

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 17, 37, 64, 81)

(Reprinted with amendments adopted on April 20, 2015)

FIRST REPRINT

S.B. 65

SENATE BILL NO. 65—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF WATER RESOURCES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the use of water.
(BDR 48-366)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.

Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the use of water; revising provisions relating to the adjudication of vested water rights; revising provisions relating to applications, permits and certificates for the appropriation of public waters; revising provisions relating to underground water and wells; revising provisions relating to the planning and development of water resources; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law declares that the water of all sources of water within the
2 boundaries of Nevada, whether above or below the surface of the ground, belongs
3 to the public. (NRS 533.025) Subject to existing rights, water in the State may be
4 appropriated only for beneficial use, which existing law declares to be a public use.
5 (NRS 533.030, 533.050) The unauthorized use of water to which another person is
6 entitled and the willful waste of water to the detriment of another is prohibited, as is
7 causing, suffering or permitting any artesian well to discharge unnecessarily so that
8 the waters of the well are lost for beneficial use. (NRS 533.460, 534.0165, 534.070)

9 **Sections 4, 67 and 75** of this bill revise the definition of, and prohibition on,
10 wasting water. Under the provisions of this bill, “wasting” water includes causing
11 or permitting water from any source to discharge or flow unnecessarily so that the
12 water is lost for beneficial use, or misusing water such that it discharges or flows
13 unnecessarily so that the water is lost for beneficial use.

14 **Sections 5-8 and 12-44** of this bill revise provisions governing the adjudication
15 of certain vested water rights. Under existing law, after receiving a petition



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16 requesting the determination of the relative rights of the various claimants to the
17 waters of any stream or stream system, the State Engineer must enter an order
18 granting the petition and proceed with the determination. The State Engineer then
19 must prepare a notice of that order to be published in one or more newspapers of
20 general circulation within the boundaries of the stream system. (NRS 533.090,
21 533.095) **Section 13** requires the notice to also set forth the date on which the State
22 Engineer will begin taking proofs of appropriation, the date by which such proofs
23 must be filed and the date by which any additional maps must be filed. **Section 13**
24 also requires the State Engineer to provide the notice to each person whom the
25 State Engineer knows or should know claims rights in or to the water.

26 **Section 14** provides specifications for the information and documents that must
27 accompany a proof of appropriation. **Section 5** requires any proof of appropriation
28 or accompanying map that is found to be defective to be returned to the claimant
29 with an explanation of why the proof or map is defective. A corrected proof or map
30 must be refiled with the State Engineer within 60 days. **Section 15** provides that
31 proofs of appropriation may not, with certain exceptions, be received by or filed
32 with the State Engineer after the date set forth in the notice by which proofs must
33 be filed. **Section 17** increases the amount of the fees that the State Engineer must
34 collect for the filing of proofs of appropriation.

35 **Section 6** requires the State Engineer, when investigating a stream or stream
36 system for the purpose of adjudicating the vested rights of the water, to gather any
37 essential data and information, compile a list of all proofs of appropriation filed for
38 the area being adjudicated, conduct any necessary field investigations and
39 verifications of the proofs and reduce his or her observations and measurements to
40 writing. If the State Engineer causes a survey or map to be executed, the survey or
41 map must be prepared by a licensed state water right surveyor and conform to
42 certain specifications.

43 Existing law requires the State Engineer, after receiving the proofs of
44 appropriation, to prepare a preliminary order of determination regarding the rights
45 of claimants to the water and to deliver a copy of the preliminary order to each
46 person who has filed a proof of appropriation. (NRS 533.140) **Section 18**
47 authorizes the State Engineer to make a copy of the preliminary order available
48 online in lieu of sending a copy to each claimant. Any person claiming any interest
49 in the water may file an objection to the preliminary order, and **section 20** requires
50 the hearing on objections to be held not less than 120 days after the date of the
51 preliminary order. **Section 20** also requires all testimony taken at such a hearing to
52 be reported and transcribed by a certified court reporter, whose fees and expenses
53 must be paid by the claimants objecting to the preliminary order.

54 Existing law requires the State Engineer to make an order of determination as
55 soon as practicable after the hearing on objections to the preliminary order. (NRS
56 533.160) **Section 21** authorizes the State Engineer to make a copy of the order of
57 determination available online in lieu of sending a copy to each claimant. A copy of
58 the order of determination must be filed with the district court of the county in
59 which the stream system is located, after which a time is set for a hearing by the
60 district court on the order. (NRS 533.165) Any parties aggrieved or dissatisfied
61 with the order of determination may file with the clerk of the district court a notice
62 of exception to the order. (NRS 533.170) The district court, after the hearing on
63 the order of determination, must enter a decree affirming or modifying the order. (NRS
64 533.185) **Section 8** authorizes the district court to require, under certain
65 circumstances, that a revised map which accurately reflects the decree and
66 conforms with the rules and regulations of the State Engineer be prepared and filed
67 with the district court and the State Engineer. Under existing law, the district
68 court's decree may be appealed, and notice of the appeal must be served upon the
69 attorneys of record for claimants who have filed exceptions to the final order of
70 determination by the State Engineer. (NRS 533.200) **Sections 28 and 29** require



71 any notice of appeal and notice of intention to move for a new trial to be served
72 upon claimants who have filed exceptions but for whom there is no attorney of
73 record.

74 Finally, **section 37** amends provisions requiring the State Engineer to prepare
75 an annual budget of the estimated expenses of administering and regulating each
76 stream system and water district. (NRS 533.280)

77 **Sections 9 and 45-63** of this bill revise provisions regarding applications,
78 permits and certificates for the appropriation of public waters. Existing law
79 authorizes the State Engineer to extend the deadline by which construction related
80 to such an appropriation must be completed. (NRS 533.380) **Section 54** provides
81 that the failure by an applicant to provide proof and evidence of the good faith and
82 reasonable diligence with which the applicant is pursuing the perfection of a water
83 appropriation is prima facie evidence of failure to proceed in good faith and with
84 reasonable diligence. **Section 54** also authorizes the State Engineer to approve or
85 deny an extension if the water right in question lies within a basin that is an area of
86 active management or has been designated as a critical management area.

87 Existing law provides for the issuance by the State Engineer of certificates
88 relating to the appropriation of water. (NRS 533.425) **Section 62** prohibits the State
89 Engineer from issuing certificates based on certain revocable permits to appropriate
90 water. **Section 9** requires the State Engineer to quantify in acre-feet the amount of
91 water that has been beneficially used for certificates which express the amount of
92 appropriation only in terms of cubic feet per second.

93 **Section 64** of this bill amends provisions relating to certain fees collected by
94 the State Engineer.

95 **Section 78** of this bill requires that a domestic well, the user of which is
96 furnished water by an entity such as a water district or municipality, be plugged in
97 accordance with any applicable regulation of the State Engineer.

98 **Sections 87 and 88** of this bill provide for the imposition of administrative
99 fines against persons who violate certain provisions relating to the planning and
100 development of water resources.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 533 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** (Deleted by amendment.)

5 **Sec. 3.** (Deleted by amendment.)

6 **Sec. 4.** (Deleted by amendment.)

7 **Sec. 5. 1.** *Upon the filing of a proof of appropriation*
8 *pursuant to NRS 533.115, the State Engineer shall make a*
9 *notation thereon of the date of its receipt and shall keep a record*
10 *of the date.*

11 **2.** *If a proof of appropriation or an accompanying map is*
12 *found to be defective, it must be returned with a statement*
13 *explaining why the proof was found to be defective, and the date*
14 *of the return to the claimant must be noted upon the proof and a*
15 *record made of it in the Office of the State Engineer.*



1 3. A proof of appropriation, properly corrected and
2 accompanied by such maps and drawings as may be required and
3 by the fee required pursuant to NRS 533.135, must be refiled with
4 the Office of the State Engineer within 60 days after the date of
5 the return to the claimant.

6 4. Except as otherwise provided in this subsection, any proof
7 of appropriation returned for correction or completion that is not
8 refiled in proper form within 60 days must be rejected. For good
9 cause shown, upon application made before the expiration of the
10 60-day period, the State Engineer may, in his or her discretion,
11 grant an extension of time not to exceed 60 days in which to file
12 the instruments.

13 **Sec. 6. 1.** In investigating a stream or stream system for the
14 purpose of determining the relative rights of the various claimants
15 to the waters thereto, the State Engineer shall:

16 (a) Gather such data and information as may be essential to
17 the proper determination of the water rights in the area being
18 adjudicated;

19 (b) Compile a list of the proofs of appropriation filed pursuant
20 to NRS 533.115 for the area being adjudicated;

21 (c) Conduct any necessary field investigations and
22 verifications of the proofs of appropriation; and

23 (d) Reduce his or her observations and measurements to
24 writing.

25 2. If the State Engineer causes a survey or map to be
26 executed:

27 (a) The survey or map must be prepared by a licensed state
28 water right surveyor;

29 (b) An original of the map, when completed, must be filed and
30 made of record in the Office of the State Engineer;

31 (c) The map filed in the Office of the State Engineer must
32 comply with the provisions of subsection 2 of NRS 533.115; and

33 (d) The cost of executing the survey or map must be assessed
34 and collected pursuant to NRS 533.190.

35 3. The State Engineer may use data, measurements and
36 information compiled by the United States Geological Survey or
37 other persons or governmental agencies in investigating the
38 stream or stream system.

39 **Sec. 7. 1.** Any and all maps, plats, surveys and evidence on
40 file in the Office of the State Engineer relating to any proof of
41 appropriation involved in a proceeding for the determination of
42 the relative rights in and to the waters of any stream or stream
43 system obtained or filed under the provisions of any statute
44 relating to the Office of the State Engineer, is admissible in court



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1 *and has the same force and effect as though submitted under the*
2 *provisions of this chapter.*

3 *2. At least 90 days before the rendering of his or her order of*
4 *determination of the relative rights in and to the waters of any*
5 *stream or stream system, the State Engineer shall notify all parties*
6 *in interest of his or her intention to consider any maps, plats and*
7 *evidence described in subsection 1, and of his or her intention to*
8 *submit the findings of the State Engineer to the court under the*
9 *provisions of this chapter.*

10 *3. Within 60 days after such notice, any party in interest may*
11 *file with the State Engineer any additional or supplementary*
12 *maps, plats, surveys or evidence, or objections to the admissibility*
13 *of any evidence previously presented and on file in the Office of*
14 *the State Engineer, in relation to his or her claim of water rights*
15 *or adverse to the claim or claims of the water rights of any other*
16 *party or parties in interest, in order to perfect his or her claim in*
17 *accordance with the provisions of this chapter, and the State*
18 *Engineer shall consider the whole thereof in rendering such order*
19 *of determination, and the same shall become a part of the record*
20 *which must be submitted to the court as provided in NRS 533.170*
21 *to 533.235, inclusive.*

22 **Sec. 8.** *If a decree entered pursuant to NRS 533.185 holds*
23 *that the water right of a claimant is different than the right*
24 *claimed in the proof of appropriation filed by the claimant or in*
25 *the final order of determination of the State Engineer, or if*
26 *discrepancies exist between a map accompanying a proof of*
27 *appropriation or any other map that was required by the State*
28 *Engineer after the initiation of an adjudication and any water*
29 *right described in a decree entered pursuant to NRS 533.185, the*
30 *court may require that a claimant:*

31 *1. Prepare a revised map which accurately reflects the decree*
32 *and which conforms with the rules and regulations of the State*
33 *Engineer; and*

34 *2. File the map with the court and the Office of the State*
35 *Engineer.*

36 **Sec. 9.** *1. The State Engineer shall quantify in acre-feet the*
37 *amount of water that has been beneficially used for the purpose*
38 *set forth in the certificate of appropriation for any certificate*
39 *issued pursuant to NRS 533.425 which expresses the amount of*
40 *the appropriation only in terms of cubic feet per second.*

41 *2. The State Engineer may request that the person to whom a*
42 *certificate described in subsection 1 is issued provide information*
43 *to support a specific duty of water that is used beneficially.*

44 *3. The State Engineer shall notify by registered or certified*
45 *mail each person to whom a certificate described in subsection 1 is*



1 *issued the amount of water that has been beneficially used for the*
2 *purpose set forth in the certificate of appropriation, as quantified*
3 *in acre-feet pursuant to subsection 1.*

4 **Sec. 10.** (Deleted by amendment.)

5 **Sec. 11.** NRS 533.024 is hereby amended to read as follows:

6 533.024 The Legislature declares that:

7 1. It is the policy of this State:

8 (a) To encourage and promote the use of effluent, where that use
9 is not contrary to the public health, safety or welfare, and where that
10 use does not interfere with federal obligations to deliver water of the
11 Colorado River.

12 (b) To recognize the importance of domestic wells as
13 appurtenances to private homes, to create a protectable interest in
14 such wells and to protect their supply of water from unreasonable
15 adverse effects which are caused by municipal, quasi-municipal or
16 industrial uses and which cannot reasonably be mitigated.

17 (c) To encourage the State Engineer to consider the best
18 available science in rendering decisions concerning the available
19 surface and underground sources of water in Nevada.

20 (d) To encourage and promote the use of water to prevent or
21 reduce the spread of wildfire or to rehabilitate areas burned by
22 wildfire, including, without limitation, through the establishment of
23 vegetative cover that is resistant to fire.

24 2. The procedures in this chapter for changing the ~~{place}~~ *point*
25 of diversion, manner of use or place of use of water, and for
26 confirming a report of conveyance, are not intended to have the
27 effect of quieting title to or changing ownership of a water right and
28 that only a court of competent jurisdiction has the power to
29 determine conflicting claims to ownership of a water right.

30 **Sec. 12.** NRS 533.090 is hereby amended to read as follows:

31 533.090 1. Upon a *written* petition to the State Engineer,
32 signed by one or more water users of any stream or stream system,
33 requesting the determination of the relative rights of the various
34 claimants to the waters thereof, the State Engineer shall, if upon
35 investigation the State Engineer finds the facts and conditions justify
36 it, enter an order granting the petition and shall make proper
37 arrangements to proceed with ~~{such}~~ *the* determination.

38 2. The State Engineer ~~{shall,}~~ *may*, in the absence of ~~{such}~~ a
39 petition requesting a determination of relative rights, enter an order
40 for the determination of the relative rights to the use of water of any
41 stream selected by the State Engineer . ~~{commencing on the~~
42 ~~streams in the order of their importance for irrigation.}~~ As soon as
43 practicable after the order is made and entered, the State Engineer
44 shall proceed with ~~{such}~~ *the* determination as provided in this
45 chapter.



