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Testimony on SB 76

Random Thoughts

Nevada has a long proud history of good workable water law and in many ways has been the leader in water law in the Western States. Until recently we have guarded the States sovereignty of our water. Two recent, unfortunate Supreme Court cases have set the stage for the Federal Government to usurp State control of our water, at least on Federal Land.

It would be a shame to give away half of our State water right to the Federal Government if we don't have to. I don't think we have to.

This Bill seems to be at the mercy of one member of the LCB.

On the advice of one LCB lawyer, taking her cue from the concurring and dissenting opinion of one out of seven State Supreme Court justices, we are ready to give up half of our future water rights on 87% of the state. These are rights that we will never be able to get back. The Federal Government covets this water for the purpose of increasing its control in the state of Nevada along with its continuing acquisition of our private lands.

The intent of SB 96 (1995) was to protect Nevada's rights and interests.

The effect of the Supreme Court decision (dealing with SB 96) is that the BLM, rather than the State of Nevada, has the ultimate say in the distribution and use of the stockwater rights amongst competing interests in the livestock industry.

I am not a lawyer but as I read through the court decisions of Judge Gamble upholding SB 96 and the Supreme Court over turning (?) his decision and then Judge Gamble's response, where he recuses himself, I realize that we are about to make an historic mistake to freely give away, to the BLM, half of our water right. Especially when Judge Gamble says, "I find that I cannot uphold my duties and oath as a judge while signing away this state's right to control the distribution of such a precious resource as water to the United States, which clearly seeks to be the new arbiter of water despite it's own regulation binding itself to the limits of state law. Nevada's history of distributing its own water should not be disturbed."

Are we going to be the generation that gave away our water? This will be only the beginning. Do you remember when the land now "owned" by BLM was land held in trust for disposal? Meaning it was to be sold to private ownership. Now the BLM, in reverse, is buying our private land. We would be foolish to think that BLM or the federal government will be very long happy with the future half of our water rights.

Judge Gamble, in his response to the Supreme Court, pointed out that; "The regulation (43 CFR, Rangeland Reform) did not limit federal activity to 'existing' state law; such a limitation could have been written into the regulation. Instead, the federal regulation allowed for the states to act in their own best interest at any time. Therefore, no Supremacy Clause issues should appear simply because a state issued a new statute affecting all applicants for stockwater permits, including the United States." This is what Harry Swainstons Bill would accomplish.

Thank you,

Joe Dahl