
SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON
NATURAL RESOURCES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON
PUBLIC LANDS (NRS 218.5363))

FEBRUARY 11, 2003

Referred to Committee on Natural Resources

SUMMARY—Urges Secretary of the Interior to amend certain regulations concerning allocation of water rights for watering livestock on public lands. (BDR R-671)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE JOINT RESOLUTION—Urging the Secretary of the Interior to amend certain regulations concerning the allocation of water rights for watering livestock on public lands.

- 1 WHEREAS, Approximately 87 percent of the land in Nevada is
2 held by the Federal Government and approximately 68 percent of
3 the land in Nevada is administered by the Bureau of Land
4 Management of the Department of the Interior; and
5 WHEREAS, Proper management and allocation of water
6 resources on those lands are critical to the State of Nevada as those
7 lands comprise a vast majority of the land in Nevada and as Nevada
8 is one of the most arid states in the nation; and
9 WHEREAS, The State of Nevada has traditionally allocated water
10 rights on public lands managed or controlled by the Federal
11 Government pursuant to a three-way system; and
12 WHEREAS, Pursuant to the three-way system, water rights for
13 watering livestock on public lands managed or controlled by the
14 Federal Government have been allocated to the range user, to the
15 Federal Government or jointly to the range user and the Federal



1 Government, depending on who developed the water rights and put
2 the water to beneficial use; and

3 WHEREAS, For many years the Federal Government, through the
4 Bureau of Land Management, obtained permits for watering
5 livestock on public lands in Nevada pursuant to the three-way
6 system; and

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

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

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

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

26 1. The State of Nevada would be allowed the flexibility
27 concerning the allocation of water rights for watering livestock on
28 public lands in Nevada that the State enjoyed during the many years
29 during which the three-way system was successfully used to allocate
30 those water rights;

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

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

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

43 RESOLVED, That the Secretary of the Senate prepare and
44 transmit a copy of this resolution to the Vice President of the United
45 States as presiding officer of the United States Senate, the Speaker



1 of the House of Representatives, the Secretary of the Interior, the
2 Director of the Bureau of Land Management and each member of
3 the Nevada Congressional Delegation; and be it further
4 RESOLVED, That this resolution becomes effective upon
5 passage.

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