~~3. A water user upon or from any stream or body of water shall be held and deemed to be a water user upon the stream system of which such stream or body of water is a part or tributary.~~

Sec. 13. NRS 533.095 is hereby amended to read as follows:

533.095 1. As soon as practicable after the State Engineer ~~shall make and enter the~~ *enters an order pursuant to NRS 533.090* granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall ~~prepare~~ *issue* a notice setting forth ~~the~~ :

(a) *The fact of the entry of the order and of the pendency of the proceedings ;* ~~;~~

~~2. The notice shall:~~

~~(a) Name a date when the State Engineer or the State Engineer's assistants shall begin the examination.~~

(b) *Set forth The date on which the State Engineer will commence the taking of proofs of appropriation regarding the rights in and to the waters of the stream system;*

(c) *The date by which proofs of appropriation must be filed;*

(d) *The fact that all claimants to rights in and to the waters of the stream system are required* ~~;~~ *as provided in this chapter;* to make proof of their claims ~~;~~ *;* and

(e) *The date by which any additional maps required pursuant to subsection 3 of NRS 533.115 must be filed in the Office of the State Engineer.*

2. *The date set pursuant to paragraph (c) of subsection 1 as the deadline for the filing of proofs of appropriation must not be less than 60 days after the date on which the State Engineer commences the taking of proofs.*

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

4. *Concurrently with the first publication required by subsection 3, the State Engineer shall provide the notice to each person whom the State Engineer knows or reasonably should know claims rights in or to the stream system. The notice must be delivered in person or mailed by registered or certified mail not later than 30 days before the date on which the State Engineer commences the taking of proofs of appropriation.*

5. *The State Engineer shall include with each notice the form upon which a claimant must present the statement required by NRS 533.115.*

Sec. 14. NRS 533.115 is hereby amended to read as follows:

533.115 ~~The State Engineer shall, in addition, enclose with the notice to be mailed as provided in NRS 533.110, blank forms upon which the~~



- 1 **1. To file a proof of appropriation, a claimant shall present in**
2 **writing , on a form provided by the State Engineer and signed**
3 **under penalty of perjury, a statement of** all particulars necessary
4 for the determination of the claimant's right in or to the waters of
5 the stream system . ~~the~~ **The** statement ~~to~~ **must** include the
6 following:
7 ~~1-1~~ **(a)** The name and ~~post-office~~ **mailing** address of the
8 claimant ~~1-~~
9 ~~2-1~~ ;
10 **(b)** The nature of the right or use on which the claim for
11 appropriation is based ~~1-~~
12 ~~3-1~~ ;
13 **(c)** The ~~time of the initiation of such right~~ **priority date that is**
14 **claimed** and a description of **the point of diversion and** works of
15 diversion and distribution ~~1-~~
16 ~~4-1~~ ;
17 **(d)** The date ~~of beginning of~~ **on which** construction ~~1-~~
18 ~~5-1~~ **began on works of diversion and distribution;**
19 **(e)** The date ~~when~~ **on which construction of works of**
20 **diversion and distribution was** completed ~~1-~~
21 ~~6-1~~ ;
22 **(f)** The dates ~~of beginning and completion of~~ **on which**
23 **construction of any** enlargements ~~1-~~
24 ~~7-~~ **The dimensions of the ditch as originally constructed and as**
25 **enlarged-**
26 ~~8-1~~ **or modifications of works of diversion and distribution**
27 **began and were completed;**
28 **(g)** The date ~~when~~ **on which the** water was first used for
29 irrigation or other beneficial purposes and, if used for irrigation, the
30 ~~amount of land reclaimed~~ **number of acres irrigated** the first year,
31 the ~~amount~~ **number of acres irrigated** in subsequent years, ~~with~~
32 the dates of reclamation, and the area and location of the lands
33 which ~~are intended to be~~ **were** irrigated ~~1-~~
34 ~~9-1~~ ;
35 **(h)** The character of the soil and the kind of crops cultivated, **the**
36 **rate of diversion,** the number of acre-feet of water per ~~annum~~ **acre**
37 **annually** required to irrigate the land, and such other facts as will
38 show the extent and nature of the right and compliance with the law
39 in acquiring the same, as may be required by the State Engineer ~~1-~~ ;
40 **and**
41 **(i)** **If the diverted water was used for a beneficial purpose other**
42 **than irrigation, the rate of diversion, the number of acre-feet of**
43 **water used annually, and, if the diverted water was used for**
44 **watering livestock, the number and type of livestock.**



1 2. The statement required by subsection 1 must be
2 accompanied by a topographic map whose scale is not less than
3 1:24,000 or a map prepared by the United States Geological
4 Survey covering a quadrangle of 7 1/2 minutes of latitude and
5 longitude and by further identifying the location or extent by one-
6 sixteenth sections within a numbered section, township and range.

7 3. Upon the initiation of an adjudication of a claimed right, if
8 the proof of appropriation is for a manner of use other than stock
9 water, the map required by subsection 2 must be upgraded to be on
10 mylar on a scale of not less than 1,000 feet to the inch and must
11 show with substantial accuracy the following:

12 (a) If the claimed right is from a source of surface water, a
13 survey of the course or location of the stream, stream system or
14 spring system;

15 (b) The location of each point of diversion and each ditch or
16 canal diverting water from each point of diversion;

17 (c) The area and outline of the place of use identified in the
18 statement, by legal subdivision; and

19 (d) If the manner of use of the claimed right is for irrigation,
20 the type of culture or manner of use on each place of use.

21 4. The map required by subsection 2 or 3 must bear the
22 affidavit of the state water right surveyor who draws the map.

23 5. The map required by subsection 2 or 3 must conform with
24 the rules and regulations of the State Engineer.

25 6. A claimant must present a separate proof of appropriation
26 for each source of surface water in and to which the claimant
27 claims rights.

28 7. The State Engineer shall provide, free of charge, forms
29 required for the submission of a proof of appropriation pursuant
30 to this section.

31 **Sec. 15.** NRS 533.125 is hereby amended to read as follows:

32 533.125 1. The State Engineer shall commence the taking of
33 proofs *of appropriation* on the date ~~{fixed and named}~~ *set forth* in
34 the notice provided for in NRS ~~{533.110 for the commencement of~~
35 ~~the taking of proofs. The State Engineer shall proceed therewith~~
36 ~~during}~~ *533.095. Except as otherwise provided in this subsection,*
37 *after* the period fixed by the State Engineer and named in the notice
38 ~~{, after which no}~~ *by which* proofs ~~{shall}~~ *must be filed, no proofs*
39 *may* be received by or filed by the State Engineer. The State
40 Engineer may, in his or her discretion, for cause shown, extend the
41 time in which proofs may be filed.

42 2. Upon neglect or refusal of any person to make proof of his
43 or her claim or rights in or to the waters of such stream system, as
44 required by this chapter, prior to the expiration of the period fixed
45 by the State Engineer during which proofs may be filed, the State



1 Engineer ~~{shall}~~ *may* determine the right of such person from such
2 evidence as the State Engineer may obtain or may have on file in the
3 Office of the State Engineer in the way of maps, plats, surveys and
4 transcripts, and ~~{exceptions}~~ *objections*. *Exceptions* to such
5 determination may be filed in court, as provided in this chapter.

6 **Sec. 16.** NRS 533.130 is hereby amended to read as follows:

7 533.130 1. Any person interested in the water of any stream
8 upon whom no service of notice ~~{shall have been had of}~~ *is made*
9 *regarding* the pendency of proceedings for the determination of the
10 relative rights to the use of water of such stream system, and who
11 ~~{shall have}~~ *has* no actual knowledge or notice of the pendency of
12 the proceedings, may, at any time prior to the ~~{expiration of 6~~
13 ~~months after the entry}~~ *certification* of the ~~{determinations of}~~
14 *of determination by* the State Engineer ~~{}~~ *pursuant to NRS*
15 *533.160*, file a petition to intervene in the proceedings.

16 2. Such petition shall be under oath and shall contain, among
17 other things:

18 (a) All matters required by this chapter of claimants who have
19 been duly served with notice of the proceedings; and

20 (b) A statement that the intervener had no actual knowledge of
21 notice of the pendency of the proceedings.

22 3. ~~{Upon the filing of}~~ *If* the petition ~~{in intervention}~~ *to*
23 *intervene is* granted by the State Engineer, the petitioner shall be
24 allowed to intervene upon such terms as may be equitable, and
25 thereafter shall have all rights ~~{vouchsafed}~~ *provided* by this chapter
26 to claimants who have been duly served.

27 **Sec. 17.** NRS 533.135 is hereby amended to read as follows:

28 533.135 1. At the time of submission of proofs of
29 appropriation, ~~{where the necessary maps are prepared by the State~~
30 ~~Engineer, the fee collected from any claimants must be the actual~~
31 ~~cost of the survey and the preparation of maps:~~

32 ~~—2.— The}~~ *the* State Engineer shall collect a fee of ~~{\$60}~~ *\$100* for
33 *the filing of* a proof of water used for watering livestock . ~~{or~~
34 ~~wildlife purposes.}~~ The State Engineer shall collect a fee of ~~{\$120}~~
35 *\$200 for a proof of* any other ~~{character of claim to water.}~~ *claimed*
36 *manner of use.*

37 2. *The State Engineer shall collect a fee of \$100 for the filing*
38 *of a corrected proof of appropriation submitted pursuant to*
39 *section 5 of this act.*

40 3. All fees collected as provided in this section must be
41 accounted for in detail and deposited with the State Treasurer into
42 the Water Distribution Revolving Account created pursuant to
43 NRS 532.210.



1 **Sec. 18.** NRS 533.140 is hereby amended to read as follows:

2 533.140 1. As soon as practicable after the expiration of the
3 period ~~fixed in~~ *during* which proofs *of appropriation* may be
4 filed, the State Engineer shall assemble all proofs which have been
5 filed ~~with the State Engineer,~~ and prepare, certify and have printed
6 an abstract of all *of the claims described in* such proofs. The State
7 Engineer shall also prepare from the proofs and evidence taken or
8 given before the State Engineer, or obtained by the State Engineer, a
9 preliminary order of determination establishing the ~~several~~ rights
10 of claimants to the waters of the stream.

11 2. ~~When~~ *Except as otherwise provided in subsection 3, when*
12 the abstract of ~~proofs~~ *claims* and the preliminary order of
13 determination ~~is~~ *are* completed, the State Engineer shall ~~then~~
14 ~~prepare a notice fixing and setting a time and place when and where~~
15 ~~the evidence taken by or filed with the State Engineer and the proofs~~
16 ~~of claims must be open to the inspection of all interested persons,~~
17 ~~the period of inspection to be not less than 20 days. The notice shall~~
18 ~~be deemed an order of the State Engineer as to the matters contained~~
19 ~~therein.~~

20 ~~3. A copy of the notice, together with~~ *send by registered or*
21 *certified mail, or serve personally,* a ~~printed~~ copy of the
22 preliminary order of determination and ~~a printed copy of~~ the
23 abstract of ~~proofs, must be delivered by the State Engineer, or sent~~
24 ~~by registered or certified mail, at least 30 days before the first day of~~
25 ~~such period of inspection,~~ *claims* to each person who has ~~appeared~~
26 ~~and~~ filed a proof ~~, as provided in this section.~~

27 ~~4. The State Engineer shall be present at the time and place~~
28 ~~designated in the notice and allow, during that period, any~~ *of*
29 *appropriation.*

30 3. *In lieu of sending or serving a copy of the preliminary*
31 *order of determination and the abstract of claims pursuant to*
32 *subsection 2, the State Engineer may:*

33 (a) *Make available a copy of the preliminary order of*
34 *determination and the abstract of claims on the Internet website of*
35 *the State Engineer; and*

36 (b) *Send or deliver, by registered or certified mail or by*
37 *personal service, to each person who has filed a proof of*
38 *appropriation notice that the preliminary order of determination*
39 *and the abstract of claims are available online on the Internet*
40 *website of the State Engineer.*

41 4. *Any persons interested* ~~to~~ *may* inspect, *at any time during*
42 *regular office hours,* such evidence and proof as have been filed
43 with or taken by the State Engineer in accordance with this chapter.



1 **Sec. 19.** NRS 533.145 is hereby amended to read as follows:

2 533.145 1. Any person claiming any interest in the stream
3 system involved in the determination of relative rights to the use of
4 water, whether claiming under vested right or under permit from the
5 State Engineer, may object to any finding, part or portion of the
6 preliminary order of determination ~~made by the State Engineer~~ by
7 filing objections with the State Engineer within ~~30~~ 60 days after
8 ~~the evidence and proofs, as provided in NRS 533.140, shall have~~
9 ~~been opened to public inspection,~~ *the date on which a copy of the*
10 *preliminary order of determination, or notice that the preliminary*
11 *order of determination is available online, is sent or delivered*
12 *pursuant to NRS 533.140, or within such further time as ~~for good~~*
13 *cause shown may be allowed by the State Engineer upon
14 application ~~and a showing of good cause.~~*

15 2. ~~Such objections~~ *Objections* shall be verified by the
16 affidavit of the objector, or the objector's agent or attorney, and
17 shall state with reasonable certainty the grounds of objection.

18 **Sec. 20.** NRS 533.150 is hereby amended to read as follows:

19 533.150 1. ~~The~~ *Unless the claimants waive the time*
20 *limitations of this subsection or the requirement of such a*
21 *hearing, the* State Engineer shall ~~fix~~ set a time and place for ~~the~~
22 *a hearing* ~~on~~ objections, which ~~date~~ must not be less than ~~30~~
23 *days nor more than 60* 120 days after the date ~~the notice is served~~ *on*
24 *on the persons who are, or may be, affected thereby. The notice* *on*
25 *which a copy of the preliminary order of determination, or notice*
26 *that the preliminary order of determination is available online, is*
27 *sent or delivered pursuant to NRS 533.140. Notice of the hearing*
28 may be sent by registered or certified mail to the persons to be
29 affected by the objections, and the receipt therefor constitutes legal
30 and valid proof of service. The notice may also be served by the
31 State Engineer, or by any person, appointed by the State Engineer,
32 qualified and competent to serve a summons in civil actions. Return
33 thereof must be made in the same manner as in civil actions in the
34 district courts of this state.

35 2. The State Engineer may adjourn hearings ~~from time to~~
36 *time* upon reasonable notice to all parties interested. Depositions
37 may be taken by any person authorized to administer oaths and
38 designated by the State Engineer or the parties in interest, and oral
39 testimony may be introduced in all hearings.

40 3. Witnesses are entitled to receive fees as in civil cases, to be
41 paid by the party calling those witnesses.

42 4. The evidence in the proceedings must be confined to the
43 subjects enumerated in the objections and the preliminary order of
44 determination.



