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PROPOSED AMENDMENT TO SENATE JOINT RESOLUTION NO. 1

(Proposed Changes are Underlined and In Green)

Summary of Proposed Amendment

The proposed amendment to Senate Joint Resolution No. 1 amends the provisions of the resolution to delete references to the "three-way system" traditionally used by the State of Nevada to allocate water rights on public lands managed or controlled by the Federal Government. The changes were made to provide consistency with Senate Bill No. 76, as amended by version 3 of the proposed amendment to that bill.

Draft of Proposed Amendment

Amend the resolution as a whole to read as follows:

WHEREAS, Approximately 87 percent of the land in Nevada is held by the Federal Government and approximately 68 percent of the land in Nevada is administered by the Bureau of Land Management of the Department of the Interior; and

WHEREAS, Proper management and allocation of water resources on those lands are critical to the State of Nevada as those lands comprise a vast majority of the land in Nevada and as Nevada is one of the most arid states in the nation; and

WHEREAS, The State of Nevada has traditionally allocated water rights on public lands managed or controlled by the Federal Government pursuant to fa three way system; and

~~Whereas, Pursuant to the three way system, water rights for watering livestock on public lands managed or controlled by the Federal Government have been allocated to the range user, to the Federal Government or jointly to the range user and the Federal Government, depending on who developed the water rights and put the water to beneficial use; and~~

~~Whereas, For many years the Federal Government, through the Bureau of Land Management, obtained permits for watering livestock on public lands in Nevada pursuant to the three way system; and a system that provides an option for a range user to hold water rights for watering livestock solely in his own name; and~~

WHEREAS, In the mid-1990s, the Secretary of the Interior adopted regulations to be administered by the Bureau of Land Management which departed from ~~the three way~~ that system by establishing a new approach to the allocation of water rights for watering livestock on public lands; and

WHEREAS, This new approach is codified in the second sentence of 43 C.F.R. § 4120.3-9 and has the effect of ~~eliminating the three way system, successfully used for many years in Nevada, by~~ precluding a range user from holding such water rights solely in his own name even if the range user was fully responsible for the development of the water rights and putting the water at issue to beneficial use; and

WHEREAS, Since the adoption of the federal regulation at issue, important water developments on the public lands in Nevada have been postponed while the State of Nevada and the Bureau of Land Management attempt to resolve issues concerning the allocation of water rights for watering livestock on public lands; and

WHEREAS, If the sentence of 43 C.F.R. § 4120.3-9 which is at issue were deleted:

1. The State of Nevada would be allowed ~~the flexibility concerning the allocation of~~ to provide a range user the option of holding water rights for watering livestock on public lands in Nevada ~~that the State enjoyed during the many years during which the three way system was successfully used to allocate those water rights;~~ solely in his own name as the State has done successfully for many years:

2. A range user who is fully and solely responsible for the development of water rights and putting those water rights to beneficial use would be authorized to hold such water rights in his own name; and

3. Important water developments on the public lands in the State of Nevada could be resumed; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 72nd Session of the Nevada Legislature hereby urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. § 4120.3-9 by deleting the second sentence of that regulation in its entirety; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.