

SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON  
NATURAL RESOURCES

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

FEBRUARY 11, 2003

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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.

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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 system that provides an option for a range  
12 user to hold water rights for watering livestock solely in his own  
13 name; and

14 WHEREAS, In the mid-1990s, the Secretary of the Interior  
15 adopted regulations to be administered by the Bureau of Land  
16 Management which departed from that system by establishing a new



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1 approach to the allocation of water rights for watering livestock on  
2 public lands; and

3 WHEREAS, This new approach is codified in the second sentence  
4 of 43 C.F.R. § 4120.3-9 and has the effect of significantly  
5 interfering with a range user holding such water rights solely in his  
6 own name even if the range user was fully responsible for the  
7 development of the water rights and putting the water at issue to  
8 beneficial use; and

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

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

16 1. The State of Nevada could provide a range user the option of  
17 holding water rights for watering livestock on public lands in  
18 Nevada solely in his own name, without interference, as the State  
19 has done successfully for many years;

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

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

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

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

38 RESOLVED, That this resolution becomes effective upon  
39 passage.