1 5. All testimony taken at the hearings must be reported and
2 transcribed in its entirety ~~to~~ *by a certified court reporter. The*
3 *original and one copy of the transcript of the proceedings must be*
4 *filed with the State Engineer.*

5 6. *The claimants objecting to the preliminary order of*
6 *determination shall pay, in equal portions, the fees for the*
7 *appearance and travel expenses of the court reporter and for*
8 *transcribing the portion of the hearing consisting of the comments*
9 *of the State Engineer. Each such claimant shall pay a pro rata*
10 *portion of the fees for the remaining portion of the hearing based*
11 *on the percentage of the remaining portion of the hearing*
12 *consisting of the case made by that claimant.*

13 **Sec. 21.** NRS 533.160 is hereby amended to read as follows:

14 533.160 1. As soon as practicable after ~~the~~ a hearing ~~of~~
15 *on* objections to the preliminary order of determination, the State
16 Engineer shall make and cause to be entered of record in the Office
17 of the State Engineer an order of determination ~~to~~ defining the
18 ~~several~~ rights to the waters of the stream or stream system. The
19 order of determination, when filed with the clerk of the district court
20 as provided in NRS 533.165, has the legal effect of a complaint in a
21 civil action.

22 2. The order of determination must be certified by the State
23 Engineer. ~~Who shall have printed as many copies of the order of~~
24 ~~determination as required. A~~ *Except as otherwise provided in*
25 *subsection 3, a* copy of the order of determination must be sent by
26 registered or certified mail or delivered in person to each person
27 who has filed a proof of ~~claim~~ *appropriation* and to each person
28 who has become interested through intervention or through filing of
29 objections under the provisions of NRS 533.130 or 533.145.

30 3. *In lieu of sending or delivering a copy of the order of*
31 *determination pursuant to subsection 2, the State Engineer may:*

32 (a) *Make available a copy of the order of determination on the*
33 *Internet website of the State Engineer; and*

34 (b) *Send or deliver, by registered or certified mail or by*
35 *personal service, to each person who has filed a proof of*
36 *appropriation and to each person who has become interested*
37 *through intervention or through the filing of objections notice that*
38 *the order of determination is available online on the Internet*
39 *website of the State Engineer.*

40 **Sec. 22.** NRS 533.165 is hereby amended to read as follows:

41 533.165 1. As soon as practicable thereafter, a certified copy
42 of the order of determination, together with ~~the original~~ *copies of*
43 *the* evidence and *the* transcript of testimony filed with, or taken
44 before, the State Engineer, duly certified by the State Engineer, shall
45 be filed with the clerk of the county, as ex officio clerk of the



1 district court, in which the stream system is situated, or, if in more
2 than one county but all within one judicial district, then with the
3 clerk of the county wherein reside the largest number of parties in
4 interest.

5 2. If such stream system ~~shall be~~ *is* in two or more judicial
6 districts, ~~then~~ the State Engineer shall notify the district judge of
7 each of such judicial districts of his or her intent to file such order of
8 determination, whereupon, within 10 days after receipt of such
9 notice, ~~such~~ *the* judges shall confer and agree where the court
10 proceedings under this chapter shall be held and ~~upon the~~ *which*
11 judge ~~who~~ shall preside, and on notification thereof the State
12 Engineer shall file the order of determination, evidence and
13 transcripts with the clerk of the court so designated.

14 3. If ~~such~~ *the* district judges fail to notify the State Engineer
15 of their agreement, as provided in subsection 2, within 5 days after
16 the expiration of ~~such~~ *the* 10 days, then the State Engineer may
17 file ~~such~~ *the* order of determination, evidence and transcript with
18 the clerk of any county the State Engineer may elect, and the district
19 judge of ~~such~~ *the* county shall have jurisdiction over the
20 proceedings in relation thereto.

21 4. If the judge so selected and acting shall retire from office, or
22 be removed from office or be disqualified, for any cause, then the
23 judge of the district court having jurisdiction of the proceedings
24 shall act as the judge on the matter or shall select the judge to
25 preside in such matter.

26 5. In all instances a certified copy of the order of determination
27 shall be filed with the county clerk of each county in which such
28 stream system, or any part thereof, is situated.

29 6. Upon the filing of the certified copy of the order, evidence
30 and transcript with the clerk of the court in which the proceedings
31 are to be had, the State Engineer shall procure an order from the
32 court setting the time for hearing. The clerk of ~~such~~ *the* court shall
33 immediately furnish the State Engineer with a certified copy
34 ~~thereof~~ *of the order of the court*. The State Engineer immediately
35 thereupon shall mail a copy of ~~such~~ *the* certified order of the court,
36 by registered or certified mail, addressed to each party in interest at
37 the party's last known place of residence, and shall cause the same to
38 be published at least once a week for 4 consecutive weeks in
39 ~~some~~ *a* newspaper of general circulation published in each county in
40 which such stream system or any part thereof is located. The State
41 Engineer shall file with the clerk of the court proof of ~~such~~ *the*
42 service by registered or certified mail and by publication. ~~Such~~
43 *The* service by registered or certified mail and by publication shall
44 be deemed full and sufficient notice to all parties in interest of the
45 date and purpose of ~~such~~ *the* hearing.



1 **Sec. 23.** NRS 533.170 is hereby amended to read as follows:

2 533.170 1. At least ~~15~~ **20** days prior to the date set for
3 hearing, all parties in interest who are aggrieved or dissatisfied with
4 the order of determination of the State Engineer shall file with the
5 clerk of the court notice of exceptions to the order of determination
6 of the State Engineer. The notice *of exceptions* shall state briefly the
7 exceptions taken and the ~~prayer for~~ relief ~~to~~ **requested**. A copy
8 ~~thereof~~ **of the notice of exceptions** shall be served upon or
9 transmitted **by registered or certified mail** to the State Engineer ~~by~~
10 ~~registered or certified mail~~ **and to all other claimants**.

11 2. The order of determination by the State Engineer and the
12 ~~statements or claims of claimants and~~ exceptions made to the order
13 of determination shall constitute the pleadings, and there shall be no
14 other pleadings in the ~~cause~~ **case**.

15 3. If no exceptions shall have been filed with the clerk of the
16 court as provided in subsection 1, then on the day set for hearing the
17 court may take further testimony if deemed proper, and shall then
18 enter its findings of fact and judgment and decree.

19 4. On the day set for hearing, all parties in interest who have
20 filed notices of exceptions, as provided in subsection 1, shall appear
21 in person or by counsel, and the court shall hear the same or set the
22 time for hearing, until ~~such~~ **the** exceptions are disposed of.

23 5. All proceedings thereunder, including the taking of
24 testimony, shall be as nearly as may be in accordance with the
25 Nevada Rules of Civil Procedure; but the provisions of the Nevada
26 Rules of Civil Procedure and NRS 18.110 shall not apply respecting
27 the service of proposed findings of fact and decree or service and
28 filing of a cost bill, and service shall be made in the following
29 manner. All claimants who have filed exceptions ~~for objections to~~
30 ~~the final order of determination~~ shall be served with a copy of the
31 proposed findings of fact and decree by serving the attorney who
32 appeared for such claimants in the proceedings ~~to~~ **, or by personally**
33 **servng the claimant if no attorney appeared for the claimant in**
34 **the proceedings**. All claimants or water users who have not filed
35 exceptions ~~for objections~~ to the final order of determination shall
36 be served with a copy of the proposed findings of fact and decree by
37 serving a copy thereof on the Attorney General. ~~Such service,~~
38 **Service**, in each instance, shall be made at least 30 days before
39 the findings of fact and decree shall be signed by the court, and the
40 court shall not sign any findings of fact therein prior to the
41 expiration of such 30 days. The cost bill shall be prepared and filed
42 with the clerk of the court wherein the proceedings are pending, and
43 it shall not be necessary to serve any of the exceptors, claimants or
44 appropriators or their attorneys with a copy of the cost bill.



1 **Sec. 24.** NRS 533.180 is hereby amended to read as follows:
2 533.180 The court may, if necessary, refer the case or any part
3 thereof for ~~such~~ further evidence to be taken by the State Engineer
4 as it may direct, and may require a further determination by the
5 State Engineer, subject to the court's instructions.

6 **Sec. 25.** NRS 533.185 is hereby amended to read as follows:
7 533.185 After the hearing the court shall enter a decree
8 affirming or modifying the order *of determination* of the State
9 Engineer. Within 30 days after the entry of final judgment by the
10 district court, or if an appeal is taken, within 30 days after the entry
11 of the final judgment by the appellate court or within 30 days after
12 the entry of the final judgment after remand, the clerk of the court
13 issuing the final judgment shall:

14 1. Deliver to the State Engineer a certified copy of the final
15 judgment; and

16 2. Cause a certified copy of the final judgment to be filed in the
17 office of the county recorder in each county in which the water
18 adjudicated is applied to beneficial use and in each county in which
19 the water adjudicated is diverted from its natural source.

20 **Sec. 26.** NRS 533.190 is hereby amended to read as follows:

21 533.190 1. At any time in the course of the hearings, the
22 court may, in its discretion, by order assess and adjudge against any
23 party such costs as it deems just and equitable or may so assess the
24 costs in proportion to the amount of water right standing allotted at
25 that time, or the court may assess and adjudge such costs and
26 expenses in its final judgment upon the signing, entry and filing of
27 its formal findings of fact, conclusions of law and decree
28 adjudicating the water rights against any party as it deems just and
29 equitable, or may so assess the costs in proportion to the amount of
30 water right allotted and decreed in the final judgment.

31 2. After the making, entry and filing by the court of the first
32 findings of fact, conclusions of law and decree made, entered and
33 filed by the court in any ~~such~~ water adjudication as distinguished
34 from the first proposed findings of fact, conclusions of law and
35 decree, the court shall assess all costs and expenses against the loser
36 or losers, in any and all subsequent proceedings in any such water
37 adjudication.

38 3. If costs are assessed or allowed as provided for in this
39 section and in NRS 533.170 and allotted, the State Engineer, within
40 60 days after such filing and entry, as above described, shall certify
41 to the boards of county commissioners of the respective counties
42 wherein the stream system is situate either the amount of acreage set
43 forth in the order of determination to which water has been allotted,
44 or the respective water rights against which such costs have been
45 assessed by the court, and the charges against each water user in



1 accordance with the court's judgment and allocation of costs. Upon
2 receipt of the certificate from the State Engineer by the board of
3 county commissioners, the board of county commissioners shall
4 certify the respective charges contained therein to the county
5 assessor of the county in which the land or property served is
6 situated. The county assessor shall enter the amount of the charge on
7 the assessment roll against the claimant's property or acreage
8 served.

9 4. The proper officer of the county shall collect the assessment
10 as other assessments are levied and collected, and the assessment is
11 a lien upon the property so served and must be collected in the same
12 manner as other assessments are collected, but such costs must be
13 collected in equal installments over 2 fiscal years.

14 5. When the assessments are collected, the person collecting
15 the assessments shall transmit the money collected to the State
16 Treasurer at the time that person transmits other assessments
17 collected by him or her as provided by law, and the State Treasurer
18 shall deposit the money in the Adjudication Emergency Account
19 provided for in NRS 532.200, out of which costs and expenses must
20 be paid in the manner provided by law.

21 **Sec. 27.** (Deleted by amendment.)

22 **Sec. 28.** NRS 533.200 is hereby amended to read as follows:

23 533.200 Appeals from ~~{such}~~ *the* decree may be taken to the
24 appellate court of competent jurisdiction pursuant to the rules fixed
25 by the Supreme Court pursuant to Section 4 of Article 6 of the
26 Nevada Constitution by the State Engineer or any party in interest in
27 the same manner and with the same effect as in civil cases, except as
28 to the following matters. Notice of appeal shall be served upon the
29 attorneys of record for claimants who have filed exceptions ~~for~~
30 ~~objections~~ to the final order of determination of the State Engineer
31 as provided in NRS 533.170 ~~+, and all~~ *and upon all claimants who*
32 *have filed exceptions but for whom there is no attorney of record.*
33 *All* claimants or water users who have not filed exceptions ~~for~~
34 ~~objections~~ to the final order of determination or appeared in the
35 ~~cause~~ *case* by an attorney shall be served with a copy of notice of
36 appeal by the service of a copy thereof on the Attorney General as
37 their process agent.

38 **Sec. 29.** NRS 533.205 is hereby amended to read as follows:

39 533.205 Notice of intention to move for a new trial shall be
40 served upon the attorneys of record for claimants who have filed
41 exceptions ~~for objections~~ to the final order of determination of the
42 State Engineer as provided in NRS 533.170 ~~+, and all~~ *and upon all*
43 *claimants who have filed exceptions but for whom there is no*
44 *attorney of record. All* claimants or water users who have not filed
45 exceptions ~~for objections~~ to the final order of determination or



1 appeared in the ~~cause~~ *case* by an attorney shall be served with a
2 copy of notice of intention to move for a new trial by the service of
3 a copy thereof on the Attorney General as their process agent.

4 **Sec. 30.** (Deleted by amendment.)

5 **Sec. 31.** (Deleted by amendment.)

6 **Sec. 32.** NRS 533.220 is hereby amended to read as follows:

7 533.220 1. From and after the filing of the order of
8 determination in the district court, the distribution of water by the
9 State Engineer or by any of the State Engineer's assistants or by the
10 water commissioners or their assistants shall, at all times, be under
11 the supervision and control of the district court. Such officers and
12 each of them shall, at all times, be deemed to be officers of the court
13 in distributing water under and pursuant to the order of
14 determination or under and pursuant to the decree of the court.

15 2. Upon the neglect or refusal of any claimant to the use of
16 water as provided in this chapter to carry out or abide by an order or
17 decision of the State Engineer acting as an officer of the court, the
18 State Engineer may petition the district court having jurisdiction of
19 the matter for a review of such order and cause to be issued thereon
20 an order to show cause why the order and decision should not be
21 complied with.

22 3. The order to show cause shall be personally served on *or*
23 *sent by registered or certified mail to* the claimant or claimants
24 complained of, who shall appear and show cause on the day fixed in
25 the court's order. ~~so to do.~~

26 4. The hearing on the petition and order to show cause shall be
27 informal and summary in character, with full opportunity afforded
28 each party to present his or her case.

29 5. Appeals from the judgment may be taken to the appellate
30 court of competent jurisdiction pursuant to the rules fixed by the
31 Supreme Court pursuant to Section 4 of Article 6 of the Nevada
32 Constitution in like manner as appeals in other civil cases; but notice
33 of appeal must be served and filed within ~~40~~ *30* days from the
34 entry of judgment.

35 **Sec. 33.** NRS 533.230 is hereby amended to read as follows:

36 533.230 From and after the filing of the order of determination,
37 evidence and transcript with the county clerk, and during the time
38 the hearing ~~is~~ *on* the order is pending in the district court, the
39 division of water from the stream involved in such determination
40 shall be made by the State Engineer in accordance with the order of
41 determination.

42 **Sec. 34.** NRS 533.240 is hereby amended to read as follows:

43 533.240 1. In any suit brought in the district court for the
44 determination of a right or rights to the use of water of any stream,



1 all persons who claim the right to use the waters of such stream and
2 the stream system of which it is a part shall be made parties.

