

waterways to be protected in accordance with their natural quality, even if it is above beneficial use standards.

But resources are limited.

“Significant time and funding are needed to address impaired waters; this means that the pace of developing [maximum pollutant levels], watershed management plans, and alternative approaches may be slowed by staffing and budget constraints,” the report said.

The ongoing legal battle

Pollution only tells one side of the story.

Development — filling wetlands or paving over small streams — can also degrade waterways. That’s why many environmental groups want to see wetlands and small streams, especially in Nevada, to be explicitly included in a broad definition of what the Clean Water Act protects.

Hartl, with the Center for Biological Diversity, notes that it has long been difficult to determine whether or not an ephemeral or intermittent stream fell under protection of the Clean Water Act.

“No one knows the answer until someone decides to pave over it,” he said.

For years, activists, politicians and the courts have argued over the scope of the Clean Water Act, specifically where the state’s jurisdiction begins and federal jurisdiction ends.

In 2015, the Obama administration broadened the scope of the Clean Water Act, applying it to wetlands and seasonal streams. The move came in response to significant confusion over a [2006 Supreme Court case](#) that produced no majority opinion and five separate opinions.

The Obama administration's rule started a new round of criticism and litigation, including from then-Gov. [Brian Sandoval](#) and Attorney General [Adam Laxalt](#). Joining 12 other states, Laxalt [sued](#), arguing that the Obama rule was an example of "unreasonable federal overreach."

After Trump was elected, he began the process of repealing and replacing the 2015 rule. Where Obama's rulemaking relied on Justice Anthony Kennedy's interpretation of the law, the Trump administration turned to a much narrower interpretation written by Justice Antonin Scalia.

Since the final rule was released in April, [environmental groups](#) and [more than a dozen states](#) have sued the Trump administration, kickstarting what is likely to be another round of lawsuits and court guidance. One of the litigants is [Environment America](#), which has a Nevada chapter.

Levi Kamolnick, state director for Environment Nevada, said that water does not abide by state borders. He worries lax regulation of seasonal streams in one state could affect Nevada. For that reason, Kamolnick said seasonal streams should be protected by the federal government.

According to an EPA analysis completed in 2009, about 27,000 Nevadans were served by drinking water systems that relied on intermittent, ephemeral or headwater streams, he added.

"We absolutely think that the Trump Dirty Water Rule runs counter to the intent of the Clean Water Act," Kamolnick said. "We believe strongly that any moves to exclude non-permanent water sources [from federal protection] is detrimental to the health of Nevadans."

The Nevada Independent is a 501(c)3 nonprofit news organization. We are committed to transparency and disclose all our donors. The following people or entities mentioned in this article are financial supporters of our work:

- *Center for Biological Diversity - \$100.00*

NEVADA STATE OFFICIALS STAND BY AS EPA WITHDRAWS CLEAN WATER PROTECTIONS

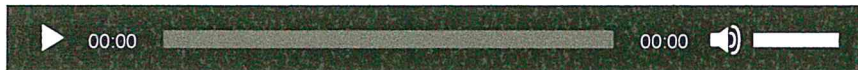
By **Brian Bahouth** - September 15, 2019



Conservation groups say seasonal wetlands in arid states like Nevada are likely to lose federal protections by repealing the Waters of the United States rule. (Ken_Lund)

Carson City – The Trump administration announced on Thursday the withdrawal of Obama-era anti-pollution protections for smaller streams, [known as the Waters of the United States \(WOTUS\) rule](#) – and in Nevada, state officials are not denouncing the move.

Listen to an audio report.



Nevada Attorney General Aaron Ford’s statement says, “At this time, Nevada believes it would be in its best interest to remain under the pre-2015 WOTUS rule.”

Scott Edwards, with the nonprofit [Food & Water Watch](#), says states are free to raise their standards above the federal level – and thinks Nevada is too close to the mining industry.

“The whole Southwest mining industry is not well regulated by the state governments,”

Edwards charges. "A lot of the challenges to the Obama 2015 WOTUS rule were coming out of southwestern mining states, who didn't like what they claimed was the overreach of the Obama rule."

