. Nicholas said the impact would be much less than that, probably totalling in the hundred's rather than in the thousand's. The total number of acres which the

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state might have to trade is actually unknown but there may be as many as 3000 acres, but not much more than that.

Senator Neal asked the purpose of this bill. Mr. Nicholas replied it would allow persons owning such property in the Basin who cannot now realize a return on their investments due to the Tahoe Compact to obtain land in trade which would be of economic benefit to them. He added the Burton-Santini Act provides them that opportunity but to date it has not resulted in any funds being available. This bill is an alternative to the possible buy-out under Burton-Santini.

Mr. Roland Westergard, Director of Conservation and Natural Resources, concurred in Mr. Nicholas' testimony. He said the exchange is not restricted to the Tahoe Basin but the bill would allow lands throughout the state to be traded. However, the state land registrar would have to obtain specific authority from the legislature in order to do so.

The Chair called for any further testimony. There being none, the hearing on Assembly Bill No. 367 was concluded.

Senator Neal moved Do Pass
Assembly Bill No. 367 (Exhibit C).

Senator Bilbray seconded the motion.

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

SENATE BILL NO. 490

Mr. Larry Struve, Attorney General's office, explained the relationship between this bill and Senate Bill No. 176. He said Senate Bill No. 490 would amend sections of Senate Bill No. 176 which have been amended out of that bill. The language in Senate Bill No. 176 would take care of any legal problems and if it were to become law, Senate Bill No. 490 would not be needed. If Senate Bill No. 176 were not enacted, the subject matter of Senate Bill No. 490 would be necessary. He recommended holding Senate Bill No. 490 until Assembly action on the other bill is determined.

Mr. Ed Sarman, representing the Rabe Estate, explained the Estate was involved in a lawsuit and he feared Senate Bill No. 490 would be detrimental to the case. Chairman Glaser stated Senate Bill No. 176 would not interfere with the lawsuit, as it deals with the

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operation of the Burton-Santini Act. He advised Mr. Sarman the committee was considering holding back Senate Bill No. 490.

The Chair asked for the wishes of the committee and as there was no objection, it was agreed to hold Senate Bill NO. 490 until it could be determined the course of Senate Bill No. 176.

SENATE JOINT RESOLUTION NO. 35

Mr. Westergard opened testimony on this resolution, which deals with requesting the Secretary of the Interior to expedite revision of development plans for the Watasheamu Dam. He said his department supports this resolution and its intent to review the project in view of changing conditions in the area. He supports the resolution with the understanding that when the information is developed, it will be subject to public and private interests' scrutiny and any other water users who will be affected by Watasheamu Dam. He added he is not endorsing the construction of the dam until such time as any issues which may develop are resolved.

Senator Faiss asked where the dam would be situated. Mr. Westergard answered it would be just south of Gardnerville, on the East Fork of the Carson River.

Senator Neal asked the reason for non-construction of the dam to this time. Mr. Westergard said there are several reasons: the water rights on the Carson River have been in litigation since 1926 and the Federal District Court has just recently entered a decision in the case; there have been objections by downstream water users, particularly in the Newlands Project area, as they feel this project could jeopardize their rights.

Senator Neal asked if such was the case, and Mr. Westergard replied in his opinion, there would be no jeopardy. In answer to a question from Chairman Glaser, Mr. Westergard said the dam would impound about 160,000 acre feet. Senator Neal wanted to know the uses of the proposed dam, if it would be a water power dam. Mr. Westergard said that was one of the purposes of asking for an evaluation of the project, to determine to what uses it might be put.

Mr. Jack Warnecke, Chairman, Carson River Basin Council of Governments, was the next speaker. He said the delegates of the five member counties of the Council approved a resolution to have each of the member counties draw up a statement endorsing a review of

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Watasheamu Dam and its effect on the area in view of changing growth patterns and changes in other factors.

Mr. Don Hataway, City Manager, Carson City, said he would like to go on record that the Carson City supervisors had passed a resolution similar to the one under consideration and endorse the passage of this resolution.