3 2. When the suit has been filed, the court shall direct the State
4 Engineer to furnish a complete hydrographic survey *or investigation*
5 of the stream system as provided in ~~NRS 533.100~~ *section 6 of this*
6 *act* in order to obtain all physical data necessary to the
7 determination of the rights involved.

8 3. The cost of the suit, including the costs on behalf of the
9 State and of the surveys ~~H~~ *or investigations*, shall be charged
10 against each of the private parties thereto based on a determination
11 by the court of the relative merits of the claims made by each of the
12 private parties. The court may assess and charge against any party at
13 any time during the suit an equitable amount to pay the costs of the
14 survey *or investigation* upon its approval of an itemized statement
15 therefor submitted by the State Engineer.

16 4. The court may at any time transfer the suit to the State
17 Engineer for determination as provided in this chapter.

18 **Sec. 35.** NRS 533.270 is hereby amended to read as follows:

19 533.270 1. The State Engineer ~~shall~~ *may* appoint, subject to
20 confirmation by any court having jurisdiction, one or more water
21 commissioners for any stream system or water district subject to
22 regulation and control by the State Engineer. The duties and salaries
23 of the water commissioners must be fixed by the State Engineer and
24 their salaries must be paid by the State of Nevada out of the water
25 distribution accounts. The water commissioners are exempt from the
26 provisions of chapter 284 of NRS.

27 2. The State Engineer ~~shall~~ *may* appoint a district supervisor
28 of water commissioners and fix the district supervisor's duties. The
29 district supervisor is in the unclassified service of the State.

30 **Sec. 36.** NRS 533.275 is hereby amended to read as follows:

31 533.275 1. The State Engineer may appoint an engineer, who
32 is qualified in hydrographic and water distribution experience, to
33 work in a supervisory capacity on water distribution and regulation
34 service upon all adjudicated stream systems within the State.

35 2. While engaged in that work, the salary and expenses of the
36 engineer must be charged to *the holders of water rights from*
37 the particular adjudicated stream system receiving the service upon
38 the basis of time occupied and expenses incurred in the work, and
39 payment must be made out of the water distribution account
40 provided for the adjudicated stream system.

41 3. When the engineer is not engaged in water distribution,
42 additional work may be allotted to the engineer by the State
43 Engineer, and payment therefor must be from other money available
44 to the Office of the State Engineer.



1 **Sec. 37.** NRS 533.280 is hereby amended to read as follows:

2 533.280 1. The State Engineer shall, between the first
3 Monday of October and the first Monday of December of each year,
4 prepare a budget of the amount of money estimated to be necessary
5 to pay the expenses of the stream system or each water district for
6 the then current year.

7 2. The budget must show the following detail:

8 (a) The aggregate amount estimated to be necessary to pay the
9 expenses of *administering* the stream system or *each* water district.

10 (b) The aggregate water rights in the stream system or water
11 district as determined by the State Engineer or the court.

12 (c) The unit charge necessary to provide the money required.

13 (d) The charge against each water user, which must be based
14 upon the proportion which the water right of that water user bears to
15 the aggregate water rights in the stream system, but the minimum
16 charge is \$1.

17 3. When the stream system lies in more than one county, a
18 separate budget must be prepared for each county showing only the
19 claimants and charges assessable within the county.

20 4. When the stream system irrigates more than 200,000 acres
21 of land, the assessment for water distribution expenses must not
22 exceed ~~130~~ 50 cents per acre-foot of water decreed.

23 **Sec. 38.** (Deleted by amendment.)

24 **Sec. 39.** NRS 533.295 is hereby amended to read as follows:

25 533.295 1. Except as otherwise provided in NRS 534.040,
26 money in the Water District Account must be used exclusively for
27 expenses incurred in the administration, operation and maintenance
28 of the particular stream system from which the money is budgeted
29 and collected.

30 2. The term “expenses” referred to in NRS 533.270 to 533.290,
31 inclusive, includes salaries, hydrographic surveys, *investigations*,
32 per diem expenses, car rental, equipment, including necessary
33 automobiles, supplies and materials incidental to the proper
34 administration and distribution of water.

35 **Sec. 40.** NRS 533.300 is hereby amended to read as follows:

36 533.300 1. The State Engineer ~~shall~~ *may* divide the State
37 into water districts, to be so constituted as to insure the best
38 protection for the water users, and the most economical water
39 supervision on the part of the State. The water districts must not be
40 created until a necessity therefor arises and must be created from
41 time to time as the priorities and claims to the streams of the State
42 are determined.

43 2. Upon the creation of a water district the State Engineer may
44 appoint an advisory board of representative citizens within the
45 district to assist the State Engineer in formulating plans and projects



1 for the conservation of the water resources and the use thereof in the
2 district. The per diem and necessary travel and subsistence expenses
3 of the appointive members of the board must be paid from the
4 account provided for the district in NRS 533.290; but the total
5 annual per diem, travel and subsistence expenses of the members for
6 each district must not exceed ~~[\$800.]~~ **\$1,500.** The State Engineer
7 may call such meetings of the board as in the opinion of the State
8 Engineer may be necessary and expedient.

9 **Sec. 41.** NRS 533.305 is hereby amended to read as follows:

10 533.305 1. The State Engineer shall divide or cause to be
11 divided the waters of the natural streams or other sources of supply
12 in the State among the several ditches and reservoirs taking water
13 therefrom, according to the rights of each, respectively, in whole or
14 in part, and shall shut or fasten, or cause to be shut or fastened, the
15 headgates or ditches, and shall regulate, or cause to be regulated, the
16 controlling works of reservoirs, as may be necessary to insure a
17 proper distribution of the waters thereof.

18 2. The State Engineer shall have authority to regulate the
19 distribution of water among the various users under any ditch or
20 reservoir, whose rights have been adjudicated, or whose rights are
21 listed with the clerk of any district court of this state pursuant to the
22 terms of this chapter, the actual cost of such regulation being paid
23 by the ditch or reservoir receiving such service.

24 3. Whenever, in pursuance of his or her duties, the water
25 commissioner regulates a headgate to a ditch or the controlling
26 works of reservoirs, the water commissioner shall attach to such
27 headgate or controlling works a written notice properly dated and
28 signed, setting forth the fact that such headgate or controlling works
29 has been properly regulated and is wholly under the water
30 commissioner's control. Such notice shall be a legal notice to all
31 parties interested in the diversion and distribution of the water of
32 such ditch or reservoir. Such water commissioner shall have the
33 right of ingress and egress across and upon public, private or
34 corporate lands at all times in the exercise of his or her duties.

35 4. The ~~district attorney~~ **Attorney General** shall appear for or
36 ~~in~~ **on** behalf of the State Engineer, or the duly authorized assistants
37 of the State Engineer, in any case which may arise in the pursuance
38 of the official duties of any such officer . ~~within the jurisdiction of~~
39 ~~the district attorney.~~

40 **Sec. 42.** NRS 533.310 is hereby amended to read as follows:

41 533.310 1. On any stream in this state on which the water
42 rights have been adjudicated and determined and the final decree
43 therefor entered, as between all persons who claimed the right to the
44 use of the waters of such stream, in a suit brought in the district
45 court having jurisdiction of such stream and in which suit the



1 adjudication and determination was not had in the manner provided
2 in NRS 533.090 to ~~533.265,~~ 533.320, inclusive, *and sections 5 to*
3 *8, inclusive, of this act*, and thereafter one or more of the parties as
4 users of such adjudicated and determined rights or their successors
5 in interest desire that the State Engineer take charge of the
6 diversions and distribution of such rights and administer them in
7 conformity with the final decree of the court, they may petition the
8 district court which entered the decree requesting such
9 administration.

10 2. Upon the filing of such petition, the district court shall direct
11 that notice of the filing of the petition shall be given to each water
12 user or claimant to a water right listed in the final decree. The notice
13 shall be an order to show cause on the day fixed in the order by the
14 court, ~~which day shall not be less than 10 days nor more than 25~~
15 ~~days from and after the date of issuance thereof,~~ and ~~which~~ *the*
16 order shall direct the person or persons therein named to attend
17 before the court on that day and show cause, if any they or each of
18 them may have, why the petition should not be granted. The court
19 shall designate the form and direct the preparation of the order or
20 orders to show cause and by its order direct the manner, mode and
21 the payment of the cost of the service thereof.

22 3. For the purpose of the hearing on the petition, such petition
23 shall be deemed in the nature of a complaint. Objections of the
24 water users or claimants, or any of them, to the granting of the
25 petition shall be in writing signed by such users or claimants, or by
26 any attorneys thereof. No other pleading shall be filed. Costs shall
27 be paid as in civil cases brought in the district court, except by the
28 State Engineer or the State. The practice in civil cases shall apply
29 insofar as consistent with the summary character of the proceedings.
30 The State Engineer shall be given notice of and, in person or by
31 assistant or deputy state engineer, shall attend upon the hearing of
32 the petition.

33 4. The court, prior to the final determination of the matter,
34 may, by an order duly entered and served upon the State Engineer,
35 direct the State Engineer to make a hydrographic survey of the
36 stream system and to render to the court a written report, together
37 with such maps and other necessary data as will enable the court to
38 determine whether or not administration of such water rights by the
39 State Engineer would be in the best interest of the water users.

40 5. If the district court finally determines the matter
41 affirmatively, the court shall, by its judgment duly entered and
42 served on the State Engineer, direct the State Engineer to distribute
43 such waters in strict accordance with the decree, and from and after
44 the filing of such judgment in the district court and service thereof
45 on the State Engineer the administration of the decree and the



1 distribution of the water thereunder shall be under the supervision
2 and control of the district court, and the State Engineer, the State
3 Engineer's deputies, assistants and water commissioners, when
4 engaged in the administration of the final decree and the distribution
5 of the water thereunder, shall be deemed officers of the district court
6 only and subject only to its supervision and control.

7 6. Appeals may be taken from the judgment so entered to the
8 appellate court of competent jurisdiction pursuant to the rules fixed
9 by the Supreme Court pursuant to Section 4 of Article 6 of the
10 Nevada Constitution in the same manner and within the time as
11 provided in NRS 533.450.

12 **Sec. 43.** (Deleted by amendment.)

13 **Sec. 44.** (Deleted by amendment.)

14 **Sec. 45.** NRS 533.324 is hereby amended to read as follows:

15 533.324 As used in NRS 533.325, 533.345 and 533.425,
16 "water already appropriated" includes water for whose appropriation
17 the State Engineer has issued a permit but which has not been
18 applied to the intended use before an application to change the
19 ~~place~~ **point** of diversion, manner of use or place of use is made.

20 **Sec. 46.** NRS 533.325 is hereby amended to read as follows:

21 533.325 Any person who wishes to appropriate any of the
22 public waters, or to change the ~~place~~ **point** of diversion, manner of
23 use or place of use of water already appropriated, shall, before
24 performing any work in connection with such appropriation, change
25 in ~~place~~ **point** of diversion or change in manner or place of use,
26 apply to the State Engineer for a permit to do so.

27 **Sec. 47.** NRS 533.335 is hereby amended to read as follows:

28 533.335 Each application for a permit to appropriate water
29 shall contain the following information:

30 1. The name and ~~post-office~~ **mailing** address of the applicant
31 and, if the applicant is a corporation, the date and place of
32 incorporation.

33 2. The name of the source from which the appropriation is to
34 be made.

35 3. The amount of water which it is desired to appropriate,
36 expressed in terms of cubic feet per second ~~H~~ **and acre-feet per**
37 **year**, except ~~ft~~ **:**

38 (a) *In an application for a permit to store water, where the*
39 *amount shall be expressed in acre-feet ~~H~~ ; or*

40 (b) *For an application for a diversion rate only, where the*
41 *amount shall be expressed in cubic feet per second.*

42 4. The purpose for which the application is to be made.

43 5. A substantially accurate description of the location of the
44 ~~place~~ **point** at which the water is to be diverted from its source



1 and, if any of such water is to be returned to the source, a
2 description of the location of the ~~place~~ *point* of return.

3 6. A description of the proposed works.

4 7. The estimated cost of such works.

5 8. The estimated time required to construct the works, and the
6 estimated time required to complete the application of the water to
7 beneficial use.

8 9. The signature of the applicant or a properly authorized agent
9 thereof.

10 **Sec. 48.** NRS 533.345 is hereby amended to read as follows:

11 533.345 1. Every application for a permit to change the
12 ~~place~~ *point* of diversion, manner of use or place of use of water
13 already appropriated must contain such information as may be
14 necessary to a full understanding of the proposed change, as may be
15 required by the State Engineer.

16 2. If an applicant is seeking a temporary change of ~~place~~ *the*
17 *point* of diversion, manner of use or place of use of water already
18 appropriated, the State Engineer shall approve the application if:

19 (a) The application is accompanied by the prescribed fees;

20 (b) The temporary change is in the public interest; and

21 (c) The temporary change does not impair the water rights held
22 by other persons.

23 3. If the State Engineer determines that the temporary change
24 may not be in the public interest, or may impair the water rights held
25 by other persons, the State Engineer shall give notice of the
26 application as provided in NRS 533.360 and hold a hearing and
27 render a decision as provided in this chapter.

28 4. A temporary change may be granted for any period not to
29 exceed 1 year.

30 **Sec. 49.** NRS 533.360 is hereby amended to read as follows:

31 533.360 1. Except as otherwise provided in subsection 4,
32 NRS 533.345 and subsection 2 of NRS 533.370, when an
33 application is filed in compliance with this chapter, the State
34 Engineer shall, within 30 days, publish or cause to be published
35 once a week for 4 consecutive weeks in a newspaper of general
36 circulation ~~and printed and published~~ in the county where the
37 ~~water is sought to be appropriated,~~ *point of diversion is located*, a
38 notice of the application which sets forth:

39 (a) That the application has been filed.

40 (b) The date of the filing.

41 (c) The name and address of the applicant.

42 (d) The name of the source from which the appropriation is to be
43 made.



1 (e) The location of the ~~place~~ *point* of diversion, described by
2 legal subdivision or metes and bounds and by a physical description
3 of that ~~place~~ *point* of diversion.

4 (f) The purpose for which the water is to be appropriated.

5 ➤ The publisher shall add thereto the date of the first publication
6 and the date of the last publication.

7 2. Except as otherwise provided in subsection 4, proof of
8 publication must be filed within 30 days after the final day of
9 publication. The State Engineer shall pay for the publication from
10 the application fee. If the application is cancelled for any reason
11 before publication, the State Engineer shall return to the applicant
12 that portion of the application fee collected for publication.

