

**Testimony of Allen Biaggi, Director of the Nevada Department of
Conservation and Natural Resources
Before the United States Subcommittee on Water and Power
H.R. 5293 Shoshone-Paiute Tribes of Duck Valley Water Rights
Settlement Act
March 13, 2008**

Good morning members of the House Subcommittee on Power and Water, my name is Allen Biaggi, and I am the Director of the Nevada Department of Conservation and Natural Resources. This morning I am speaking in support of H.R. 5293 on behalf of the State of Nevada.

To begin, the Owyhee River system is located in extreme northeastern Nevada on the Idaho border. The system is unique to the state in that it is one of only a handful of rivers and streams that do not have their terminus in the Great Basin. Our major river systems such as the Carson, Truckee, Walker and Humboldt all drain internally in the State into terminal lakes or playas. These waters never reach the ocean. The Owyhee, on the other hand, is tributary to the Snake River and the Columbia system with its terminus in the Pacific Ocean. The Owyhee is also unique in that it is the only major waterway shared by Nevada and Idaho and of course the Shoshone-Paiute tribes of the Duck Valley Indian Reservation.

Nevada is the most arid state in the union. As such water is a precious and highly valued commodity. The United States, on behalf of the Tribe, has filed various claims for reserved water rights. Water users on the East Fork of the Owyhee River have also filed claims for vested rights or have obtained permits for water rights under Nevada law. Many of these claims are competing, resulting in disputes and the potential for protracted litigation.

More than a decade ago, negotiations began between the Shoshone-Paiute Tribes, the United States, the State of Nevada and the upstream water users with the goal of resolving the water rights claims in an amicable manner in the absence of an administrative or court process. The discussion became more focused and results oriented about six years ago and the Owyhee River Agreement is the product of those negotiations. It should be noted that in the grand scheme of water rights negotiations, a resolution in a system as complex as the Owyhee with its varied interests of multiple parties in only a decade is almost unprecedented.

In speaking for the State of Nevada, we are proud to be a part of this agreement and we applaud all of the parties for their hard work and diligence. As a sign of commitment, all parties have contributed resources to ensure the success of the agreement. For the State of Nevada, our fiscal year 2008 budget contains \$74,900 for the installation and operation of stream flow gauges on the Owyhee River. For fiscal year 2009, \$59,072 has been allocated for the operation and maintenance of those gauges. I anticipate that this or a similar level of commitment will continue indefinitely. Nevada has also agreed to

provide the services of a water commissioner to implement and oversee the terms and conditions of the agreement. The yearly cost of this service is estimated to be \$15,000 to \$25,000. So for the ten year period ending in 2018 the contribution from the State of Nevada toward this agreement will be about \$865,000.

With regard to the upstream water users, those farmers and ranchers who have long had a presence on the East Fork of the Owyhee, I would never be so presumptuous as to speak for them. I know a representative for them could not be here today. I believe however that their position on the agreement can be summarized by noting that during the negotiation process there was a considerable amount of “give and take” on both sides and that neither side is entirely satisfied. The upstream water users believe the agreement is the best possible under the conditions and circumstances. The upstream water users and the members of the Tribes have always been able to resolve water matters in a manner which considers the needs of both parties and this agreement is a further demonstration of that spirit.

In closing, I would like to thank Congressman Heller for introducing H.R. 5293 to ratify this agreement. This legislation is in the best interest of the Tribes, the upstream water users and, most importantly, the precious water resources of the west.

I would be pleased to answer any questions you may have.