

WATER POLICY

- A central issue of Western politics
- A brake on growth
- An ongoing issue of politics affecting state, local and tribal interests

LEGAL DISTINCTIONS

- **Riparian Doctrine:** owners of land adjacent to natural streams retain right to have stream continue to flow. Have equal right to water whether they use it or not. Reasonable use prevails, with reasonable changing with changing conditions
- **California Doctrine:** dual system that recognizes “riparian rights” but also the right to divert water to lands not adjacent to the natural stream
- **Appropriation Doctrine:** priority of right (to water) is determined by date water is appropriated, allows water to be diverted from natural stream, requires that water be put to a beneficial use. “First in time, First in Right.”
- Riparian used where water is plentiful (East of Mississippi). Nevada uses Appropriation doctrine.
- Appropriation Doctrine could (and does) lead to land owners facing a dry stream
- Water rights must be registered (and thus awarded) through the State Engineer in most Western States.

FEDERAL ROLE

- Largely in identifying/defining water quality
- Has entered in on behalf of tribes
- Has created water set-asides for the environment
- This leads to abrogation of water rights in some cases (I.e. TROA)

WATER ISSUES IN NEVADA

Insuring quantity (North and South)

- Nevada has small allotment of Colorado River (300K acre feet (will be at full use in 2007))
- TROA to insure adequate flow and storage in N. Nevada
- Quantity for multiple users (urban, tribes, environment, agriculture)
- Casinos small % of use; agriculture large
- Depletion of groundwater
- Water transfers (not popular in Nevada)

Insuring water quality

Conservation

Price and ownership (water systems)

Tribal concerns

Environmental concerns

LAND POLICY

- A key component of Western State politics
- Federal ownership is large – no more so than in Nevada where over 87% of the state's land is owned by the Federal Government
- This is a constitutional power of the Federal Government (Section 3 of Article 4)

Federal Goals

- Divided by two conflicting theories: conservation (which allows managed use and disposal) and Preservation (which takes land out of the development sphere and limits use)
- Potential conflict from potential users: commodity industries, recreational users, environmental interests, federal needs (i.e. defense installations)
- Multiple agencies involved: BLM, FS, FWS, Parks, DOD
- Multiple goals directed by Congress and the above-mentioned agencies often have conflicting turf
- Land can be sold and swapped (a key way by which urban areas in Nevada – especially LV – grow while “environmentally sensitive” areas are expanded and preserved.)
- Federal land ownership takes property off the tax roll and this limits local government. The response is PILT, but this is an uneven policy response