13 3. If the application is for a proposed well:

14 (a) For municipal, quasi-municipal or industrial use; and

15 (b) Whose reasonably expected rate of diversion is one-half
16 cubic foot per second or more,

17 ➤ the applicant shall mail a copy of the notice of application to each
18 owner of real property containing a domestic well that is within
19 2,500 feet of the proposed well, to the owner's address as shown in
20 the latest records of the county assessor. If there are not more than
21 six such wells, notices must be sent to each owner by certified mail,
22 return receipt requested. If there are more than six such wells, at
23 least six notices must be sent to owners by certified mail, return
24 receipt requested. The return receipts from these notices must be
25 filed with the State Engineer before the State Engineer may consider
26 the application.

27 4. The provisions of this section do not apply to an
28 environmental permit or a temporary permit issued pursuant to NRS
29 533.436 or 533.504.

30 **Sec. 50.** NRS 533.363 is hereby amended to read as follows:

31 533.363 1. Except as otherwise provided in subsection 2, if
32 water for which a permit is requested is to be used in a county other
33 than that county in which it is to be appropriated, or is to be diverted
34 from or used in a different county than that in which it is currently
35 being diverted or used, then the State Engineer shall give notice of
36 the receipt of the request for the permit to:

37 (a) The board of county commissioners of the county in which
38 the water for which the permit is requested will be appropriated or is
39 currently being diverted or used; and

40 (b) The board of county commissioners of the county in which
41 the water will be diverted or used.

42 2. The provisions of subsection 1 do not apply:

43 (a) To an environmental permit or a temporary permit issued
44 pursuant to NRS 533.436 or 533.504.

45 (b) If:



* S B 6 5 R 1 *

- 1 (1) The water is to be appropriated and used; or
2 (2) Both the current and requested ~~place~~ *point* of diversion
3 or use of the water are,
4 ↪ within a single, contiguous parcel of real property.

5 3. A person who requests a permit to which the provisions of
6 subsection 1 apply shall submit to each appropriate board of county
7 commissioners a copy of the application and any information
8 relevant to the request.

9 4. Each board of county commissioners which is notified of a
10 request for a permit pursuant to this section shall consider the
11 request at the next regular or special meeting of the board held not
12 earlier than 3 weeks after the notice is received. The board shall
13 provide public notice of the meeting for 3 consecutive weeks in a
14 newspaper of general circulation in its county. The notice must state
15 the time, place and purpose of the meeting. At the conclusion of the
16 meeting the board may recommend a course of action to the State
17 Engineer, but the recommendation is not binding on the State
18 Engineer.

19 **Sec. 51.** NRS 533.364 is hereby amended to read as follows:

20 533.364 1. In addition to the requirements of NRS 533.370,
21 before approving an application *or a group of applications which*
22 *collectively apply* for an interbasin transfer of more than ~~250-acre-~~
23 ~~feet of groundwater~~ *25 percent of the perennial yield or 1,000 acre*
24 *feet of groundwater, whichever is less*, from a basin which the State
25 Engineer has not previously inventoried or for which the State
26 Engineer has not conducted, or caused to be conducted, a study
27 pursuant to NRS 532.165 or 533.368, the State Engineer or a person
28 designated by the State Engineer shall conduct an inventory of the
29 basin from which the water is to be exported. The inventory must
30 include:

31 (a) The total amount of surface water and groundwater
32 appropriated in accordance with a decreed, certified, *vested* or
33 permitted right;

34 (b) An estimate of the amount and location of all surface water
35 and groundwater that is available for appropriation in the basin; and

36 (c) The name of each owner of record set forth in the records of
37 the Office of the State Engineer for each decreed, certified or
38 permitted right in the basin.

39 2. The provisions of this section do not:

40 (a) Require the State Engineer to initiate or complete a
41 determination of the surface water or groundwater rights pursuant to
42 NRS 533.090 to 533.320, inclusive, *and sections 5 to 8, inclusive,*
43 *of this act*, or to otherwise quantify any vested claims of water
44 rights in the basin before approving an application for an interbasin
45 transfer of groundwater from the basin; or



1 (b) Prohibit the State Engineer from considering information
2 received from or work completed by another person to include in the
3 inventory, if the inventory is otherwise conducted in accordance
4 with the provisions of subsection 1.

5 3. The State Engineer shall charge the applicant a fee to cover
6 the cost of the inventory. The amount of the fee must not exceed the
7 cost to the State Engineer of conducting the inventory.

8 4. The State Engineer shall complete any inventory conducted
9 pursuant to subsection 1 within 1 year after commencing the
10 inventory ~~H~~ *unless the applicant waives the deadline.*

11 **Sec. 52.** NRS 533.365 is hereby amended to read as follows:

12 533.365 1. Any person interested may, within 30 days after
13 the date of last publication of the notice of application, file with the
14 State Engineer a written protest against the granting of the
15 application, setting forth with reasonable certainty the grounds of
16 such protest, which, except as otherwise provided in subsection 2,
17 must be verified by the affidavit of the protestant, or an agent or
18 attorney thereof.

19 2. If the application is for a permit to change the ~~place~~ *point*
20 of diversion, manner of use or place of use of water already
21 appropriated within the same basin, a protest filed against the
22 granting of such an application by a government, governmental
23 agency or political subdivision of a government must be verified by
24 the affidavit of:

25 (a) Except as otherwise provided in paragraph (b), the director,
26 administrator, chief, head or other person in charge of the
27 government, governmental agency or political subdivision; or

28 (b) If the governmental agency or political subdivision is a
29 division or other part of a department, the director or other person in
30 charge of that department in this State, including, without limitation:

31 (1) The Regional Forester for the Intermountain Region, if
32 the protest is filed by the United States Forest Service;

33 (2) The State Director of the Nevada State Office of the
34 Bureau of Land Management, if the protest is filed by the Bureau of
35 Land Management;

36 (3) The Regional Director of the Pacific Southwest Region,
37 if the protest is filed by the United States Fish and Wildlife Service;

38 (4) The Regional Director of the Pacific West Region, if the
39 protest is filed by the National Park Service;

40 (5) The Director of the State Department of Conservation
41 and Natural Resources, if the protest is filed by any division of that
42 Department; or

43 (6) The chair of the board of county commissioners, if the
44 protest is filed by a county.



1 3. On receipt of a protest that complies with the requirements
2 of subsection 1 or 2, the State Engineer shall advise the applicant
3 whose application has been protested of the fact that the protest has
4 been filed with the State Engineer, which advice must be sent by
5 certified mail.

6 4. The State Engineer shall consider the protest, and may, in
7 his or her discretion, hold hearings and require the filing of such
8 evidence as the State Engineer may deem necessary to a full
9 understanding of the rights involved. The State Engineer shall give
10 notice of the hearing by *registered or* certified mail to both the
11 applicant and the protestant. The notice must state the time and
12 place at which the hearing is to be held and must be mailed at least
13 15 days before the date set for the hearing.

14 5. Each applicant and each protestant shall, in accordance with
15 a schedule established by the State Engineer, provide to the State
16 Engineer and to each protestant and each applicant information
17 required by the State Engineer relating to the application or protest.

18 6. If the State Engineer holds a hearing pursuant to subsection
19 4, the State Engineer shall render a decision on each application not
20 later than 240 days after the later of:

21 (a) The date all transcripts of the hearing become available to
22 the State Engineer; or

23 (b) The date specified by the State Engineer for the filing of any
24 additional information, evidence, studies or compilations requested
25 by the State Engineer. The State Engineer may, for good cause
26 shown, extend any applicable period.

27 7. The State Engineer shall adopt rules of practice regarding
28 the conduct of a hearing held pursuant to subsection 4. The rules of
29 practice must be adopted in accordance with the provisions of NRS
30 233B.040 to 233B.120, inclusive, and codified in the Nevada
31 Administrative Code. The technical rules of evidence do not apply
32 at such a hearing.

33 **Sec. 53.** NRS 533.3703 is hereby amended to read as follows:

34 533.3703 1. The State Engineer may consider the
35 consumptive use of a water right and the consumptive use of a
36 proposed beneficial use of water in determining whether a proposed
37 change in the ~~place~~ *point* of diversion, manner of use or place of
38 use complies with the provisions of subsection 2 of NRS 533.370.

39 2. The provisions of this section:

40 (a) Must not be applied by the State Engineer in a manner that is
41 inconsistent with any applicable federal or state decree concerning
42 consumptive use.

43 (b) Do not apply to any decreed, certified or permitted right to
44 appropriate water which originates in the Virgin River or the Muddy
45 River.



1 **Sec. 54.** NRS 533.380 is hereby amended to read as follows:
2 533.380 1. Except as otherwise provided in subsection ~~5~~, **7**,
3 in an endorsement of approval upon any application, the State
4 Engineer shall:

5 (a) Set a time before which the construction of the work must be
6 completed, which must be within 5 years after the date of approval.

7 (b) Except as otherwise provided in this paragraph, set a time
8 before which the complete application of water to a beneficial use
9 must be made, which must not exceed 10 years after the date of the
10 approval. The time set under this paragraph respecting an
11 application for a permit to apply water to a municipal or quasi-
12 municipal use on any land:

13 (1) For which a final subdivision map has been recorded
14 pursuant to chapter 278 of NRS;

15 (2) For which a plan for the development of a project has
16 been approved by the local government pursuant to NRS 278.010 to
17 278.460, inclusive; or

18 (3) On any land for which a plan for the development of a
19 planned unit development has been recorded pursuant to chapter
20 278A of NRS,

21 ↳ must not be less than 5 years.

22 2. The State Engineer may limit the applicant to a smaller
23 quantity of water, to a shorter time for the completion of work, and,
24 except as otherwise provided in paragraph (b) of subsection 1, to a
25 shorter time for the perfecting of the ~~application than named in the~~
26 ~~application.~~ **water appropriation.**

27 3. Except as otherwise provided in ~~subsection 4~~ **subsections 5**
28 **and 6** and NRS 533.395 and 533.4377, the State Engineer may, for
29 good cause shown, grant any number of extensions of time within
30 which construction work must be completed, or water must be
31 applied to a beneficial use under any permit ~~therefor~~ issued by the
32 State Engineer. ~~but a~~ **A** single extension of time for a municipal
33 or quasi-municipal use for a public water system, as defined in NRS
34 445A.235, must not exceed 5 years, and any other single extension
35 of time must not exceed 1 year ~~from the required date for filing~~
36 ~~proofs as established in the permit or in a previous extension~~
37 ~~granted by the State Engineer.~~ An application for the extension
38 must in all cases be:

39 (a) Made within 30 days following notice by registered or
40 certified mail that proof of the work is due as provided for in NRS
41 533.390 and 533.410; and

42 (b) Accompanied by proof and evidence of the **good faith and**
43 reasonable diligence with which the applicant is pursuing the
44 perfection of the ~~application.~~

45 ↳ ~~The~~ **water appropriation.**



1 ***4. The failure to provide the proof and evidence required by***
2 ***subsection 3 is prima facie evidence that the holder is not***
3 ***proceeding in good faith and with reasonable diligence to perfect***
4 ***the water appropriation.***

5 ***5. Except as otherwise provided in this subsection, the*** State
6 Engineer shall not grant an extension of time unless the State
7 Engineer determines from the proof and evidence so submitted that
8 the applicant is proceeding in good faith and with reasonable
9 diligence to perfect the ~~application~~ ***water appropriation.*** The
10 failure to provide the proof and evidence required pursuant to this
11 subsection is prima facie evidence that the holder is not proceeding
12 in good faith and with reasonable diligence to perfect the
13 ~~application-~~
14 ~~—4.~~ ***water appropriation. If the water right in question lies***
15 ***within a basin that is an area of active management or has been***
16 ***designated as a critical management area by the State Engineer,***
17 ***the State Engineer may consider the goals and progress of any***
18 ***approved groundwater management plan in determining whether***
19 ***to approve or deny an extension of time. As used in this***
20 ***subsection, “area of active management” has the meaning***
21 ***ascribed to it in NRS 534.011.***

22 ***6. Except as otherwise provided in subsection ~~5~~ 7 and NRS***
23 ***533.395, whenever the holder of a permit issued for any municipal***
24 ***or quasi-municipal use of water on any land referred to in paragraph***
25 ***(b) of subsection 1, or for any use which may be served by a county,***
26 ***city, town, public water district or public water company, requests***
27 ***an extension of time to apply the water to a beneficial use, the State***
28 ***Engineer shall, in determining whether to grant or deny the***
29 ***extension, consider, among other factors:***

30 (a) Whether the holder has shown good cause for not having
31 made a complete application of the water to a beneficial use;

32 (b) The number of parcels and commercial or residential units
33 which are contained in or planned for the land being developed or
34 the area being served by the county, city, town, public water district
35 or public water company;

36 (c) Any economic conditions which affect the ability of the
37 holder to make a complete application of the water to a beneficial
38 use;

39 (d) Any delays in the development of the land or the area being
40 served by the county, city, town, public water district or public
41 water company which were caused by unanticipated natural
42 conditions; and

43 (e) The period contemplated in the:

44 (1) Plan for the development of a project approved by the
45 local government pursuant to NRS 278.010 to 278.460, inclusive; or



1 (2) Plan for the development of a planned unit development
2 recorded pursuant to chapter 278A of NRS,
3 → if any, for completing the development of the land.

4 ~~15-1~~ 7. The provisions of subsections 1 and ~~14~~ 6 do not apply
5 to an environmental permit or a temporary permit issued pursuant to
6 NRS 533.436 or 533.504.

7 ~~16-1~~ 8. For the purposes of this section, the measure of
8 reasonable diligence is the steady application of effort to perfect the
9 application in a reasonably expedient and efficient manner under all
10 the facts and circumstances. When a project or integrated system is
11 composed of several features, work on one feature of the project or
12 system may be considered in finding that reasonable diligence has
13 been shown in the development of water rights for all features of the
14 entire project or system.

15 **Sec. 55.** NRS 533.382 is hereby amended to read as follows:

16 533.382 Except as otherwise provided in NRS 533.387, every
17 conveyance of an application or permit to appropriate any of the
18 public waters, a certificate of appropriation, an adjudicated or
19 unadjudicated water right or an application or permit to change the
20 ~~place~~ **point** of diversion, manner of use or place of use of water
21 must be:

22 1. Made by deed;

23 2. Acknowledged in the manner provided in NRS 240.161 to
24 240.168, inclusive; and

25 3. Recorded in the office of the county recorder of each county
26 in which the water is applied to beneficial use and in each county in
27 which the water is diverted from its natural source.

28 **Sec. 56.** NRS 533.383 is hereby amended to read as follows:

29 533.383 1. The recording of a deed pursuant to NRS 533.382
30 shall be deemed to impart notice of the contents of the deed to all
31 persons at the time the deed is recorded, and a subsequent purchaser
32 or mortgagee shall be deemed to purchase and take with notice of
33 the contents of the deed.