Several years ago, former Attorney General Adam Laxalt joined a dozen other states in suing the EPA to get the WOTUS rule overturned.

Neither Ford's office nor the Nevada Department of Environmental Protection would comment on the current status of that lawsuit, but NDEP said it is in agreement with Ford that Nevada is "better off" under the pre-2015 rules.

The 2015 rule made smaller waterways and seasonal streams subject to Clean Water Act protections.

Edwards claims that Trump's replacement rule will imperil the country's water supply and allow developers, industrial farming operations and mining concerns to pollute smaller waterways.

"Under an analysis of the Trump WOTUS rule, over half of the wetlands in this country will have protections stripped away from them," he adds.

During the public comment period, the EPA was deluged with pleas to keep the Obama-era rule. But the agency scrapped it anyway, and is expected to issue a less-restrictive set of rules later this year.

Dear Governor Sisolak, Attorney General Ford, and Department Directors and Administrators and Assistants, et al:

Under this cover letter please find:

- 1) Our pro bono attorney's request to the Attorney General for an opinion "confirming that the public...may pursue their lawful rights to enjoy all navigable rivers and streams within Nevada...." consistent with Federal and Nevada State Law
- 2) A copy of "State v. Bunkowski, 1972" regarding test of navigability of the State's rivers and streams
- 3) Shepherding citations of "State v. Bunkowski, 1972" regarding subsequent decisions

In spite of Numerous Legal Rulings at both the National and State Level we do not have OUR WATERS Legally available for our citizens to use for recreation in any form. Be it hiking, fishing, gathering of food or furs, hunting, paddling, swimming and many more forms of recreation.

Those Legal Rulings repeatedly agree that Nevada's Waters are indeed Navigable and therefore available for all forms of Recreation along the length of those Waterways up to the Mean High Water line of each Waterway. How do we go about agreeing that the Laws and Legal Rulings of Nevada and the US Government favor the Public's Right to use those Waterways? The only way available to those of us seeking another view of this States Water is to get your departments to request a Legal Opinion of the Attorney General's Office. I and others of the public have no other option other than legislative. Nevada and US Law Rulings already say what the Law is so why should legislative, or other expensive and time consuming options be required?

Below We will explain many reasons why your agencies should make that request of the Attorney General's Office for a new Legal View of our Waters and Waterways.

Again we will start with the fact that Nevada legally OWNS All the Surface Waters and Waterways of Nevada.

Nevada has many Interstate flowing Rivers and streams. The Carson, Truckee, Walker, Bruneau, Jarbidge, Owyhee, Virgin, Colorado, Amargosa, Quinn, Kings, Salmon Falls Creek and many more. Federal Laws say that ALL Interstate Waters Ways are Navigable. Nevada has posted that only the Colorado, Virgin, Truckee and Carson Rivers are Navigable. Why? Commerce! The Carson and Truckee Rivers due to log floating for the mining needs. That also occurred on the Walker River yet for other reasons that was denied Navigable Status. The Commerce issue comes from the time of Statehood for Nevada in 1864. Every other waterway in Nevada was denied a Navigable Status when in reality history says the opposite. The first white people to come to Nevada were fur hunters which is an Act of Commerce. There are still many folks who hunt fur bearing animals in Nevada. Just ask NDOW. The term Commerce also is used for hunting and gathering. What did all of our first pioneers do and the Native Americans ahead of them do for food? They were living by this state's waters and finding anything they could to feed, clothe and house their families and livestock. So how is it that this was ignored when Statehood occurred? This would still be true today but for the fact that many of Nevada's Waterways cannot legally be accessed for those activities. Say What! History of Commerce denied.

So how will a State Wide acceptance of Navigability for our State Owned Waters benefit our State?