Senator Neal asked what benefit Carson City would receive from Watasheamu Dam. Mr. Hataway replied the city has no upstream water storage capacity at the present time and so reservoirs of this nature can be of benefit for long-term storage use and as a supplement to their water supply.

Senator Neal then asked what would be the effect of this dam on the water users of Lahontan Reservoir. Mr. Hataway agreed with Mr. Westergard there would be no impact on that area. There ensued a discussion regarding the acre feet of water running into Lahontan, water release schedules and other important matters pertaining to the Lahontan area.

Mayor Harold Jacobson of Carson City endorsed the resolution. He would like to have another look taken at the possibility of building Watasheamu Dam. He said the dam would create a live, year-around stream; it would be an asset to recreation as well as agriculture by preserving more water for the area. He feels the dam would be an asset, also, to downstream users.

Senator Neal asked if the dam would be situated in Carson or Douglas County. Mr. Jacobson replied it would be in Douglas County but some of the water would actually be in California, in Alpine County. Senator Neal asked if anybody had been in contact with California. He was advised Alpine County is an auxiliary member of Carson River Basin Council of Governments and supports this resolution.

Mr. Herb Witt, Douglas County Board of Commissioners member, testified in favor of the legislation being considered. He read a resolution passed by the commissioners formally requesting this evaluation. They are in support of the project and feel it would have a beneficial effect on the region in terms of flood control, protection of irrigation structures and highway bridges, and preservation of agriculture, which is a vital segment of the valley's economy.

Senator Neal wanted to know the source of the Carson River. Mr. Witt replied the East Fork comes from the mountains in the

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Markleeville (California) area, and the West Fork originates in the mountains above the canyon going to Hope Valley from Woodfords (California). Mr. Witt said the dam would actually be constructed on the East Fork of the Carson River, which has the greatest flow. Senator Neal wished to know if there was any other dam on the river system and Mr. Witt answered there is none other than the Lahontan Reservoir.

Chairman Glaser made note of a trip which legislators took two years ago to view the severe damage received from flood water in the Carson Valley.

Mr. Ray Nelson, Projects Manager, Lahontan Basin Projects Office, United States Department of the Interior, then testified. The Projects Office hopes to issue a reappraisal report outlining the alternative study by the Fall of 1981. If viable alternatives are found that are supported by local entities, it would be recommended to the regional office that further study be undertaken with public input to focus on the alternatives. If they find no economically viable alternatives, the Projects Office would recommend their report be documented as a concluding report and the study terminated.

Chairman Glaser asked the cost of the project. Mr. Nelson replied the cost in 1975 was put at about \$45,000,000, and that cost would probably be up above \$80,000,00 by now. He said they are considering alternative fiscal features as well alternative uses; the original concept was for irrigation and hydro power, but now they are looking at flood control and hydro power.

Senator Faiss asked if the dam would be erected on public or private lands. Mr. Nelson answered the majority of the land which might be used was withdrawn from the Bureau of Land Management for project purposes.

Senator Neal asked why the dam was not constructed or considered at the time the Lahontan Reservoir was constructed. Mr. Nelson said the immediate need was seen just for irrigation in the lower areas and the need for an upstream dam was not seen at that time.

Mr. Dallas Byington, Chairman, Carson Valley Conservation District, said his group has been on record as encouraging the site. They support the project as it would provide flood control, enhance the water supply, and maintain the river bottom to eliminate destruction and property damage. It would be a great asset to the irrigation season.

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Mr. Dick Lattin, Manager, Truckee-Carson Irrigation District, said the District has no objections to the study and to the eventual construction of Watasheamu Dam. However, he would not like to see the balance of the Washoe Project handled in the same poor manner as the start of the Project has been done, and the Watasheamu would be part of that project. He said safeguards are needed to protect the water right users on the river at present. Mr. Lattin would like to ask, also, if water was held upstream, whose water would it be. He fears the allocation for his District might not be filled.

Mr. Lattin said he would like to be in on the writing of the ground rules, in addition to the state, Carson Valley, and Lahontan Valley, if this reservoir is established, in order to protect what they have been working for in the adjudication of the Carson River.