34 2. The deed of:

35 (a) An application or permit to appropriate any of the public
36 waters;

37 (b) A certificate of appropriation;

38 (c) An adjudicated or unadjudicated water right; or

39 (d) An application or permit to change the ~~place~~ **point** of
40 diversion, manner of use or place of use of water,

41 → that has not been recorded as required by NRS 533.382 shall be
42 deemed void as against a subsequent purchaser who in good faith
43 and for valuable consideration purchases the same application, right,
44 certificate or permit, or any portion thereof, if the subsequent
45 purchaser first records the deed in compliance with NRS 533.382.



1 **Sec. 57.** NRS 533.384 is hereby amended to read as follows:

2 533.384 1. A person to whom is conveyed an application or
3 permit to appropriate any of the public waters, a certificate of
4 appropriation, an adjudicated or unadjudicated water right or an
5 application or permit to change the ~~place~~ **point** of diversion,
6 manner of use or place of use of water, shall:

7 (a) File with the State Engineer, together with the prescribed fee,
8 a report of conveyance which includes the following information on
9 a form to be provided by the State Engineer:

10 (1) An abstract of title;

11 (2) Except as otherwise provided in subsection 2, a copy of
12 any deed, written agreement or other document pertaining to the
13 conveyance; and

14 (3) Any other information requested by the State Engineer.

15 (b) If the place of use of the water is wholly or partly within the
16 boundaries of an irrigation district, file with the irrigation district:

17 (1) An abstract of title; and

18 (2) Except as otherwise provided in subsection 2, a copy of
19 any deed, written agreement or other document pertaining to the
20 conveyance.

21 2. The governing body of any local government of this State
22 and any public utility which is a purveyor of water within the State
23 may submit an affidavit or other document upon oath in lieu of the
24 documents otherwise required by subparagraph (2) of paragraphs (a)
25 and (b) of subsection 1, if the State Engineer finds that:

26 (a) The affidavit clearly indicates that rights for diverting or
27 appropriating water described in the affidavit are owned or
28 controlled by the governing body or utility; and

29 (b) The affiant is qualified to sign the affidavit.

30 **Sec. 58.** NRS 533.386 is hereby amended to read as follows:

31 533.386 1. The State Engineer shall confirm that the report of
32 conveyance required by paragraph (a) of subsection 1 of NRS
33 533.384 includes all material required by that subsection and that:

34 (a) The report is accompanied by the prescribed fee;

35 (b) No conflict exists in the chain of title that can be determined
36 by the State Engineer from the conveyance documents or other
37 information on file in the Office of the State Engineer; and

38 (c) The State Engineer is able to determine the rate of diversion
39 and the amount of water conveyed in acre-feet or million gallons
40 from the conveyance documents or other information on file in the
41 Office of the State Engineer.

42 2. If the State Engineer confirms a report of conveyance
43 pursuant to subsection 1, the State Engineer shall in a timely manner
44 provide a notice of the confirmation to the person who submitted the
45 report of conveyance. The notice must include, without limitation:



1 (a) A statement indicating that neither the confirmation of the
2 report of conveyance nor the report of conveyance, if the report sets
3 forth the amount of water conveyed, guarantees that:

4 (1) The water right is in good standing with the Office of the
5 State Engineer; or

6 (2) The amount of water referenced in the notice or in the
7 report of conveyance is the actual amount of water that a person is
8 entitled to use upon conveyance of the application or permit to
9 appropriate any of the public waters, the certificate of appropriation,
10 the adjudicated or unadjudicated water right, or the application or
11 permit to change the ~~place~~ *point* of diversion, manner of use or
12 place of use of water.

13 (b) A statement that the confirmation of the report of
14 conveyance is not a determination of ownership and that only a
15 court of competent jurisdiction may adjudicate conflicting claims to
16 ownership of a water right.

17 3. If the State Engineer determines that the report of
18 conveyance is deficient, the State Engineer shall reject the report of
19 conveyance and return it to the person who submitted it, together
20 with:

21 (a) An explanation of the deficiency; and

22 (b) A notice stating that the State Engineer will not confirm a
23 report of conveyance that has been rejected unless the report is
24 resubmitted with the material required to cure the deficiency. The
25 notice must also include a statement of the provisions of
26 subsection 5.

27 4. If, from the conveyance documents or other information in
28 the Office of the State Engineer, it appears to the State Engineer that
29 there is a conflict in the chain of title, the State Engineer shall reject
30 the report of conveyance and return it to the person who submitted
31 it, together with:

32 (a) An explanation that a conflict appears to exist in the chain of
33 title; and

34 (b) A notice stating that the State Engineer will not take further
35 action with respect to the report of conveyance until a court of
36 competent jurisdiction has determined the conflicting claims to
37 ownership of the water right and the determination has become final
38 or until a final resolution of the conflicting claims has otherwise
39 occurred. The notice must also include a statement of the provisions
40 of subsection 5.

41 5. The State Engineer shall not consider or treat the person to
42 whom:

43 (a) An application or permit to appropriate any of the public
44 waters;

45 (b) A certificate of appropriation;



1 (c) An adjudicated or unadjudicated water right; or

2 (d) An application or permit to change the ~~{place}~~ *point* of
3 diversion, manner of use or place of use of water,

4 ➔ is conveyed as the owner or holder of the application, right,
5 certificate or permit for the purposes of this chapter, including,
6 without limitation, all advisements and other notices required of the
7 State Engineer and the granting of permits to change the ~~{place}~~
8 *point* of diversion, manner of use or place of use of water, until a
9 report of the conveyance is confirmed pursuant to subsection 1.

10 6. If the State Engineer is notified that a court of competent
11 jurisdiction has entered a judgment confirming ownership of a water
12 right or resolving a conflict in a chain of title, and that the judgment
13 has become final, the State Engineer shall take such administrative
14 action as is appropriate or necessary to conform the records of the
15 Office of the State Engineer with the judgment of the court,
16 including, without limitation, amending or withdrawing a permit or
17 certificate that was previously approved by the State Engineer.

18 **Sec. 59.** NRS 533.387 is hereby amended to read as follows:

19 533.387 The provisions of NRS 533.382 to 533.386, inclusive,
20 do not apply to the conveyance of shares of stock in a ditch
21 company which owns:

22 1. An application or permit to appropriate any of the public
23 waters;

24 2. A certificate of appropriation;

25 3. An adjudicated or unadjudicated water right; or

26 4. An application or permit to change the ~~{place}~~ *point* of
27 diversion, manner of use or place of use of water.

28 **Sec. 60.** NRS 533.395 is hereby amended to read as follows:

29 533.395 1. If, at any time in the judgment of the State
30 Engineer, the holder of any permit to appropriate the public water is
31 not proceeding in good faith and with reasonable diligence to
32 perfect the appropriation, the State Engineer shall require the
33 submission of such proof and evidence as may be necessary to show
34 a compliance with the law. If, in the judgment of the State Engineer,
35 the holder of a permit is not proceeding in good faith and with
36 reasonable diligence to perfect the appropriation, the State Engineer
37 shall cancel the permit ~~{}~~ and ~~{advise}~~ *send notice to the holder of*
38 *the permit advising* the holder of its cancellation. The failure to
39 provide the proof and evidence required pursuant to this subsection
40 is prima facie evidence that the holder is not proceeding in good
41 faith and with reasonable diligence to perfect the appropriation.

42 2. If any permit is cancelled under the provisions of this section
43 or NRS 533.390 or 533.410, the holder of the permit may within 60
44 days of the cancellation of the permit file a written petition with the



1 State Engineer requesting a review of the cancellation by the State
2 Engineer at a public hearing.

3 3. The State Engineer may, after receiving and considering
4 evidence, affirm, modify or rescind the cancellation.

5 ~~13~~ 4. If the decision of the State Engineer modifies or
6 rescinds the cancellation of a permit, the effective date of the
7 appropriation under the permit is vacated and replaced by the date of
8 the filing of the written petition with the State Engineer.

9 ~~14~~ 5. The cancellation of a permit may not be reviewed or be
10 the subject of any judicial proceedings unless a written petition for
11 review has been filed and the cancellation has been affirmed,
12 modified or rescinded pursuant to subsection ~~12~~ 3.

13 ~~15~~ 6. For the purposes of this section, the measure of
14 reasonable diligence is the steady application of effort to perfect the
15 appropriation in a reasonably expedient and efficient manner under
16 all the facts and circumstances. When a project or integrated system
17 is comprised of several features, work on one feature of the project
18 or system may be considered in finding that reasonable diligence
19 has been shown in the development of water rights for all features of
20 the entire project or system.

21 ~~16~~ 7. The appropriation of water or the acquisition or lease of
22 appropriated water from any:

23 (a) Stream system as provided for in this chapter; or

24 (b) Underground water as provided for in NRS 534.080,

25 ↪ by a political subdivision of this State or a public utility, as
26 defined in NRS 704.020, to serve the present or the reasonably
27 anticipated future municipal, industrial or domestic needs of its
28 customers for water, as determined in accordance with a master plan
29 adopted pursuant to chapter 278 of NRS or a plan approved by the
30 State Engineer, must be considered when reviewing an extension of
31 time.

32 **Sec. 61.** NRS 533.400 is hereby amended to read as follows:

33 533.400 1. Except as otherwise provided in subsection 2, on
34 or before the date set in the endorsement of a permit for the
35 application of water to beneficial use, or on the date set by the State
36 Engineer under a proper application for extension, ~~therefor~~ any
37 person holding a permit from the State Engineer to appropriate the
38 public waters of the State of Nevada, to change the ~~place~~ *point*
39 diversion or the manner or place of use, shall file with the State
40 Engineer a statement under oath, on a form prescribed by the State
41 Engineer. The statement must include:

42 (a) The name and ~~post-office~~ *mailing* address of the person
43 making the proof.

44 (b) The number and date of the permit for which proof is made.

45 (c) The source of the water supply.



1 (d) The name of the canal or other works by which the water is
2 conducted to the place of use.

3 (e) The name of the original person to whom the permit was
4 issued.

5 (f) The purpose for which the water is used.

6 (g) If for irrigation, the actual number of acres of land upon
7 which the water granted in the permit has been beneficially used,
8 giving the same by 40-acre legal subdivisions when possible.

9 (h) An actual measurement taken by a licensed state water right
10 surveyor or an official or employee of the Office of the State
11 Engineer of the water diverted for beneficial use.

12 (i) The capacity of the works of diversion.

13 (j) If for power, the dimensions and capacity of the flume, pipe,
14 ditch or other conduit.

15 (k) The average grade and difference in elevation between the
16 termini of any conduit.

17 (l) The number of months, naming them, in which water has
18 been beneficially used.

19 (m) The amount of water beneficially used, taken from actual
20 measurements, together with such other data as the State Engineer
21 may require to become acquainted with the amount of the
22 appropriation for which the proof is filed.

23 2. The provisions of subsection 1 do not apply to a person
24 holding an environmental permit or a temporary permit issued
25 pursuant to NRS 533.436 or 533.504.

26 **Sec. 62.** NRS 533.425 is hereby amended to read as follows:

27 533.425 1. Except as otherwise provided in *subsection 3 and*
28 *NRS 533.503*, as soon as practicable after satisfactory proof has
29 been made to the State Engineer that any application to appropriate
30 water or any application for permission to change the ~~{place}~~ *point*
31 of diversion, manner or place of use of water already appropriated
32 has been perfected in accordance with the provisions of this chapter,
33 the State Engineer shall issue to the holder or holders of the permit a
34 certificate setting forth:

35 (a) The name ~~{and post office address}~~ of each holder of the
36 permit.

37 (b) The date, source, purpose and amount of appropriation.

38 (c) If for irrigation, a description of the irrigated lands by legal
39 subdivisions, when possible, to which the water is appurtenant.

40 (d) The number of the permit under which the certificate is
41 issued.

42 2. If the water is appropriated from an underground source, the
43 State Engineer shall issue with the certificate a notice of the
44 provisions governing the forfeiture and abandonment of such water
45 rights. The notice must set forth the provisions of NRS 534.090.



1 **3. The State Engineer shall not issue a certificate based on a**
2 **revocable permit issued pursuant to paragraph (a) of subsection 3**
3 **of NRS 534.120.**

4 **Sec. 63.** NRS 533.430 is hereby amended to read as follows:

5 533.430 1. Every permit to appropriate water, and every
6 certificate of appropriation granted under any permit by the State
7 Engineer upon any stream or stream system which shall have been
8 adjudicated under the provisions of NRS 533.090 to 533.235,
9 inclusive, **and sections 5 to 8, inclusive, of this act,** shall be, and the
10 same is hereby declared to be, subject to existing rights and to the
11 decree and modifications thereof entered in such adjudication
12 proceedings, and the same shall be subject to regulation and control
13 by the State Engineer and the water commissioners in the same
14 manner and to the same extent as rights which have been
15 adjudicated and decreed under the provisions of this chapter. Every
16 such holder of a certificate or a permit shall in like manner be
17 subject to all of the provisions of NRS 533.270 to 533.305,
18 inclusive, 533.465, 533.475, 533.480, 533.481, 533.482, 535.050,
19 536.010, 536.020 and 536.030.

20 2. Upon any stream or stream system that has not been
21 adjudicated and upon which the State Engineer has heretofore
22 granted and may hereafter grant a permit or permits to appropriate
23 water therefrom, any and all such permitted rights to the use of
24 water so granted shall be subject to regulation and control by the
25 State Engineer to the same extent and in the same manner as
26 adjudicated and permitted rights upon streams and stream systems
27 heretofore adjudicated pursuant to the provisions of this chapter.

28 **Sec. 64.** NRS 533.435 is hereby amended to read as follows:

29 533.435 1. The State Engineer shall collect the following
30 fees:

- 31 For examining and filing an application for a
- 32 permit to appropriate water \$360.00
- 33 This fee includes the cost of publication,
- 34 which is \$50.
- 35 For reviewing a corrected ~~application or~~ **proof**
- 36 **of appropriation, a map of a proof of**
- 37 **appropriation, an application, a map** ~~or~~
- 38 ~~both,~~ **or both an application and a map,** in
- 39 connection with an application for a water
- 40 right permit..... 100.00
- 41 For examining and acting upon plans and
- 42 specifications for construction of a dam..... 1,200.00
- 43



1	For examining and filing an application for each	
2	permit to change the point of diversion,	
3	manner of use or place of use of an existing	
4	right.....	\$240.00
5	This fee includes the cost of publication,	
6	which is \$50.	
7	For examining and filing an application for a	
8	temporary permit to change the point of	
9	diversion, manner of use or place of use of an	
10	existing right.....	180.00
11	For issuing and recording each permit to	
12	appropriate water for any purpose, except for	
13	generating hydroelectric power which results	
14	in nonconsumptive use of the water or	
15	wildlife purposes.....	360.00
16	plus \$3 per acre-foot approved or fraction	
17	thereof.	
18	Except for generating hydroelectric power ,	
19	<i>watering livestock</i> or wildlife purposes, for	
20	issuing and recording each permit to change	
21	an existing water right whether temporary or	
22	permanent for any purpose.....	300.00
23	plus \$3 per acre-foot approved or fraction	
24	thereof.	
25	For issuing and recording each permit for	
26	additional rate of diversion <i>from a well</i> where	
27	no additional volume <i>duty</i> of water is	
28	granted.....	360.00
29	<i>plus \$3 per acre-foot, up to a maximum of</i>	
30	<i>\$ 1,000.00 .</i>	
31	For issuing and recording each permit to change	
32	the point of diversion or place of use only of	
33	an existing right whether temporary or	
34	permanent for irrigational <i>irrigation</i>	
35	purposes, a maximum fee of	750.00
36	For issuing and recording each permit to	
37	appropriate or change the point of diversion or	
38	place of use of an existing right whether	
39	temporary or permanent for watering	
40	livestock or wildlife purposes	240.00
41	plus \$50 for each <i>cubic</i> foot <i>per second</i> of	
42	water approved or fraction thereof.	