First and biggest is that the Lands adjoining Nevada's Legally Navigable Waters would be legally accessible to the public for all forms of recreation. (Except perhaps limits on hunting in some areas with the discharge of firearms limits). Both on the waters and above to the Mean High Water Line where the limit currently exists on the currently Navigable Rivers. State Lands would control those Waters and Lands. It would gain control of the riverbeds, waters and land to Mean High Water Line on ALL of Nevada's Waterways should you agree that they are in fact Navigable. A basic question to ask once that is considered is who will better care for those Riparian Lands and Waters? State Lands or other land owners, interests, mining or others. State Lands does an excellent job now. It would create a far greater job for them but I am sure they would gladly accept that.

Others benefitting Navigable Status are several of Conservation and Natural Resources Departments. State Parks currently has a State Park on the East Fork Walker River. Where they are currently promoting paddling, hiking, fishing, and other forms of Recreation along the waterway there. YET it is not considered Navigable by Nevada.

Outdoor Recreation and Tourism and Cultural Affairs would benefit GREATLY from a new view of our States Resources. They are currently doing much to promote Tourism of our rural State Areas. Do you think that those rural areas might benefit from additional areas available to recreate and enjoy? Currently they cannot legally offer these areas for recreation due to our current view of the waters in those rural areas. Hamstrung is a word that comes to mind with the current view of this State's Waterways.

Would not the State's Water Engineer and his Staff benefit from the legalization of all our State's Waterways. They after all oversee all of Nevada's Waters. How could it hurt their affairs?

Nevada's Department of Wildlife would greatly benefit from this new look at our State's Waterways. It would vastly improve the public's usage of our Waters with greater access. Again it is illegal currently to access all but 4 waterways in Nevada. Much is overlooked by them currently but still by Declaring ALL of Nevada's Waterways Legal they would have legal access to the Mean High Water Line on all of Nevada's Waterways. Not just for fishing but hunting (again with limits), fur gathering and paddling for recreation.

US Fish and Wildlife as well as NDOW do rehabilitation and fishery management on many streams, creeks and rivers in this state. They spend lots of taxpayer monies on these projects to benefit the riparian habitat as well as benefit the public for licensed fishing opportunities. That's a form of Commerce. It certainly enhances opportunities for access to areas below Mean High Water Line on all of those State Waterways.

The US Congress has created many Laws that oversee the waters of our states. One of them is the Clean Waters Act. Over 400 Waterways in this State are or were under their oversight. Nevada has agreed legally to abide by this law. Each and every one of those Waterways is by FACT considered Legally Navigable by the US and in enforcement by the

Army Corps of Engineers (ACE). ANY project that was too possibly in any way to affect any of those 400 plus Waterways required a ACE permit with drawings, engineering and a printed plan to be approved. Again every one of those 400 plus Waterways was deemed Navigable in Fact and any possible disturbance to said Waterways required a permit to limit pollution of them and OUR waters. Since its passage of the Clean Water Act every permit issued to any project in Nevada was an acknowledgement of that Waterway as being in FACT Navigable. Surely this and other stated aspects listed above speaks as to why Nevada Departments must ask for an Attorney General's Opinion on our Waters being indeed Navigable in fact.

Another opportunity for Nevada with a change in Navigable Status for our States Waterways would be the possibility of having many of our States Waterways being declared Wild and Scenic on some of their sections. The Bruneau, Jarbidge, Owyhee and Amargosa have sections in other states that are Wild and Scenic. In a state that only has one National Park do you think it might benefit Tourism and Outdoor Recreation in Nevada to have a few Wild and Scenic Rivers? They cannot exist if they are Non Navigable as they are now. Remember it is 2021 NOT 1864.

I have much more that I could say that further supports our view of Nevada's Waters but I think I have covered enough. I would GLADLY meet with any of you that wish to entertain a positive view of our States future. My info will be listed below.

AS you and I both know our world has changed greatly with CoVid and the public closures of your Offices. I still intend to deliver this note along with some Legal Rulings that support our quest to get a 2021 view of Nevada's Waterways. Our Governor and many of you Departments are very challenged by CoVid and meeting folks like me from the public and there is also this latest challenge to our government that we all must live with now. I still will attempt to deliver this to each of your Offices and the addressed Officials. Your efforts to continue to do what needs to be done to manage our states needs are appreciated greatly. Especially those of our Governor. His job has become unimaginable.

