

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-ninth Session
May 11, 2017**

The Senate Committee on Natural Resources was called to order by Chair Yvanna D. Cancela at 1:30 p.m. on Thursday, May 11, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Yvanna D. Cancela, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Assemblyman James Oscarson, Assembly District No. 36
Assemblywoman Robin L. Titus, Assembly District No. 38

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Roohan, Counsel
Maria Vega, Committee Secretary

OTHERS PRESENT:

Rusty Jardine, General Manager, Truckee-Carson Irrigation District
Michael Pagni, Washoe County Water Conservation District
Gordon DePaoli, Walker River Irrigation District
Kyle Davis, Nevada Conservation League
Jason King, P.E., Administrator, Division of Water Resources, State Department
Of Conservation and Natural Resources
Gerald Lent

CHAIR CANCELA:

I will open the hearing on Assembly Bill (A.B.) 114.

ASSEMBLY BILL 114: Revises provisions governing irrigation districts. (BDR 48-639)

ASSEMBLYWOMAN ROBIN L. TITUS (Assembly District No. 38):

Assembly Bill 114 is submitted on behalf of the Truckee-Carson Irrigation District. I will read from my written testimony ([Exhibit C](#)).

RUSTY JARDINE (General Manager, Truckee-Carson Irrigation District):

The present hydrologic conditions speak well to the need the Truckee-Carson Irrigation District (TCID) has for revising *Nevada Revised Statutes* (NRS) 539. I have submitted a written letter of support and accompanying photos from the TCID ([Exhibit D](#)).

The extraordinary amount of water expected to move through the TCID system this year will amount to approximately 1.2 million acre-feet of water. The TCID has moved half of that already through its tremendous facilities. It has cleared the Carson River Channel at much expense and effort. The bigger project was the 17 miles of new channel created. All of these things prove that help is needed. As conditions change in water management, the TCID needs the ability to increase the general assessment from NRS 539 and provide for a mechanism for adjustments so reappearing before the Legislature is unnecessary.

The Truckee-Carson Irrigation District needs the flexibility as per the portion of the bill related to the Reclamation Safety of Dams Act of 1978, 43 U.S.C. 506 et seq. The budgetary constraint imposed upon the TCID should include other categories of actions it needs to undertake. These include many aspects of more than 700 miles of canals, laterals and drains within the Newlands Federal Reclamation Project. Your support will benefit the TCID and all of its water users.

MICHAEL PAGNI (Washoe County Water Conservation District):

The Washoe County Water Conservation District is an irrigation district. It encompasses about 30,000 acres in the Reno-Sparks area. It was formed in 1929 for the purposes of flood protection and drought storage protection per irrigators in the Truckee Meadows. Its primary role is to operate and maintain the Boca Reservoir and Boca Dam in California on the Little Truckee River. The

reservoir and dam are owned by the federal government. The District holds the license to store water in the dam. It is obligated by contract with the federal government to operate and maintain the facility in accordance with the requirements of the U.S. Bureau of Reclamation. The expenses the District incurs are out of its control, and it must do as required to operate and maintain the dam. Its revenues are fixed. It does not have the typical customer class that can be charged rates. The only revenue source is the assessment in existing law. As inflation increases, so do costs. It makes it difficult to comply with the obligations under federal law and to provide the critical drought storage and flood protection from that facility. Assembly Bill 114 ties the assessment rates and indebtedness caps to an inflationary index. This will increase as costs increase through inflation. The District supports this bill.

SENATOR RATTI:

Who are your ratepayers?

MR. PAGNI:

When the District was formed in 1929; it was the irrigable lands in the Truckee Meadows. There are about 30,000 acres of lands that voluntarily formed the District and imposed the assessment upon those lands. The assessments charged today come from property taxes. All of the lands in the original District are the ratepayers.

GORDON DEPAOLI (Walker River Irrigation District):

The Walker River Irrigation District encompasses 80,000 acres of land in Smith and Mason Valleys in Lyon County. The Walker River District owns and operates two reservoirs, the Bridgeport Reservoir in California on the East Fork of Walker River and Topaz Reservoir on the West Fork of the Walker River, partly in Nevada and partly in California. The District supports A.B. 114. Irrigation districts are quite frugal in their operations. When issues arise, such as what we were presented with this weather year, things must get done that can be expensive, and often the Legislature is not in session when support is needed. The provisions in the bill will allow increases on both the debt side and the assessment side. This will be helpful in the future for our irrigation districts in Nevada.

ASSEMBLYWOMAN TITUS:

Irrigation districts are made up of board members living in the irrigation districts. The uniqueness of the bill is the provision to allow adjustments based upon the

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consumer price index without the need for additional legislation, especially considering the effects of a weather year like the one we just experienced.

CHAIR CANCELA:

I will entertain a motion on A.B. 114.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 114.

SENATOR RATTI SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GOICOECHEA WAS ABSENT FOR THE VOTE.)

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CHAIR CANCELA:

We will open the hearing on A.B. 209.

ASSEMBLY BILL 209 (1st Reprint): Revises provisions governing the forfeiture of water rights. (BDR 48-308)

ASSEMBLYMAN JAMES OSCARSON (Assembly District No. 36):

I will present A.B. 209 regarding the forfeiture of water rights. The purpose of the bill is to address the "use it or lose it" doctrine that is currently in statute. Under this doctrine, a holder of an underground water right forfeits the right if he or she fails to beneficially use the water for five successive years. I will read from my written testimony ([Exhibit E](#)).

