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Interview dealing with stockwater issues

(Publisher's Note: On Feb. 5, 2003, in Elko, Nevada, Harvey Barnes, a rancher from Jiggs, NV and Hank Vogler, rancher and sheepman from Spring Valley, NV, sat down to a table across each other and waited for a few short minutes for the phone to ring.

The phone rang and Bob Abbey, the Nevada State Director of the BLM, said his hello's and the two concerned ranchers and the director of the BLM began their 45 minute taped conversation.

The issue at hand is the very controversial stockwater/water rights bill going to the Nevada Legislature very shortly.

Ranchers are concerned about losing their water rights and the BLM is adamant this will not happen.

Please read on and come to your own conclusion or call these fine, knowledgeable ranchers and ask their opinion (Leana Stitzel)

Present at this interview were:

Bob Abbey, Harvey Barnes, Hank Vogler, and Leana Stitzel

HANK: Another question I have Bob, is that NDOW, (Nevada Department of Wildlife), develops guzzlers and other waters that are exclusive to wildlife, both wild horses, burros and domestic livestock are pretty well restricted from most of them that I have seen. Are they being issued a water right, how do you handle that?

BOB: Yeah, NDOW has filed for individual water rights in support of wildlife habitat and certainly we have worked with them to insure that the intended purpose of that water right is maintained over the long term. Our position is this; that the United States, not an individual, is the legal entity to manage public lands for the purposes intended by Congress. And while NDOW has filed for individual water rights, or water rights on behalf of the State Agency, it certainly would behoove us to work with NDOW to file for joint rights in some cases. I do know

if we have protested filings by the Nevada Division of Wildlife for a specific wildlife project, however.

HANK: Bob, as you well know, everything is always based on either reality or perception, and it should be on reality, but I am a little further south than Harvey is, and I don't have to worry about water rights on hay meadows, but there are lots and lots of springs down there that have been filed on over the years, but whether it's being recognized anymore or not, my understanding is that the Ely District is in what they call a water base, because there is so little private land. Are those things being recognized, still?

BOB: Yeah, they are. We are continuing to file applications to incorporate waters for a variety of beneficial uses, much more than just livestock. For example, we are filing for water rights for wild horses, wildlife habitat, wetlands, and fisheries, and the list goes on and on. The Bureau of Land Management certainly has a legitimate interest in those springs and other sources of water out there for uses other than livestock.

HANK: Well, again, then you get down to that other, the moot point that has been the whole argument of filing of water rights they may have the right, to get down to that touchy little part about regulatory, they do regulate wild game within the State to a certain degree but the mere definition of wild life, (laughs), it's kinda like the BLM saying "well, we are developing waters for stock," but you don't own livestock anymore than they own wildlife and I thought that the beneficial uses under the State directives were--beneficial use, agricultural, culinary or mining isn't that the same moot point that we are dealing with, on all of this?

BOB: The State Supreme Court, in their ruling on the livestock water rights issue is that the Bureau of Land Management does have legitimate claims to waters for livestock grazing purposes. Even though we may not own cattle or sheep, we do have the rights, as determined by the State Supreme Court, to file for livestock waters so water can be used by those people who are permitted to graze public lands.

HARVEY: Then in going back, I am sure you are aware that there is a possibility that a bill will be coming forth out of the Legislature this year on joint filings and so forth. At the present time,

what's your policy on filing protests against stockwater applications filed by a permittee?

BOB: Right now we would protest applications filed by permittees unless they were filed jointly with the Bureau of Land Management.

wetland fisheries, wild horses and burros and even livestock grazing. A question I think all of us have is what will be the impact from the Hage Litigation. I don't think any of us know right now what the final outcome of that litigation might be. It is our intent to work with the livestock industry and all others so we can go forward and develop much

HARVEY: One other question that I have, going back to the question I asked you a long time ago, about private waters from private lands, going on to public lands, was what if the financial institution that had the loan on that property wouldn't allow the water rights to be transferred to the Federal Government because of the loss of water rights to the base property. That is another issue that permittees are faced with.

BOB: I would go back to my previous response. Where a private land owner or permittee already has water rights and you are proposing to transport that water from the primary source to another area on public lands, we would not be interested in securing a joint water right.