So who am I the person writing all this? My name is Charles Albright and I have been paddling since childhood but especially kayak and canoeing since 1971.

- I am part of a greater group of paddling recreation seekers who see a bigger picture for Nevada's future. I moved to Nevada in 1972 and started exploring rivers and lakes then. Living in Carson and Tahoe at the time gave me access to the East Sierras and all of its creeks, rivers and lakes. I moved to Reno in 1976 and quickly began creating a paddling community there and nearby.
- I taught paddling for 21 years for free and taught thousands of folks the basics for well past that.
- I am the reason there is a White Water Park in Reno and by example one in Sparks as well. It took our group 8 years of efforts to get it created.
- I have fought many battles with folks for river issues. I finally got Sierra Pacific Power to work with us for safety and signage at their dams and continue to work with TMWA for the benefit of river and shore users.
- One of SPPCO's Dams was illegally built with no permits whatsoever at Chalk Bluff on the Truckee River. They created a Low Head Dam, an unsafe design which has killed hundreds of people across this country. I raised a big stink and they had to come back in and "make it safer" but it still is a major hazard.

- I had "battles" with Reno PD who claimed they could remove paddlers and make law with regards to the river like they owned a "Legally Navigable River". We several times were confronted by officers who said we could not paddle that it was illegal. One time they kicked 4 friends off the river and loaded them in a paddy wagon and drove their shuttle for them. After a rather spirited conversation with the head officer that day I contacted many state and local officials like NDOW, Governor, AG's, County and Reno Officials and low and behold it was NO LONGER a problem.
- I have put on races at Wingfield Park for years and still assist with the River Festival each Year. I have led hundreds of paddling trips on this state's waterways.
- I was a founding member of One Truckee River and still work with Iris on many issues.
- I have led hundreds of River Clean ups on the Truckee River.
- I have been working for years to solve the issue of Homeless Camps along our River. I have a great working relationship with our Mayor, Parks Department and Fire Department. Reno Fire asked me to PLEASE assist with getting the many Homeless Camp issues solved. I have promoted several river paddles to take officials, news and others to witness the problem first hand from water level. I am also working with Grant Denton who is the official Homeless Liaison for Reno, Washoe and Sparks for the Homeless Issues. Grant has become a great friend and I am now working on getting him and his clean up crews more higher quality trash bags for their efforts to clean up the shoreline and river channel.
- There is much more but I will end with the facts that I have been on numerous US Teams, competed in Europe and Canada numerous times and also been a National Champion several times and finished in 4th place and 6th several times representing the US in International Competition.

So I hope that you folks do not see me as some kind of Wacko. We all want what is best for our STATE and its PUBLIC!

Sincerely,

Charles Albright
1408 Washington Street
Reno, Nevada 89503
775-324-5102 H
775-453-5403 C
cralbright4@gmail.com
cralbright@juno.com

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

The purpose of this letter is to request the State of Nevada's governing agencies and the Attorney General's Office review and rectify the classification of all the waters in Nevada as Navigable.

Over the past 48 years, I have been researching, and attempting to recreate on, Nevada's 400+ waterways. I was shocked to discover only the Truckee, Carson, Colorado and Virgin Rivers were considered navigable, and therefore, accessible to the public. Why aren't all waterways in Nevada considered Navigable, legally 'State Land' below the high water mark, and available for public use? They should be.

1. There is legal precedent defining all Nevada's rivers and streams as 'navigable', including historic and current use for commerce. Most notably "State vs Bunkowski 1972" regarding the test of navigability of the State's rivers and streams. Detailed legal references and justifications are attached.

2. The State of Nevada, its governing agencies and its citizens would greatly benefit from rectifying the status of Nevada's waters as navigable. Benefits include: accessibility for recreation, fishing, hunting, monitoring and sampling, as well as other environmental, wildlife and habitat related activities. A complete list of benefits is attached.

At its core, this is about the public's right to access public waterways, held in trust by public entities, specifically, the State of Nevada.

