Honorable Nevada Supreme Court Justices,

I am a Citizen of Nevada and have been since 1972. For that entire time I have been a paddler of rivers and lakes and virtually any body of water I can find. From very early on I was involved in teaching others to paddle, racing, promoting racing and being an advocate for rivers and the waters of Nevada. So in all those years I have spent many times addressing river usage issues, safety for rivers, hazards associated with rivers and dams and the rights of the public of Nevada to use our waters for recreation. As I am sure you know the numbers of folks that use our waters for recreation be it paddling, swimming, fishing, gathering food, sightseeing, relaxation, hunting or other enjoyments. Those numbers have gone up dramatically since our states population has exploded. One seldom saw kayaks or canoes on cars in the old days. Now it is a huge contribution to our states economic base.

So I have always been concerned about my rights and those of the rest of our citizens or travelers to access the waters of our state for whatever recreation they choose to enjoy on our Nevada Waters. Since you Justices are the top of the list when it comes to addressing OUR rights to OUR Waters I am writing to ask, beg, request, desire, question each of you with regards to the publics, my, your Rights to use this State of Nevada's Waters. After all these years of getting told NO YOU CANNOT PADDLE or RECREATE here, there or on that water or river. I have done LOTS of research on of State of Nevada Laws be they the State Constitution, Your rulings, US Supreme Court and other State Court rulings. I also have studied Nevada Water Law. I have talked to many State Departments, County, City and Governments Agencies about my concerns. Many times I have been successful and a number of times I have been snubbed or ignored. All these paths lead to Nevada's Supreme Court Justices as the last place to address the differences in what OUR Laws and Statutes say and what State and it's Agencies say.

Again, I am just one person but I feel that I represent any citizen or traveler thru our State who wishes to use OUR States Waters. So in what follows are numerous Nevada Constitutional Laws, State Water Laws, Court Rulings from You the Nevada Supreme Court, the US Supreme Court and those of other State Court Rulings.

So my basic question is are OUR State Waters, both Surface and Underground the property of this States Public. Our State Constitution, Nevada Water Laws and Federal Laws SAY they are the Publics. Before Statehood they belonged to the US. At Statehood the Public Trust Doctrine and our State Constitution said they belonged to the Public / State for the uses that the Public had including recreation. That was all of this States Waters above and below. You each must agree that is a fact in Nevada. Yet since some time after Statehood the Publics Rights to recreate and use all of this States Waters for our legal desires has been "Compromised". Virtually EVERY State in this Nation has laws saying that their Waters and Waterways are free of restrictions of usage by the public. That is not just interstate, intrastate of tidal waters but all waters. This is an application of hundreds of years of public rulings like the Magna Carta and other history of water also covered in the legal thoughts and rulings in following pages. Enclosed are numerous legal rulings all attest to the Publics Rights to this country's waters. So the framework for my questions to each of you is WHY? What happened that I and everybody else in this State can only LEGALLY Recreate on only 4 Rivers in Nevada. The Truckee, Carson, Virgin and Colorado Rivers. That is it! 4 Rivers I can use for recreation without in theory being

arrested, cited, intimidated, threatened or even shot at for using. And even on those rivers if someone owns land on both shores they can Legally place fences or barbed wire of other obstructions. Not exactly what was intended at Statehood. Yet virtually all of this States rivers, streams, and creeks do not allow legal public access. Somehow after Statehood and no Government Official has ever told me when or what Legal Decision was made that closed access to almost all of this States Publicly Owned Waters. As I said above Our State Constitution and Nevada Water Law all say every drop of water is the publics. Along with that right comes access. Typically up to Mean High Water for the Public to use as is the case on the Truckee, Carson, Virgin and Colorado. I questioned virtually all of our state agencies as you will see in the following pages and they ALL pointed to State Lands and the Term "Commerce " as what determines Navigability. And that was "Since Statehood" when both OUR States Constitution and again Nevada's Water Laws make NO MENTION of Commerce as determining what is Navigable or useable by the Public of Nevada. So my first Question of you the Supreme Court is when did our rights to our water get usurped in this way? What happened to the Public Trust Doctrine giving Nevada our rights to our water and Estoppel which say that right was first in line for all our waters. Many of this States Waters meet the Uniform Federal Test of Navigability. Listed below are sheets of our States Waters. Both each River and all of its upstream feeders, as well as Our Rivers that are Interstate Waterways which by Federal Rulings are Navigable in Fact.

