

EXHIBIT C. LOCAL COOPERATION

COOPERATIVE EXTENSION WORK
IN
AGRICULTURE AND HOME ECONOMICS
STATE OF NEVADA

CALIENTE, NEVADA

April 27, 1956

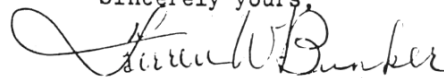
Corps of Army Engineers
U. S. Army Office of District Engineers
Los Angeles District
Los Angeles 17, California

ATT: Chas. A. Carroll, Lt. Colonel Corp of Engineers,
Assistant District Engineer

In compliance with your letter of April 13, the Lincoln County Flood Control District has met and adopted the enclosed resolution which furnishes assurance of local responsibilities in connection with adjustment of water rights claims resulting from operations from improvements and keeping the flood channels below the flood line free from man made encroachments.

You will also find our District Attorney's opinion and citation of the law regarding this matter. If for any reason these do not satisfy the requirements of the Secretary of Army, please notify us.

Sincerely yours,



Ferren W. Bunker,
Lincoln County Flood
Control District

FWB/wg

Enclosures/2

OFFICE OF DISTRICT ATTORNEY

LINCOLN COUNTY

PIOCHE, NEVADA

ROSCOE H. WILKES,
DISTRICT ATTORNEY

OFFICE: YORKTOWN 3-443
RESIDENCE: YORKTOWN 3-487

April 19, 1956

Mr. Ferren W. Bunker, Secretary
Lincoln County Flood Control District
Caliente, Nevada

Dear Mr. Bunker:

At your request I have again examined the Statutes of Nevada as they relate to the Lincoln County Flood Control District. You will recall that in October 1955 I wrote you regarding the Statutes of Nevada then in force as they related to two problems which the district was presenting at that time.

At that time two problems were presented which could be generally stated to be as follows: (1) protection of the United States by the local Flood Control District from possible claims arising from reduction of water levies in the general area and (2) preventing, by the local Flood Control District, of man-made encroachments being placed in the channels and thereby reducing the carrying capacity of the channels. These assurances were requested by the Federal Government.

It was my opinion, at that time, that the Flood Control Laws of the State of Nevada were not broad enough to allow the local Flood Control District to give these assurances and it was recommended that Chapter 174 Statutes of Nevada 1947 at Page 611 be amended in certain particulars.

These amendments were made and while it is not felt necessary to re-copy the entire Act you will find attached hereto a copy of the pertinent sections including the amendments made thereto in the 1956 Special Legislative Session.

A reading of these amendments discloses that Lincoln County Flood Control District may furnish assurances satisfactory to the Secretary of the Army, as prescribed by any public law of the United States, etc. Also it is noted that, when needed, the Board of County Commissioners of Lincoln County shall levy special taxes as may be necessary to pay any claims for which the district is

Mr. Ferren W. Bunker
April 19, 1956
Page Two

liable, or for which the district has assumed liability, in connection with any assurances of local cooperation furnished by it to the Government of the United States.

To my knowledge the Board of County Commissioners of Lincoln County have pledged their cooperation to the local Flood Control District in the way of levying such special taxes at any time same becomes necessary. The wording of the amendment makes it mandatory that the County Commissioners levy such taxes, should same become necessary. The County Commissioners have pledged their cooperation in this regard, but even if a different and later Board were not so disposed to cooperate, the law makes it mandatory that taxes be levied to pay the obligations of the district.

I shall conclude that the present status of the Lincoln County Flood Control District Act enables the district to give the assurances which have been requested by the United States Government, or Departments thereof. Further it should be stated that since the boundaries of Lincoln County Flood Control District are the same as the boundaries for Lincoln County, Nevada, that taxable property over the entire county may be pledged to the payment of obligations incurred by virtue of these assurances if same should become necessary.

Respectfully submitted,

Roscoe H. Wilkes

RHW:fb
Encl.

SPLGH 800.06 (Mathews and Pine Canyons)

4 May 1956

Mr. Ferren W. Brunker, Secretary
Lincoln County Flood Control District
Caliente, Nevada

Dear Mr. Brunker:

Receipt is acknowledged of your letter dated 27 April 1956 inclosing an extract of an amendment passed in the 1956 Special Legislative Session pertaining to Chapter 174, Statutes of Nevada 1947, under the authority of which the Lincoln County Flood Control District was organized; also a resolution adopted 26 April 1956 by the Board of Directors of the Lincoln County Flood Control District, giving assurances of local cooperation in connection with the proposed construction of Mathews and Pine Canyons Dams authorized by the Act of Congress approved 17 May 1950, Public Law 516, Eighty-first Congress, Second Session.

In the name of, and by authority of the Secretary of the Army, the assurances for the projects described in the preceding paragraph are accepted.

Your cooperation is appreciated.