Thank you for your attention to this matter.

Sincerely,

Charles Albright
1408 Washington Street
Reno, Nevada 89503
775-324-5102 H
cralbright@juno.com

Definition: “Navigable waters of the United States are *those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.*”

Justification

- Nevada has many Interstate rivers and streams, including the Carson, Truckee, Walker, Bruneau, Jarbidge, Owyhee, Virgin, Colorado, Amargosa, Quinn, Kings, Salmon Falls Creek and many more. The Walker, Carson and Truckee Rivers and their tributaries were used to float logs down into the valley to support mining. The Carson and Truckee are determined ‘navigable’, the Walker is not.
- The Owyhee, Jarbidge and Bruneau Rivers have commercial rafting operations on them.
- Indigenous people lived along the river systems, gathered food, hunted and fished.
- The first settlers in this area travelled along the waterways and were fur trappers. It’s reasonable to assume ‘commerce’ occurred among groups that lived nearby and used the river systems for travel and food. Historical accounts from the Humboldt River system document native people trading fish for supplies with the settlers. Before the dam was built in Idaho, there were large runs of salmon on Salmon Falls Creek. The salmon were caught and sold on Salmon Falls Creek.
- Water from almost every river, stream, and creek in Nevada has been diverted for agriculture, which is ‘commerce’. Waterways have also been dug up for gravel for road construction and other commercial uses.
- Animal trapping for fur-bearing animals still occurs along Nevada waterways, including for sale. The Nevada Department of Wildlife issues these licenses.
- The Nevada Department of Wildlife has hatchery operations, stocks rivers and streams with fish, and sells fishing licenses for fishermen to fish on all Nevada rivers and streams. They also sell boating licenses for use on Nevada’s lakes and rivers. That’s commerce.

Legal Precedent

Public trust doctrine: In the United States, the public trust doctrine has traditionally been applied to commerce and fishing in navigable waters. The states have held the navigable waters and the beds beneath them in trust for the citizens and ensured that the public’s ability to engage in navigation, commerce, and fishing on those waters was protected. The state of Nevada has traditionally recognized the public trust doctrine. In 1970, the Nevada Supreme Court declared that “[w]hen a territory is endowed with statehood one of the many items its sovereignty includes is the grant from the federal government of all navigable bodies of water within the particular territory, whether they be rivers, lakes or streams.” *State Eng’r v. Cowles Brothers, Inc.*, 86 Nev. 872, 874 (1970). In 2011, the same court formally adopted the public trust doctrine, noting that the doctrine was rooted in Nevada’s constitution, statutes, and the inherent limitations on the state’s powers. According to the court, “because the state holds such property in trust for the public’s use, the state is simply without power to dispose of public trust property when it is not in the public’s interest.” *Lawrence v. Clark Cty.*, 127 Nev. 390, 400 (2011). 2

A copy of the letter from Fred Atcheson, Esquire, to Aaron Ford, Nevada Attorney General, regarding “Public Rights to use Public Streams and Rivers of Nevada” is included. This document contains the information for legal precedent and a list of cited legal documents.

“*State v. Bunkowski, 1972*” regarding the test of navigability of the State’s rivers and streams and Shepherding citations regarding subsequent decisions are attached.

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

The purpose of this letter is to request the State of Nevada's governing agencies and the Attorney General's Office review and rectify the classification of all the waters in Nevada as Navigable.

Over the past 48 years, I have been researching, and attempting to recreate on, Nevada's 400+ waterways. I was shocked to discover only the Truckee, Carson, Colorado and Virgin Rivers were considered navigable, and therefore, accessible to the public. Why aren't all waterways in Nevada considered Navigable, legally 'State Land' below the high water mark, and available for public use? They should be.

1. There is legal precedent defining all Nevada's rivers and streams as 'navigable', including historic and current use for commerce. Most notably "State vs Bunkowski 1972" regarding the test of navigability of the State's rivers and streams. Detailed legal references and justifications are attached.

