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MEMORANDUM

To: Commissioners, Colorado River Commission  
From: Sara A. Price, Deputy Attorney General  
Subject: Current Role of the Colorado River Commission

Introduction

Since statehood, Nevada has maintained significant interests in the waters of the Colorado River ("River"). Those interests have been defined over the years by the actions of the several states acting under compact and the federal government seeking to resolve the competing interests of Nevada and its neighboring states. In an effort to manage, protect and enhance Nevada's interests in the River, the Nevada Legislature created the Colorado River Commission ("Commission"). To understand what role the Commission currently maintains concerning the River, given the federal government's involvement and the creation of the Southern Nevada Water Authority ("Authority"), it is useful to review the historical background of the State's interest in the River and the enabling legislation and documents creating the Commission and the Authority.

Historical Development of Nevada's Sovereign Rights over Colorado River Water

At the inception of statehood, Nevada held title to the waters of the River within its boundaries and regulated its control and use pursuant to its police power, subject only to a federal navigational servitude. Over the following years, Nevada relinquished or lost some of this control. For instance, the 1922 Colorado River Compact, ratified by Nevada in 1925, limited Nevada's standing to assert its right to apportionment of the River to an equitable share of 7.5 million acre feet per year of River flow. At this time, Nevada continued to have the right to regulate the use and control of the River water within its boundaries. The federal government later reduced this control with the enactment of the Boulder Canyon Project Act of 1928 ("Act").<sup>1</sup> As decreed by the United States Supreme Court in *Arizona v. California*,<sup>2</sup> the Act

<sup>1</sup> 43 U.S.C. Section 617, *et. seq.*

<sup>2</sup> (Decree), 376 U.S. 340, 11 L. Ed. 2d 757, 84 S. Ct. 755 (1963).