So now if I may I will cover a number of examples of how this "Commerce Ruling at Statehood" is wrong for this State. I already mentioned Interstate and the Uniform Federal Test of Navigability, and many Court rulings. You also have made some rulings that assert Public Ownership of Our Waters. State Vs. Bunkowski was a big one where you ruled that the Carson and Truckee Rivers were Navigable due to floating logs down them for mining and other needs. Great but they also Floated Logs on the Walker River yet this was perhaps ignored probably due to irrigation, mining and other interests to usurp the rights of the Public on that drainage. State vs Bunkowski was good because your decision said that those waters and the land under its waters and the Land up to Mean High Water belonged to the State and Public. You also said that was true of other Nevada Waters. That was in the 1970's and maybe that is what changed the rights to being determined by Commerce. Now you have a Nevada State Park on the East Fork of the Walker River that is promoting paddling on a River that is Not Navigable in Nevada Law. And a strange twist for that is that a person can supposedly put in at the top of the State Park and paddle down to where there is Private Property where they MUST get out. Then travel to where the lower State Park is and then can paddle to the end of Park Property and must again get out. So from State Line up near Bridgeport California where above one can legally paddle the East Fork Walker to your State Park it is illegal to Paddle. And on all of the Walker River below Your State Park it is illegal to paddle or us the waters for any recreation where private property exists. No access to Mean High Water. Perfectly legal to put fences across the river. As for the West Fork Walker I present a Legal Document that says that even in California it is illegal to recreate yet California Law say it is legal till Stateline where again Nevada Laws usurps Federal and our own State Law to deny public usage.
We have numerous Interstate Rivers such as the Jarbidge, Bruneau, Owyhee, and Alamogosa Rivers that as soon as the reach our State Line they are Wild and Scenic. Not Navigable in our

State. The Jarbidge, Owyhee and Bruneau all have Commercial rafting on them. But again are NOT Navigable. Many folks paddle and recreate on our other Rivers and Streams and yet that activity is illegal due to our "Commerce at Statehood". Why can we NOT use Our Waters. USFWS and NDOW do stream restoration and fish stocking on over 400 waters in our State. Is that a form of Commerce?
The Clean Water Act say that any one wishing to do any projects on any of our waterways has to get a permit and each one of those water waterways is called Navigable by our Federal Government.
So I have also included many Federal and Other State Court Rulings. What Navigability laws are in our Adjoining States, a recent New Mexico Supreme Court Ruling for their Navigable Waters. Rulings that have since come down in our State regarding State Vs Bunkowski and its use in other legal cases. There is also Mineral County vs Lyon County where your court basically again ruled that the water in the Walker River belonged to far more than just the irrigators, cattle and mining interests.
Last is that much of this State is controlled by Federal Agencies like BLM, USFS and others. In talks with BLM and Forest Service I was told that they could NOT give information in Nevada regarding navigation of Our Waters due to our "Navigation determined by Commerce". They have a wonderful Book on Paddling all of the Bruneau, Jarbidge and Owyhee Rivers including many of their tributaries. You can buy it in Idaho and Oregon but not here.

So this is my intro letter to you. AS you will see I have worked hard to get you all of this information as well try to present it to each of you. I plan on delivering them to our Offices in Carson City. I seriously doubt that ANY of you will respond due to the Commerce Issue. But PLEASE at least respond that you got it and "Read" it. So what is my next step? Sue Nevada for their usurping of our most basic rights to Our Waters? I as a citizen cannot Question the Attorney General's Office. I tried last year. So is my path to file in a Federal Court for a Ruling with all of this existing Law Rulings? Get arrested and Fight it to the Nevada Supreme Court?

All of our Navigable Waters should be the Publics and have access to the Mean High Water Mark. That is what it was in 1864 when this state became a State. PLEASE RESPOND!

Charles Albright
1408 Washington Street
Reno, Nevada 89503
775-324-5102 H
775-453-5403 C
cralbright@juno.com
June 9th 2022
Maybe it is time that Nevada joined the 21st Century. I cannot afford a high priced Attorney to do all of this. Please tell me my options to get what our State Constitution and Nevada Water Law say is RIGHT. Thanks for your time.