2. The State of Nevada, its governing agencies and its citizens would greatly benefit from rectifying the status of Nevada's waters as navigable. Benefits include: accessibility for recreation, fishing, hunting, monitoring and sampling, as well as other environmental, wildlife and habitat related activities. A complete list of benefits is attached.

At its core, this is about the public's right to access public waterways, held in trust by public entities, specifically, the State of Nevada.

Thank you for your attention to this matter.

Sincerely,

Charles Albright
1408 Washington Street
Reno, Nevada 89503
775-324-5102 H
cralbright@juno.com

Benefits to the State of Nevada

Access

- The public would have access to all waterways below the high water mark.
- State employees doing water quality and species sampling and surveys would have access to all waterways below the high water mark.

Recreation & Tourism

- The public could freely wade, float, boat, fish and hunt 'within' the waterway and along adjacent public lands.
- Commercial rafting and kayaking tours could occur on more sections of more rivers.
- Nevada State Parks could promote river access and use. For example, Walker River State Park would benefit from having the entire length of the Walker River, from the California/Nevada border to Walker Lake State Park and beyond, possibly to Walker Lake, be accessible for boating and fishing.
- The potential for rivers in Nevada to be designated 'Wild and Scenic'. The Bruneau, Jarbidge, Owyhee and Amargosa Rivers have sections in other States that are designated "Wild and Scenic", adding the Nevada sections would be a great opportunity.
- Tourism offices could expand advertisement of recreational opportunities on the rivers and streams of Nevada.

Administrative Consistency

- The State of Nevada owns all the surface waters and waterways except on Tribal lands. The land beneath the 'high water mark' is owned only on waters identified as 'navigable', which is currently only the Colorado, Carson, Truckee and Virgin Rivers. Nevada State Lands as well as other Divisions within the Department of Conservation and Natural Resources, Department of Wildlife and the Department of Transportation would benefit from having all Nevada rivers and streams owned and managed consistently.
- All waters in Nevada would fall under the same State and Federal regulations, the Clean Water Act in particular.

The JUSTIA logo consists of the word "JUSTIA" in a bold, white, sans-serif font, centered within a dark green rectangular background.

Receive free daily summaries of new opinions from the **Supreme Court of Nevada.**

Mineral County v. Lyon County

Justia Opinion Summary

The Supreme Court answered in the negative a question certified to it by the Ninth Circuit Court of Appeals, holding that the public trust doctrine does not permit the reallocation of rights already adjudicated and settled under the doctrine of prior appropriation.

This litigation stemmed from Mineral County's intervention in longstanding litigation over water rights in the Walker River Basin to protect and restore Walker Lake. Here, the Supreme Court was asked for the first time to consider whether the public trust doctrine permits reallocating water rights previously settled under Nevada's prior appropriation doctrine. The Supreme Court held that the doctrine, as implemented through the state's water statutes, does not permit reallocating water rights already adjudicated and settled under the doctrine of prior appropriation.

[Read more](#)

 [Download PDF](#)

130 Nev., Advance Opinion

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; AND WALKER
LAKE WORKING GROUP,
Appellants,
vs.
LYON COUNTY; CENTENNIAL
LIVESTOCK; BRIDGEPORT
RANCHERS; SCHROEDER GROUP;
WALKER RIVER IRRIGATION
DISTRICT; STATE OF NEVADA
DEPARTMENT OF WILDLIFE; AND
COUNTY OF MONO, CALIFORNIA,
Respondents.

No. 75917

FILED

SEP 17 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: [Signature] DEPUTY CLERK

Certified questions under NRAP 5 concerning Nevada's public trust doctrine. United States Court of Appeals for the Ninth Circuit; A. Wallace Tashima, Raymond C. Fisher, and Jay S. Bybee, Circuit Judges.

Question answered.

Simeon M. Herskovits, El Prado, New Mexico; Sean A. Rowe, District Attorney, Mineral County,
for Appellants Mineral County and Walker Lake Working Group.