1	For issuing and recording each permit to	
2	appropriate or change an existing right	
3	whether temporary or permanent for water for	
4	generating hydroelectric power which results	
5	in nonconsumptive use of the water.....	\$480.00
6	plus \$50 for each second-foot cubic foot	
7	per second of water approved or	
8	fraction thereof.	
9	For issuing filing a waiver in connection with	
10	an application to drill a well.....	120.00
11	For filing and examining a notice of intent to drill	
12	a well.....	25.00
13	For filing and examining an affidavit to	
14	relinquish water rights in favor of use of water	
15	for domestic wells.....	300.00
16	For filing a secondary application under a	
17	reservoir permit.....	300.00
18	For approving and recording a secondary permit	
19	under a reservoir permit.....	540.00
20	For reviewing each tentative subdivision map.....	180.00
21	plus \$1 per lot.	
22	For reviewing and approving each final	
23	subdivision map.....	120.00
24	For storage approved under a dam permit for	
25	privately owned nonagricultural dams which	
26	store more than 50 acre-feet.....	480.00
27	plus \$1.25 per acre-foot storage capacity.	
28	This fee includes the cost of inspection	
29	and must be paid annually.	
30	For flood control detention basins.....	480.00
31	plus \$1.25 per acre-foot storage capacity.	
32	This fee includes the cost of inspection	
33	and must be paid annually.	
34	For filing proof of completion of work.....	60.00
35	For filing proof of beneficial use under a	
36	revocable permit	60.00
37	For filing proof of beneficial use , issuing and	
38	recording a certificate upon approval of the	
39	proof of beneficial use.....	350.00 410.00
40	For filing proof of resumption of a water right.....	360.00
41	For filing any protest.....	30.00
42	For filing any application for extension of time	
43	within which to file proofs, of completion or	
44	beneficial use, for each year for which the	
45	extension of time is sought.....	120.00



1	For filing any application for extension of time to	
2	prevent a forfeiture, for each year for which	
3	the extension of time is sought.....	\$120.00
4	For reviewing a cancellation of a water right	
5	pursuant to a petition for review	360.00
6	For examining and filing a report of conveyance	
7	filed pursuant to paragraph (a) of subsection 1	
8	of NRS 533.384.....	120.00
9	plus \$20 per conveyance document.	
10	For filing any other instrument.....	10.00
11	For making a copy of any document recorded or	
12	filed in the Office of the State Engineer, for	
13	the first page.....	1.00
14	For each additional page.....	.20
15	For certifying to copies of documents, records or	
16	maps, for each certificate	6.00
17	For each copy of any full size drawing or map	6.00
18	For each color copy of any full size drawing or	
19	map (2' x 3').....	12.00
20	The minimum charge for a blueprint copy, per	
21	print	3.00
22	For colored mylar plots	10.00
23		

24 2. When fees are not specified in subsection 1 for work
25 required of the Office of the State Engineer, the State Engineer shall
26 collect the actual cost of the work.

27 3. Except as otherwise provided in this subsection, all fees
28 collected by the State Engineer under the provisions of this section
29 must be deposited in the State Treasury for credit to the Water
30 Distribution Revolving Account created pursuant to NRS 532.210.
31 All fees received for blueprint copies of any drawing or map must
32 be kept by the State Engineer and used only to pay the costs of
33 printing, replacement and maintenance of printing equipment. Any
34 publication fees received which are not used by the State Engineer
35 for publication expenses must be returned to the persons who paid
36 the fees. If, after exercising due diligence, the State Engineer is
37 unable to make the refunds, the State Engineer shall deposit the fees
38 in the State Treasury for credit to the Water Distribution Revolving
39 Account created pursuant to NRS 532.210.

40 **Sec. 65.** NRS 533.440 is hereby amended to read as follows:

41 533.440 1. All applications for reservoir permits shall be
42 subject to the provisions of NRS 533.324 to 533.435, inclusive, *and*
43 *section 9 of this act*, except those sections wherein proof of
44 beneficial use is required to be filed. The person or persons
45 proposing to apply to a beneficial use the water stored in any such



1 reservoir shall file an application for a permit, to be known herein as
2 the secondary permit, in compliance with the provisions of NRS
3 533.324 to 533.435, inclusive, *and section 9 of this act*, except that
4 no notice of such application shall be published.

5 2. The application shall refer to the reservoir for a supply of
6 water and shall show by documentary evidence that an agreement
7 has been entered into with the owner of the reservoir for a
8 permanent and sufficient interest in such reservoir to impound
9 enough water for the purpose set forth in the application.

10 3. Effluent discharged from the point of the final treatment
11 from within a sewage collection and treatment system shall be
12 considered water as referred to in this chapter, and shall be subject
13 to appropriation for beneficial use under the reservoir-secondary
14 permit procedure described in this section. Nothing in this section
15 shall preclude appropriation in accordance with and subject to the
16 provisions of NRS 533.324 to 533.435, inclusive **H**, *and section 9*
17 *of this act*.

18 4. When beneficial use has been completed and perfected
19 under the secondary permit, and after the holder thereof shall have
20 made proofs of the commencement and completion of his or her
21 work, and of the application of water to beneficial use, as in the case
22 of other permits, as provided in this chapter, a final certificate of
23 appropriation shall issue as other certificates are issued, except that
24 the certificate shall refer to both the works described in the
25 secondary permit and the reservoir described in the primary permit.

26 **Sec. 66.** (Deleted by amendment.)

27 **Sec. 67.** (Deleted by amendment.)

28 **Sec. 68.** (Deleted by amendment.)

29 **Sec. 69.** NRS 533.492 is hereby amended to read as follows:

30 533.492 1. A subsisting right to water livestock may be
31 proven by an owner of livestock by one or more of the following
32 items of evidence for the number of livestock and date of priority:

33 (a) As to water rights on open range, whether public lands or
34 unfenced private lands or a combination of these:

35 (1) A statement of priority of use submitted to the Taylor
36 Grazing Service, predecessor to the Bureau of Land Management, to
37 show the numbers of livestock grazed upon the open range, for
38 years from 1928 to 1934, inclusive, if accompanied by evidence of
39 changes or absence of change since the date of the statement;

40 (2) A license issued by the Taylor Grazing Service for use
41 upon the open range; or

42 (3) A statement of priority of use, or a license, issued by the
43 United States Forest Service for the grazing of livestock before
44 1950.

45 (b) As to water rights on other privately owned land:



1 (1) An affidavit concerning the number and kind of livestock
2 by a person familiar with the use made of the lands;

3 (2) A record of livestock assessed to the claimant of the
4 right, or the claimant's predecessor, by a county assessor;

5 (3) A count of livestock belonging to the claimant or the
6 claimant's predecessor made by a lender; or

7 (4) An affidavit of a disinterested person.

8 2. The location of a subsisting right to water livestock and its
9 extent along a stream may be shown by marking upon a topographic
10 map whose scale is not less than ~~1:100,000~~ **1:24,000** or a map
11 prepared by the United States Geological Survey covering a
12 quadrangle of 7 1/2 minutes of latitude and longitude and by further
13 identifying the location or extent by one-sixteenth sections within a
14 numbered section, township and range . ~~[as certified by a registered~~
15 ~~state water right surveyor.]~~

16 **Sec. 70.** NRS 533.515 is hereby amended to read as follows:

17 533.515 1. No permit for the appropriation of water or
18 application to change the point of diversion , **manner of use or**
19 **place of use** under an existing water right may be denied because of
20 the fact that the point of diversion described in the application for
21 the permit, or any portion of the works in the application described
22 and to be constructed for the purpose of storing, conserving,
23 diverting or distributing the water are situated in any other state; but
24 in all such cases where the place of intended use ~~[, or the lands,]~~ or
25 part of the ~~[lands to be irrigated by means of the water, are]~~ **place of**
26 **use is** situated within this state, the permit must be issued as in other
27 cases, pursuant to the provisions of NRS 533.324 to 533.450,
28 inclusive, and chapter 534 of NRS.

29 2. The permit must not purport to authorize the doing or
30 refraining from any act or thing, in connection with the system of
31 appropriation, not properly within the scope of the jurisdiction of
32 this state and the State Engineer to grant.

33 **Sec. 71.** (Deleted by amendment.)

34 **Sec. 72.** (Deleted by amendment.)

35 **Sec. 73.** (Deleted by amendment.)

36 **Sec. 74.** (Deleted by amendment.)

37 **Sec. 75.** NRS 534.0165 is hereby amended to read as follows:

38 534.0165 "Waste" means causing ~~[suffering]~~ or permitting
39 any ~~[artesian]~~ well to discharge water unnecessarily above or below
40 the surface of the ground so that the waters thereof are lost for
41 beneficial use or in any canal or ditch conveying water from a well
42 where the loss of water in transit is more than 20 percent of the
43 amount of the water discharged from the well.

44 **Sec. 76.** (Deleted by amendment.)



1 **Sec. 76.5.** NRS 534.070 is hereby amended to read as follows:

2 534.070 1. No person controlling ~~an artesian~~ a well in any
3 basin in Nevada shall suffer the waters therefrom to flow to waste,
4 unless, and as far as reasonably necessary in the judgment of the
5 State Engineer, to prevent the obstruction thereof, or to flow or be
6 taken therefrom except for beneficial purposes.

7 2. The owner of any ~~artesian~~ well from which water is being
8 unnecessarily wasted shall be guilty of a misdemeanor.

9 **Sec. 77.** NRS 534.090 is hereby amended to read as follows:

10 534.090 1. Except as otherwise provided in this section,
11 failure for 5 successive years after April 15, 1967, on the part of the
12 holder of any right, whether it is an adjudicated right, an
13 unadjudicated right or a right for which a certificate has been issued
14 pursuant to NRS 533.425, and further whether the right is initiated
15 after or before March 25, 1939, to use beneficially all or any part of
16 the underground water for the purpose for which the right is
17 acquired or claimed, works a forfeiture of both undetermined rights
18 and determined rights to the use of that water to the extent of the
19 nonuse. If the records of the State Engineer or any other documents
20 specified by the State Engineer indicate at least 4 consecutive
21 years, but less than 5 consecutive years, of nonuse of all or any part
22 of a water right which is governed by this chapter, the State
23 Engineer shall notify the owner of the water right, as determined in
24 the records of the Office of the State Engineer, by registered or
25 certified mail that the owner has 1 year after the date of the notice in
26 which to use the water right beneficially and to provide proof of
27 such use to the State Engineer or apply for relief pursuant to
28 subsection 2 to avoid forfeiting the water right. If, after 1 year after
29 the date of the notice, proof of resumption of beneficial use is not
30 filed in the Office of the State Engineer, the State Engineer shall,
31 unless the State Engineer has granted a request to extend the time
32 necessary to work a forfeiture of the water right, declare the right
33 forfeited. ~~within 30 days.~~ Upon the forfeiture of a right to the use
34 of groundwater, the water reverts to the public and is available for
35 further appropriation, subject to existing rights. If, upon notice by
36 registered or certified mail to the owner of record whose right has
37 been declared forfeited, the owner of record fails to appeal the
38 ruling in the manner provided for in NRS 533.450, and within the
39 time provided for therein, the forfeiture becomes final. The failure
40 to receive a notice pursuant to this subsection does not nullify the
41 forfeiture or extend the time necessary to work the forfeiture of a
42 water right.

43 2. The State Engineer may, upon the request of the holder of
44 any right described in subsection 1, extend the time necessary to
45 work a forfeiture under that subsection if the request is made before



1 the expiration of the time necessary to work a forfeiture. The State
2 Engineer may grant, upon request and for good cause shown, any
3 number of extensions, but ~~for~~ **any** single extension must not exceed
4 1 year. In determining whether to grant or deny a request, the State
5 Engineer shall, among other reasons, consider:

6 (a) Whether the holder has shown good cause for the holder's
7 failure to use all or any part of the water beneficially for the purpose
8 for which the holder's right is acquired or claimed;

9 (b) The unavailability of water to put to a beneficial use which is
10 beyond the control of the holder;

11 (c) Any economic conditions or natural disasters which made
12 the holder unable to put the water to that use;

13 (d) Any prolonged period in which precipitation in the basin
14 where the water right is located is below the average for that basin
15 or in which indexes that measure soil moisture show that a deficit in
16 soil moisture has occurred in that basin;

17 (e) Whether a groundwater management plan has been approved
18 for the basin pursuant to NRS 534.037; and

19 (f) Whether the holder has demonstrated efficient ways of using
20 the water for agricultural purposes, such as center-pivot irrigation.

21 ➔ The State Engineer shall notify, by registered or certified mail,
22 the owner of the water right, as determined in the records of the
23 Office of the State Engineer, of whether the State Engineer has
24 granted or denied the holder's request for an extension pursuant to
25 this subsection. If the State Engineer grants an extension pursuant to
26 this subsection and, before the expiration of that extension, proof of
27 resumption of beneficial use or another request for an extension is
28 not filed in the Office of the State Engineer, the State Engineer shall
29 declare the water right forfeited ~~within 30 days~~ after the expiration
30 of the extension granted pursuant to this subsection.

31 3. If the failure to use the water pursuant to subsection 1 is
32 because of the use of center-pivot irrigation before July 1, 1983, and
33 such use could result in a forfeiture of a portion of a right, the State
34 Engineer shall, by registered or certified mail, send to the owner of
35 record a notice of intent to declare a forfeiture. The notice must
36 provide that the owner has at least 1 year after the date of the notice
37 to use the water beneficially or apply for additional relief pursuant
38 to subsection 2 before forfeiture of the owner's right is declared by
39 the State Engineer.