Chairman Glaser noted if the study is made, testimony would be taken and at that time his concerns could be heard and made a part of the operational plan. Mr. Lattin said because regulations are drawn up does not guarantee they will be used; he cited the case of the Stampede Reservoir where, because the project is not completed, the regulations are not being used.

There being no further testimony, the Chair concluded the hearing on Senate Joint Resolution No. 35.

Senator Neal moved Do Pass on Senate Joint Resolution No. 35 (Exhibit D).

Senator Bilbray seconded the motion.

The motion carried unanimously. (Senator Lamb and Senator Jacobsen were absent for the vote).

SENATE BILL NO. 504

As there was no report from the subcommittee, the Chair decreed action on this bill be deferred.

SENATE BILL NO. 381

There was a brief discussion on the amendments to this bill. Senator Ford has expressed a desire for more guidelines. It was committee consensus to put the bill back on the Board. Any further amendment would be Senator Ford's and not the committee's amendment. Mr. Erickson is to work with Senator Ford independently of the committee.

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There being no further business, the meeting adjourned
at 3:00 P. M.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED:


Senator Norman Glaser, Chairman

DATE: May 16, 1981

SENATE AGENDAEXHIBIT A

COMMITTEE MEETINGS

Committee on Natural Resources, Room 323.
Day Monday, Date April 27, 1981, Time 1:30 P. M.

A. B. No. 367--Authorizes exchange of state land for private land in Tahoe basin.

S. B. No. 490--Provides state's consent to certain acquisition of land in Tahoe basin by Federal Government.

S. J. R. No. 35--Requests Secretary of Interior to direct Commissioner of Water and Power Resources Service to give high priority to revision of development plan for Watasheamu Dam.

WORK SESSION

S. B. 504--Creates state fair board. Report of subcommittee.

S. B. 381--Further discussion by Bob Erickson regarding amendments.

SENATE COMMITTEE ON NATURAL RESOURCES

DATE: April 27, 1981

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Assemblyman Nicholas		
Roland Westgaard	Director, Dept of Conservation & Nat Resources	
Harry Struve	Attorney General's Office	
Ed Sammers	Rabe Estate	
Jack Wansche	Chairman, Carson River Basin Council of Govts.	
Don Hataway	City Manager, Carson City	
Harold Jackson	Mayor, Carson City	
Herb Hill	Douglas County Bd of Commissioners	
Ray Nelson	Humboldt Basin Projects Office	
Dallas Bunting	Chairman, Carson Valley Com Dist.	
Dick Latta	Mgt TCID	

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 367

ASSEMBLY BILL NO. 367—ASSEMBLYMEN NICHOLAS, MELLO, DuBOIS, POLISH, DINI, SCHOFIELD, PRENGAMAN, MAY, REDELSPERGER, CAFFERATA, GLOVER, BRADY, HAM, HORN, BENNETT, SADER, MALONE, BEYER, THOMPSON, CHANEY, CRADDOCK, KOVACS, MARVEL, BERGEVIN, VERGIELS, HAYES, HICKEY, RUSK, ROBINSON, PRICE, COULTER, WESTALL, STEWART, FOLEY, RHOADS, JEFFREY, BANNER, RACKLEY, BREMNER AND BARENGO

MARCH 18, 1981

Referred to Committee on Government Affairs

SUMMARY—Authorizes exchange of state land for private land in Tahoe basin. (BDR 26-1390)

**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 state lands; authorizing the state land registrar to exchange state lands for private land in the Tahoe basin; 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 323 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The state land registrar may exchange state lands for any lands*
4 *of equal value belonging to private persons. The values of the lands*
5 *which are to be exchanged must be established by an appraisal con-*
6 *ducted by an appraiser who is certified pursuant to NRS 361.221.*
7 2. *Upon effecting an exchange, the state land registrar shall deliver to*
8 *the transferee proper conveyances of title to the state lands exchanged*
9 *and shall require similar conveyances of title to the state of the lands*
10 *received pursuant to the exchange.*
11 **SEC. 2.** Notwithstanding the provisions of NRS 232.158, the state
12 land registrar may exchange state lands pursuant to section 1 of this act
13 situated outside of the Tahoe basin for lands within the Tahoe basin
14 which are privately owned.