Aaron D. Ford, Attorney General, Heidi Parry Stern, Solicitor General, Bryan L. Stockton, Senior Deputy Attorney General, and Tori N. Sundheim, Deputy Attorney General, Carson City,
for Respondent State of Nevada Department of Wildlife.

Best, Best & Krieger LLP and Roderick E. Walston, Walnut Creek, California; Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno; Stephen B. Rye, District Attorney, Lyon County,
for Respondent Lyon County.

SUPREME COURT
OF
NEVADA

EO 1947A

20-3424b

Best, Best & Krieger LLP and Roderick E. Walston, Walnut Creek, California; Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno,
for Respondent Centennial Livestock.

Woodburn & Wedge and Gordon H. DePaoli, Dale E. Ferguson, and Domenico R. DePaoli, Reno,
for Respondent Walker River Irrigation District.

Schroeder Law Offices, P.C., and Laura A. Schroeder and Therese A. Ure, Reno,
for Respondent Schroeder Group.

Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno; Stacey Simon, County Counsel, and Jason Thomas Canger, Deputy County Counsel, Mono County, California,
for Respondent County of Mono, California.

Aaron D. Ford, Attorney General, Heidi Parry Stern, Solicitor General, and James N. Bolotin, Senior Deputy Attorney General, Carson City,
for Amicus Curiae Nevada State Engineer.

Benson Law Nevada and Kevin Benson, Carson City; Xavier Becerra,

Attorney General, and Nhu Q. Nguyen, Deputy Attorney General, Sacramento, California, for Amicus Curiae State of California.

Jason D. Woodbury, District Attorney, Carson City; Taggart & Taggart, Ltd., and Paul G. Taggart and Timothy D. O'Connor, Carson City, for Amicus Curiae Carson City.

Hanson Bridgett LLP and Michael J. Van Zandt, San Francisco, California, for Amici Curiae Churchill County, City of Fallon, and Truckee-Carson Irrigation District.

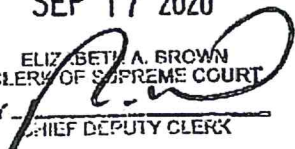
IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; AND WALKER
LAKE WORKING GROUP,
Appellants,
vs.
LYON COUNTY; CENTENNIAL
LIVESTOCK; BRIDGEPORT
RANCHERS; SCHROEDER GROUP;
WALKER RIVER IRRIGATION
DISTRICT; STATE OF NEVADA
DEPARTMENT OF WILDLIFE; AND
COUNTY OF MONO, CALIFORNIA,
Respondents.

No. 75917

FILED

SEP 17 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

Certified questions under NRAP 5 concerning Nevada's public trust doctrine. United States Court of Appeals for the Ninth Circuit; A. Wallace Tashima, Raymond C. Fisher, and Jay S. Bybee, Circuit Judges.

Question answered.

Simeon M. Herskovits, El Prado, New Mexico; Sean A. Rowe, District Attorney, Mineral County,
for Appellants Mineral County and Walker Lake Working Group.

Aaron D. Ford, Attorney General, Heidi Parry Stern, Solicitor General, Bryan L. Stockton, Senior Deputy Attorney General, and Tori N. Sundheim, Deputy Attorney General, Carson City,
for Respondent State of Nevada Department of Wildlife.

Best, Best & Krieger LLP and Roderick E. Walston, Walnut Creek, California; Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno; Stephen B. Rye, District Attorney, Lyon County,
for Respondent Lyon County.

Best, Best & Krieger LLP and Roderick E. Walston, Walnut Creek, California; Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno, for Respondent Centennial Livestock.

Woodburn & Wedge and Gordon H. DePaoli, Dale E. Ferguson, and Domenico R. DePaoli, Reno, for Respondent Walker River Irrigation District.

Schroeder Law Offices, P.C., and Laura A. Schroeder and Therese A. Ure, Reno, for Respondent Schroeder Group.

Law Office of Jerry M. Snyder and Jerry M. Snyder, Reno; Stacey Simon, County Counsel, and Jason Thomas Canger, Deputy County Counsel, Mono County, California, for Respondent County of Mono, California.