Very truly yours,

ARTHUR H. FRYE, JR.
Colonel, Corps of Engineers
District Engineer

cc: Ch of Engrs, Wash, D. C. *w/d to be trans by repltr*
Div Engr, SFD, S/Fran
Legal Br w/cy resol
Real Estate Div w/cy resol
Dams Sec w/cy resol
Adv Plg Sec w/cy resol
ED

J
AHF
etc
LED
CEM
JSG
HWT
LHF
SFC
NAL

✓
SDS/fr

SPLGH 800.06 (Mathews and Pine
Canyons Dams)

7 May 1956

SUBJECT: Acceptance of Assurances of Local Cooperation for Mathews
Canyon and Pine Canyon Dams

TO: Division Engineer
South Pacific Division
Corps of Engineers, U. S. Army
San Francisco, California

1. A formal request for assurances of local cooperation for the
subject project was made of the Lincoln County Flood Control District
by letter dated 13 April 1956. A copy of that letter was transmitted
to you by separate letter dated 16 April 1956.

2
AHF
CAC
LED

2. Inclosed for your information and files are copies of a
letter dated 27 April 1956 from Mr. Ferren W. Dunker, Secretary of the
Lincoln County Flood Control District, inclosing a resolution adopted
by the Board of Directors of the Lincoln County Flood Control District,
26 April 1956, giving assurances of local cooperation for the Mathews
Canyon and Pine Canyon Dams. Also inclosed is the District Attorney's
opinion and citation of the law.

GEM
HWT

3. As required by paragraph 5209.02, Orders and Regulations,
it is determined that (a) the assurances furnished comply with those
required by the authorizing act; (b) the instrument (resolution) is
legally sufficient; and (c) local interests have the legal authority
to give the assurances. The amended legislation gives the Board of
County Commissioners taxing power to levy special taxes as necessary
to pay any claims for which the district is liable or for which the
district has assumed liability. Accordingly, the assurances were
accepted by me on 4 May 1956 "in the name of and by authority of the
Secretary of the Army."

JGJ
LHF
SFC
NAL

3 Incls (in dup)

ARTHUR R. FRYE, JR.
Colonel, Corps of Engineers
District Engineer

- 1. Cy ltr from LADE to LCFCD dtd 4 May 1956
- 2. Cy ltr from LCFCD to LADE dtd 27 Apr 1956 w/attached atty's opinion
- 3. Cy resolution

cc: Adv Plg Sec
ED
Dams Sec

BIS/fr

SFDGP 800.06 (Mathews Canyon Dam) 1st Ind
x (Pine Canyon Dam) LA Dist
SUBJECT: Acceptance of Assurances of Local Cooperation for Mathews
Canyon and Pine Canyon Dams (Basic: 7 May 1956)

South Pacific Division, Corps of Engineers, US Army, San Francisco,
California, 10 May 1956

TO: Chief of Engineers, Department of the Army, Washington 25, D. C.

Forwarded for the information and files of OCE in compliance with
paragraph 5209.02e of Orders and Regulations.

FOR THE DIVISION ENGINEER:

3 Incls
w/d - 1 cy ea

A. E. McCOLLAM
Colonel, CE
Executive

cc: ✓ Los Angeles District
Ref Letter 7 May 56
File SFDGP 800.06
(Mathews and Pine
Canyons Dams)

Approved:
Special Agent
in Charge

LOCAL COOPERATION

13. Local cooperation required.--The local cooperation required by the authorizing legislation is the same as that specified in the project document. In accordance with the Chief of Engineers' report published in the project document, responsible local interests would be required to "give assurances satisfactory to the Secretary of the Army that they will adjust all water-rights claims resulting from operation of the improvements and keep the flood channels below the flood-control reservoirs free from man-made encroachments."

14. Public hearings and views of local interests.--No public hearings on this project have been held since preparation of the survey report, which is included in the project document. The Lincoln County Flood Control District, which is the local agency responsible for the fulfillment of local cooperation, has - through correspondence with the Los Angeles District - concurred in the features of the general plan of improvement recommended in this memorandum.

15. Senator Malone of Nevada, former State Engineer for that State, and Congressman Young have appeared before congressional committees in support of the project. Local interests have appeared before congressional appropriations committees in support of the project.

16. Local interests' compliance with requirements of local cooperation.--Compliance with the requirements of local cooperation prescribed by the authorizing legislation is expected from the Lincoln County Flood Control District, which is the agency responsible for representing local interests. The Lincoln County Flood Control District was formed 7 July 1947 to meet the requirements of local cooperation in the construction of Mathews Canyon Dam and Pine Canyon Dam and of other projects relating to the public welfare and interest.

17. The secretary of the Lincoln County Flood Control District, in a letter dated 11 May 1955 to Mr. Hugh Shamberger, State Engineer of Nevada, stated that the directors of the Lincoln County Flood Control District have " * * * indicated a willingness to assume what [sic] responsibilities that are necessary on the part of the district to expedite these projects [Mathews Canyon Dam and Pine Canyon Dam]."

18. Principal officers responsible.--The principal officers responsible are officers of the Lincoln County Flood Control District, the agency responsible for local cooperation. The address of the Lincoln County Flood Control District is Caliente, Nev.; the names and titles of the principal officers are as follows:

<u>Name</u>	<u>Title</u>
Ferren W. Bunker	Secretary
Grant Lee	Director
Emery Conaway	Director
Samuel J. Hollinger	Director