Nevada Division of
STATE LANDS

STATE OF NEVADA
Department of Conservation & Natural Resources
Steve Sisolak, *Governor*
Bradley Crowell, *Director*
Charles Donohue, *Administrator*

February 3, 2021

Charles Albright
1408 Washington Street
Reno NV 89503

Re: Request for Legal Opinion to Verify All Nevada Waters as Navigable

Mr. Albright,

Thank you for your continued interest in promoting the use and enjoyment of Nevada's navigable waters.

Nevada asserts ownership of eight sovereign lands, per NAC 322.060. The term "navigable body of water" within NAC 322.060 is a legal term of art created by case law. As defined in NAC 322.060, "'Navigable body of water' means a body of water which is declared navigable pursuant to NRS 537.010, 537.020 or 537.030 or which is determined to have been navigable on the date on which Nevada was admitted into statehood, including, without limitation, the Carson River, the Colorado River, Lake Tahoe, the Truckee River, the Virgin River, Walker Lake, Washoe Lake and Winnemucca Lake."

The Walker River is currently not designated as a state sovereign land, so you are correct its bed and banks are currently considered private property. For the Walker River and other waters of the state to be determined state sovereign land, they must qualify as navigable in accordance with the case law. This includes establishing facts showing the physical condition of and the uses on the river as they were at statehood in 1864. This may include newspaper articles, letters, early photographs, and other historical evidence demonstrating the river was navigable in its natural and ordinary condition and was used or susceptible of being used as a highway for commerce in 1864. NAC 322.060 derives from Legislative action and state and federal case law applying these tests to the applicable facts for those eight bodies of water.

I appreciate the time you have invested in providing this information and our previous discussions on this issue.

Sincerely,

Charles Donohue

Charles Donohue
Administrator – State Land Registrar

Brian Sandoval
Governor

State of Nevada

DEPARTMENT OF WILDLIFE

6980 Sierra Center Parkway, Suite 120
Reno, Nevada 89511
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TONY WASLEY
Director

BONNIE LONG
Deputy Director

JACK ROBB
Deputy Director

February 18, 2021

Charles Albright
1408 Washington Street
Reno, NV 89503

Dear Mr. Albright,

I am in receipt of your letter requesting an opinion from the Attorney General's office that all Nevada waterways be considered navigable.

Attached you will find a letter from the State Land Registrar's office addressing the same concern by another Nevada outdoor enthusiast.

Thank you for your continued interest in promoting the use and enjoyment of Nevada's navigable waters.

Sincerely,

Tony Wasley

Tony Wasley
Director
Nevada Department of Wildlife
6980 Sierra Center Pkwy, Suite #120, Reno, NV 89511
775-688-1590