S. J. R. 35

**SENATE JOINT RESOLUTION NO. 35—COMMITTEE
ON NATURAL RESOURCES**

APRIL 21, 1981

Referred to Committee on Natural Resources

SUMMARY—Requests Secretary of Interior to direct Commissioner of Water and Power Resources Service to give high priority to revision of development plan for Watasheamu Dam. (BDR 2006)

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—Requesting the Secretary of the Interior to direct the Commissioner of the Water and Power Resources Service to give high priority to the revision of the development plan for Watasheamu Dam and Reservoir.

- 1 WHEREAS, The Washoe Project Act (P.L. 84-858, August 1, 1956),
- 2 as amended, authorizes the Secretary of the Interior to construct, operate
- 3 and maintain Watasheamu Dam and Reservoir on the Carson River; and
- 4 WHEREAS, The Definite Plan Report for the Watasheamu Division of
- 5 the Washoe Project, completed by the Department of the Interior in
- 6 1962, indicates that water could be furnished to irrigate 43,380 acres
- 7 of land in the Carson River Basin, provide flood control, increase recrea-
- 8 tional opportunities and generate power; and
- 9 WHEREAS, Commitments for the repayment of construction costs, liti-
- 10 gation over water rights and changing needs for the uses of water have
- 11 delayed the carrying out of the development plan for the Watasheamu
- 12 Division; and
- 13 WHEREAS, The areas of Nevada and California affected by the pro-
- 14 posed dam and reservoir have experienced increases in population which
- 15 are among the highest in the nation and this has resulted in rapidly
- 16 changing needs for the use of land and water in those areas; now, there-
- 17 fore, be it
- 18 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
- 19 That the Nevada legislature requests the Secretary of the Interior to
- 20 direct the Commissioner of the Water and Power Resources Service to
- 21 give a high priority to the reappraisal and revision of the plan for
- 22 development of the Watasheamu Division of the Washoe Project in
- 23 view of the changing needs in the Carson and Truckee river basins and
- 24 the United States; and be it further

- 1 **Resolved**, That copies of this resolution be immediately transmitted by
- 2 the legislative counsel to the Secretary of the Interior and to all mem-
- 3 bers of the Nevada congressional delegation; and be it further
- 4 **Resolved**, That this resolution shall become effective upon passage
- 5 and approval.

STATE JOINT RESOLUTION NO. 37
ON NATURAL RESOURCES

APRIL 21, 1951

Related to Committee on Natural Resources

RECOMMENDATION—Request Secretary of Interior to direct Commissioner of Water and Power Resources Service to give high priority to revision of development plan for Washoe Lake. (HJR 3084)

FISCAL NOTE: Effect on State of Nevada Government: No effect on the State of Nevada.

STATE JOINT RESOLUTION—Resolving the Secretary of the Interior to direct the Commissioner of the Water and Power Resources Service to give high priority to the revision of the development plan for Washoe Lake.

WHEREAS, the Washoe Project Act (P.L. 84-238 August 1, 1950) authorized and directed the Secretary of the Interior to conduct, operate and maintain the Washoe Dam and Reservoir on the Carson River; and WHEREAS, the Idaho River Report for the Washoe Project in the Washoe Basin, compiled by the Department of the Interior in 1947, indicates that water could be furnished to irrigate 43,380 acres of land in the Carson River Basin; provide flood control; increase water power potential; and generate power; and WHEREAS, the Secretary of the Interior has reported to the Nevada State Water Commission for the revision of consideration over the latter part of water rights and changing needs for the use of water have delayed the carrying out of the development plan for the Washoe Dam and Reservoir; and WHEREAS, the report of Nevada and California affected by the proposed dam and reservoir have experienced increases in population which has among the highest in the nation and the need to provide irrigation water for the use of land and water in these areas; now, therefore, it is the policy of the State of Nevada to

That the Nevada legislature request the Secretary of the Interior to direct the Commissioner of the Water and Power Resources Service to give a high priority to the development and revision of the plan for development of the Washoe Project in the Carson River Basin; and