Aaron D. Ford, Attorney General, Heidi Parry Stern, Solicitor General, and James N. Bolotin, Senior Deputy Attorney General, Carson City, for Amicus Curiae Nevada State Engineer.

Benson Law Nevada and Kevin Benson, Carson City; Xavier Becerra, Attorney General, and Nhu Q. Nguyen, Deputy Attorney General, Sacramento, California, for Amicus Curiae State of California.

Jason D. Woodbury, District Attorney, Carson City; Taggart & Taggart, Ltd., and Paul G. Taggart and Timothy D. O'Connor, Carson City, for Amicus Curiae Carson City.

Hanson Bridgett LLP and Michael J. Van Zandt, San Francisco, California, for Amici Curiae Churchill County, City of Fallon, and Truckee-Carson Irrigation District.

Mark B. Jackson, District Attorney, and Douglas V. Ritchie, Chief Deputy District Attorney, Douglas County, for Amicus Curiae Douglas County.

Tyler J. Ingram, District Attorney, and Rand J. Greenburg, Deputy District Attorney, Elko County, for Amici Curiae Elko County and Humboldt River Basin Water Authority.

Michael Macdonald, District Attorney, Humboldt County,
for Amicus Curiae Humboldt County.

Theodore C. Herrera, District Attorney, Lander County,
for Amicus Curiae Lander County.

R. Bryce Shields, District Attorney, Pershing County,
for Amicus Curiae Pershing County.

Anne M. Langer, District Attorney, Storey County,
for Amicus Curiae Storey County.

Taggart & Taggart, Ltd., and Paul G. Taggart and Timothy D. O'Connor,
Carson City,
for Amicus Curiae City of Fernley.

Law Offices of Wes Williams, Jr., P.C., and Wes Williams, Jr., Schurz,
for Amicus Curiae Walker River Paiute Tribe.

King & Russo, Ltd., and Patrick O. King, Carson City,
for Amicus Curiae Carson Water Subconservancy District.

Schroeder Law Offices, P.C., and Therese A. Ure and Laura A. Schroeder,
Reno,
for Amicus Curiae Pershing County Water Conservation District.

Gregory J. Walch, Steven C. Anderson, and Brittany L. Cermak, Las Vegas,
for Amicus Curiae Southern Nevada Water Authority.

McDonald Carano LLP and Michael A.T. Pagni, Reno,
for Amici Curiae Truckee Meadows Water Authority, Washoe County Water
Conservation District, and Carson-Truckee Water Conservation District.

Brett C. Birdsong, Las Vegas,
for Amicus Curiae Law Professors.

Lemons, Grundy & Eisenberg and Robert L. Eisenberg, Reno; John D. Echeverria, South Royalton, Vermont; Robert Johnston, Carson City, for Amici Curiae Natural Resources Defense Council, Sierra Club, Western Resource Advocates, National Wildlife Federation, and Nevada Wildlife Federation.

Taggart & Taggart, Ltd., and Paul G. Taggart and David H. Rigdon, Carson City, for Amici Curiae Nevada Farm Bureau Federation, Nevada Cattlemen's Association, Lyon County Farm Bureau, and Elko County Farm Bureau.

Parsons Behle & Latimer and Gregory H. Morrison, Reno, for Amicus Curiae Nevada Mining Association.

Blanchard, Krasner & French and Steven M. Silva, Reno, for Amicus Curiae Pacific Legal Foundation.

Simons Hall Johnston PC and Brad M. Johnston, Yerington, for Amici Curiae Peri & Sons Farms, Inc., Desert Pearl Farms, LLC, Peri Family Ranch, LLC, Jason Corporation, and Frade Ranches, Inc.

BEFORE THE COURT EN BANC.¹

OPINION

By the Court, STIGLICH, J.:

In *Lawrence v. Clark County*, we adopted the public trust doctrine, which generally establishes that a state holds its navigable waterways in trust for the public. 127 Nev. 390, 406, 254 P.3d 606, 617 (2011). We are asked for the first time to consider whether the doctrine

¹The Honorable Ron D. Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.