When I drive by a field where a tremendous amount of water is being pumped onto the field, I hope the purpose will be for a new field of growth. It gets green, it gets hot, and the vegetation dies. I understand the waste that has transpired. The owner pumps 24 hours per day, seven days per week to prove water rights, then lets the field go. It is better served to leave the water in the ground and allocate it to appropriate areas.

CHAIR CANCELA:

This bill is very similar to Senate Bill 47, which is now in the Assembly. It will be important to figure out how we reconcile both bills.

SENATE BILL 47 (1st Reprint): Makes various changes relating to the appropriation of water. (BDR 48-499)

KYLE DAVIS (Nevada Conservation League):

The Nevada Conservation League supports A.B. 209. It strikes the right balance by giving a tool for water conservation but not going so far to inspire potential water speculation.

JASON KING, P.E. (Administrator, Division of Water Resources, State Department of Conservation and Natural Resources):

The Division of Water Resources, State Department of Conservation and Natural Resources is neutral on A.B. 209. I will read from my written testimony ([Exhibit F](#)). Senate Bill 47 has some overlapping language with this bill. Some reconciliation will need to be performed if both bills are passed.

ASSEMBLYMAN OSCARSON:

We worked with Mr. King to reach a balance and seek approval on A.B. 209.

CHAIR CANCELA:

We will close the hearing on A.B. 209 and move the hearing on A.B. 138 to next week.

ASSEMBLY BILL 138 (1st Reprint): Authorizes the de minimus collection of precipitation under certain circumstances. (BDR 48-445)

CHAIR CANCELA:

We will open the work session on Assembly Joint Resolution (A.J.R.) 13.

ASSEMBLY JOINT RESOLUTION 13: Expresses the support of the Nevada Legislature for the enactment and use of the Antiquities Act and the designation of the Basin and Range National Monument and the Gold Butte Monument in this State. (BDR R-1061)

ALYSA KELLER (Policy Analyst):

It will read the summary of the Joint Resolution from the work session document ([Exhibit G](#)).

CHAIR CANCELA:

I will entertain a motion.

SENATOR MANENDO MOVED TO DO PASS A.J.R. 13.

SENATOR RATTI SECONDED THE MOTION.

SENATOR SETTELMAYER:

The American Antiquities Act of 1906 was meant to be used on a limited scale only as necessary to protect the item of interest. Today, it is being used for large parcels and acreage of land without input from local officials. I will be voting no on the Resolution.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.
SENATOR GOICOECHEA WAS ABSENT FOR THE VOTE.)

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CHAIR CANCELA:

When we held the hearing on A.B. 101, there was much contentious behavior, inappropriate language and violent discourse. This Committee does not condone this type of behavior, and I remind those attending this meeting to behave with respect. I will now open the work session on A.B. 101.

ASSEMBLY BILL 101 (1st Reprint): Revises provisions governing the management of wildlife. (BDR 45-187)

ALYSA KELLER (Policy Analyst):

I will read the summary of the bill and the amendment from the work session document ([Exhibit H](#)).

SENATOR MANENDO:

A few Sessions ago, I put forth a contentious piece of legislation that was heard several times over a 15-year period. It eventually passed, but a threat to my life and my family was very disturbing. People get emotional about issues; that is understandable. What is frightening is when someone feels the need to extend that to threatening a life. That is not right.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 101.

SENATOR RATTI SECONDED THE MOTION.

SENATOR SETTELMAYER:

I appreciate Chair Cancela and Senator Manendo's comments, especially relating to what appeared on social media. With past legislation, people comment on social media and are well-meaning. This time it got out of hand.

Assembly Bill 101 is a direct rollback of a change that was made last Session. We have not given it enough time to work to its fullest potential. We have seen the fawn population increase in some areas. If we change how funding is used by the sportsmen, it should be the sportsmen who request the change, since they are the ones paying it. If not, we should eliminate the fee altogether. I will be voting no.

THE MOTION PASSED. (SENATOR SETTELMAYER VOTED NO.
SENATOR GOICOECHEA WAS ABSENT FOR THE VOTE.)

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GERALD LENT:

I am one of the people who testified against A.B. 101 on the \$3 predator control bill provision, and I received a death threat. This threat was posted on social media that was seen all over the world. I admire America and our free speech rights, but death threats are going too far. No one using their rights to testify for or against a bill should get death threats. This frightens people away from democracy and using their right to testify. The law says this is illegal. There are socially maladjusted misfits who do not care about American values.

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CHAIR CANCELA:

Seeing no further business before the Committee, the meeting is adjourned at
2:33 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Yvanna D. Cancela, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
A.B. 114	C	1	Assemblywoman Robin L. Titus	Written Testimony
A.B. 114	D	27	Rusty Jardine / Truckee- Carson Irrigation District	Letter and Accompanying Photos
A.B. 209	E	3	Assemblyman James Oscarson	Written Testimony
A.B. 209	F	2	Jason King / Division of Water Resources, State Department Of Conservation And Natural Resources	Written Testimony
A.J.R. 13	G	1	Alysa Keller	Work Session Document
A.B. 101	H	7	Alysa Keller	Work Session Document