40 4. A right to use underground water whether it is vested or
41 otherwise may be lost by abandonment. If the State Engineer, in
42 investigating a groundwater source, upon which there has been a
43 prior right, for the purpose of acting upon an application to
44 appropriate water from the same source, is of the belief from his or
45 her examination that an abandonment has taken place, the State



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1 Engineer shall so state in the ruling approving the application. If,
2 upon notice by registered or certified mail to the owner of record
3 who had the prior right, the owner of record of the prior right fails to
4 appeal the ruling in the manner provided for in NRS 533.450, and
5 within the time provided for therein, the alleged abandonment
6 declaration as set forth by the State Engineer becomes final.

7 **Sec. 78.** NRS 534.120 is hereby amended to read as follows:

8 534.120 1. Within an area that has been designated by the
9 State Engineer, as provided for in this chapter, where, in the
10 judgment of the State Engineer, the groundwater basin is being
11 depleted, the State Engineer in his or her administrative capacity
12 may make such rules, regulations and orders as are deemed essential
13 for the welfare of the area involved.

14 2. In the interest of public welfare, the State Engineer is
15 authorized and directed to designate preferred uses of water within
16 the respective areas so designated by the State Engineer and from
17 which the groundwater is being depleted, and in acting on
18 applications to appropriate groundwater, the State Engineer may
19 designate such preferred uses in different categories with respect to
20 the particular areas involved within the following limits:

21 (a) Domestic, municipal, quasi-municipal, industrial, irrigation,
22 mining and stock-watering uses; and

23 (b) Any uses for which a county, city, town, public water district
24 or public water company furnishes the water.

25 3. Except as otherwise provided in subsection 5, the State
26 Engineer may:

27 (a) Issue ~~temporary~~ *revocable* permits to appropriate
28 groundwater which can be limited as to time and which may, except
29 as limited by subsection 4, be revoked if and when water can be
30 furnished by an entity such as a water district or a municipality
31 presently engaged in furnishing water to the inhabitants thereof.

32 (b) Deny applications to appropriate groundwater for any use in
33 areas served by such an entity.

34 (c) Limit the depth of domestic wells.

35 (d) Prohibit the drilling of wells for domestic use, as defined in
36 NRS 534.013, in areas where water can be furnished by an entity
37 such as a water district or a municipality presently engaged in
38 furnishing water to the inhabitants thereof.

39 (e) In connection with the approval of a parcel map in which any
40 parcel is proposed to be served by a domestic well, require the
41 dedication to a city or county or a designee of a city or county, or
42 require a relinquishment to the State Engineer, of any right to
43 appropriate water required by the State Engineer to ensure a
44 sufficient supply of water for each of those parcels, unless the



1 dedication of the right to appropriate water is required by a local
2 ordinance.

3 4. The State Engineer may revoke a ~~temporary~~ *revocable*
4 permit issued pursuant to subsection 3 for residential use, and
5 require a person to whom groundwater was appropriated pursuant to
6 the permit to obtain water from an entity such as a water district or a
7 municipality engaged in furnishing water to the inhabitants of the
8 designated area, only if:

9 (a) The distance from the property line of any parcel served by a
10 well pursuant to a ~~temporary~~ *revocable* permit to the pipes and
11 other appurtenances of the proposed source of water to which the
12 property will be connected is not more than 180 feet; and

13 (b) The well providing water pursuant to the ~~temporary~~
14 *revocable* permit needs to be redrilled or have repairs made which
15 require the use of a well-drilling rig.

16 5. The State Engineer may ~~[, in an area in which have been~~
17 ~~issued temporary permits pursuant to subsection 3,]~~ limit the depth
18 of a domestic well ~~[pursuant to paragraph (c) of subsection 3]~~ or
19 prohibit repairs from being made to a well, and may require the
20 person proposing to deepen or repair the well to obtain water from
21 an entity such as a water district or a municipality engaged in
22 furnishing water to the inhabitants of the designated area, only if:

23 (a) The distance from the property line of any parcel served by
24 the well to the pipes and other appurtenances of the proposed source
25 of water to which the property will be connected is not more than
26 180 feet; and

27 (b) The deepening or repair of the well would require the use of
28 a well-drilling rig.

29 6. For good and sufficient reasons, the State Engineer may
30 exempt the provisions of this section with respect to public housing
31 authorities.

32 7. *If a user of a domestic well is furnished water by an entity*
33 *such as a water district or a municipality, the domestic well must*
34 *be plugged pursuant to the provisions of any applicable*
35 *regulations adopted by the State Engineer.*

36 8. The provisions of this section do not prohibit the State
37 Engineer from revoking a ~~temporary~~ *revocable* permit issued
38 pursuant to this section if any parcel served by a well pursuant to the
39 ~~temporary~~ *revocable* permit is currently obtaining water from an
40 entity such as a water district or a municipality engaged in
41 furnishing water to the inhabitants of the area.

42 **Sec. 79.** NRS 534.125 is hereby amended to read as follows:

43 534.125 If the State Engineer issues a ~~temporary~~ *revocable*
44 permit pursuant to NRS 534.120 or if a well for domestic use is
45 drilled in an area in which the State Engineer has issued such a



1 ~~temporary~~ *revocable* permit, the State Engineer shall file a notice
2 with the county recorder of the county in which the permit is issued
3 or the well is drilled. The notice must include a statement indicating
4 that, if and when water can be furnished by an entity such as a water
5 district or a municipality engaged in furnishing water to the
6 inhabitants of the designated area:

7 1. A ~~temporary~~ *revocable* permit may be revoked;

8 2. The owner of a domestic well may be prohibited from
9 deepening or repairing the well; and

10 3. The owner of the property served by the well may be
11 required to connect to this water source at his or her own expense.

12 **Sec. 80.** NRS 534.130 is hereby amended to read as follows:

13 534.130 The State Engineer, or the assistants or authorized
14 agents of the State Engineer, ~~and the Artesian Well Supervisor, or~~
15 ~~the assistants of the Artesian Well Supervisor, shall have the right~~
16 ~~to~~ *may* enter the ~~premises~~ *land* of any owner or proprietor where
17 any well mentioned in this chapter is situated *or where water is*
18 *being used* at any reasonable hour of the day for the purpose of
19 investigating and carrying out ~~their~~ *the* duties ~~in the~~
20 ~~administration~~ *of the State Engineer pursuant to* this chapter.

21 **Sec. 81.** NRS 534.140 is hereby amended to read as follows:

22 534.140 1. Every well driller, before engaging in the physical
23 drilling of a well in this State for development of water, must
24 annually apply to the State Engineer for a license to drill.

25 2. The applications for those licenses and all licenses issued for
26 the drilling of wells must be in the form prescribed by the State
27 Engineer.

28 3. All well-drilling licenses expire on June 30 following their
29 issuance and are not transferable.

30 4. A fee of ~~\$100~~ *\$120* must accompany each application for a
31 license and a fee of ~~\$50~~ *\$60* must be paid each year for renewal of
32 the license.

33 5. Those license fees must be accounted for in the State
34 Engineer's Water License Account and used to pay costs pertaining
35 to licensing, the adoption and enforcement of regulations for well
36 drilling and the compensation of the members of the Well Drillers'
37 Advisory Board and their expenses.

38 6. The State Engineer, after consulting with the Well Drillers'
39 Advisory Board, shall adopt regulations relating to continuing
40 education for well drillers.

41 7. The State Engineer shall prepare and keep on file in the
42 Office of the State Engineer regulations for well drilling.

43 8. Before engaging in the physical drilling of a well in this
44 State for the development of water, every well driller who is the
45 owner of a well-drilling rig, or who has a well-drilling rig under



1 lease or rental, or who has a contract to purchase a well-drilling rig,
2 must obtain a license as a well driller from the State Contractors'
3 Board.

4 **Sec. 82.** NRS 534.180 is hereby amended to read as follows:

5 534.180 1. Except as otherwise provided in subsection 2 and
6 as to the furnishing of any information required by the State
7 Engineer, this chapter does not apply in the matter of obtaining
8 permits for the development and use of underground water from a
9 well for domestic purposes where the draught does not exceed 2
10 acre-feet per year.

11 2. The State Engineer may designate any groundwater basin or
12 portion thereof as a basin in which the registration of a well is
13 required if the well is drilled for the development and use of
14 underground water for domestic purposes. A driller who drills such
15 a well shall register the information required by the State Engineer
16 within 10 days after the completion of the well. The State Engineer
17 shall make available forms for the registration of such wells and
18 shall maintain a register of those wells.

19 3. The State Engineer may require the plugging of ~~such~~ a
20 *domestic* well ~~[which is drilled on or after July 1, 1981.]~~ at any time
21 not sooner than 1 year after water can be furnished to the site by:

22 (a) A political subdivision of this State; or

23 (b) A public utility whose rates and service are regulated by the
24 Public Utilities Commission of Nevada. †

25 ~~↳ but only if the charge for making the connection to the service is~~
26 ~~less than \$200.]~~

27 4. If the development and use of underground water from a
28 well for an accessory dwelling unit of a single-family dwelling, as
29 defined in an applicable local ordinance, qualifies as a domestic use
30 or domestic purpose:

31 (a) The owner of the well shall:

32 (1) Obtain approval for that use or purpose from the local
33 governing body or planning commission in whose jurisdiction the
34 well is located;

35 (2) Install a water meter capable of measuring the total
36 withdrawal of water from the well; and

37 (3) Ensure the total withdrawal of water from the well does
38 not exceed 2 acre-feet per year;

39 (b) The local governing body or planning commission shall
40 report the approval of the accessory dwelling unit on a form
41 provided by the State Engineer;

42 (c) The State Engineer shall monitor the annual withdrawal of
43 water from the well; and

44 (d) The date of priority for the use of the domestic well to
45 supply water to the accessory dwelling unit is the date of approval



1 of the accessory dwelling unit by the local governing body or
2 planning commission.

3 **Sec. 83.** (Deleted by amendment.)

4 **Sec. 84.** (Deleted by amendment.)

5 **Sec. 85.** NRS 538.171 is hereby amended to read as follows:

6 538.171 1. The Commission shall receive, protect and
7 safeguard and hold in trust for the State of Nevada all water and
8 water rights, and all other rights, interests or benefits in and to the
9 waters described in NRS 538.041 to 538.251, inclusive, and to the
10 power generated thereon, held by or which may accrue to the State
11 of Nevada under and by virtue of any Act of the Congress of the
12 United States or any agreements, compacts or treaties to which the
13 State of Nevada may become a party, or otherwise.

14 2. Except as otherwise provided in this subsection, applications
15 for the original appropriation of such waters, or to change the
16 ~~place~~ **point** of diversion, manner of use or place of use of water
17 covered by the original appropriation, must be made to the
18 Commission in accordance with the regulations of the Commission.
19 In considering such an application, the Commission shall use the
20 criteria set forth in subsection 3 of NRS 533.370. The Commission's
21 action on the application constitutes the recommendation of the
22 State of Nevada to the United States for the purposes of any federal
23 action on the matter required by law. The provisions of this
24 subsection do not apply to supplemental water.

25 3. The Commission shall furnish to the State Engineer a copy
26 of all agreements entered into by the Commission concerning the
27 original appropriation and use of such waters. It shall also furnish to
28 the State Engineer any other information it possesses relating to the
29 use of water from the Colorado River which the State Engineer
30 deems necessary to allow the State Engineer to act on applications
31 for permits for the subsequent appropriation of these waters after
32 they fall within the State Engineer's jurisdiction.

33 4. Notwithstanding any provision of chapter 533 of NRS,
34 any original appropriation and use of the waters described in
35 subsection 1 by the Commission or by any entity to whom or with
36 whom the Commission has contracted the water is not subject to
37 regulation by the State Engineer.

38 5. Any use of water from the Muddy River or the Virgin River
39 for the creation of any developed shortage supply or intentionally
40 created surplus does not require the submission of an application to
41 the State Engineer to change the ~~place~~ **point** of diversion, manner
42 of use or place of use. As used in this subsection:

43 (a) "Developed shortage supply" has the meaning ascribed to it
44 in NRS 533.030.



1 (b) "Intentionally created surplus" has the meaning ascribed to it
2 in NRS 533.030.

3 **Sec. 86.** Chapter 540 of NRS is hereby amended by adding
4 thereto the provisions set forth as sections 87 and 88 of this act.

5 **Sec. 87. 1.** *In addition to any other penalty provided by law,*
6 *the State Engineer may, after notice and opportunity for a*
7 *hearing, require a person who violates any provision of this*
8 *chapter or any order or decision issued or regulation adopted by*
9 *the State Engineer pursuant to this chapter or NRS 532.120 to pay*
10 *an administrative fine not to exceed \$10,000 per day for each*
11 *violation as determined by the State Engineer.*

12 **2.** *If an administrative fine is imposed against a person*
13 *pursuant to subsection 1, the State Engineer may require the*
14 *person to pay the costs of the proceeding, including investigative*
15 *costs and attorney's fees.*

16 **3.** *An order imposing an administrative fine or payment of*
17 *costs pursuant to this section may be reviewed by a district court*
18 *pursuant to NRS 533.450.*

19 **Sec. 88. 1.** *The State Engineer may seek injunctive relief in*
20 *any court of competent jurisdiction to prevent the continuance or*
21 *occurrence of any act or practice which violates any provision of*
22 *this chapter, or any order or decision issued or regulation adopted*
23 *by the State Engineer pursuant to this chapter or NRS 532.120.*

24 **2.** *On a showing by the State Engineer that a person is*
25 *engaged, or is about to engage, in any act or practice which*
26 *violates or will violate any provision of this chapter, or any order*
27 *or decision issued or regulation adopted by the State Engineer*
28 *pursuant to this chapter or NRS 532.120, the court may issue,*
29 *without a bond, any prohibitory or mandatory injunction that the*
30 *facts may warrant, including a temporary restraining order issued*
31 *ex parte or, after notice and hearing, a preliminary or permanent*
32 *injunction.*

33 **3.** *The failure to establish the lack of an adequate remedy at*
34 *law or irreparable harm is not a ground for denying a request for*
35 *a temporary restraining order or injunction.*

36 **4.** *The court may require the posting of a sufficient*
37 *performance bond or other security to ensure compliance with the*
38 *court order within the period prescribed.*

39 **5.** *Any proceeding conducted or injunction or order issued*
40 *pursuant to this section is in addition to, and not in lieu of, any*
41 *other penalty or remedy available for a violation of this chapter.*

42 **Sec. 89.** NRS 540.141 is hereby amended to read as follows:

43 540.141 1. A plan or joint plan of water conservation
44 submitted to the Section for review must include provisions relating
45 to:



- 1 (a) Methods of public education to:
2 (1) Increase public awareness of the limited supply of water
3 in this State and the need to conserve water.
4 (2) Encourage reduction in the size of lawns and encourage
5 the use of plants that are adapted to arid and semiarid climates.
6 (b) Specific conservation measures required to meet the needs of
7 the service area, including, but not limited to, any conservation
8 measures required by law.
9 (c) The management of water to:
10 (1) Identify and reduce leakage in water supplies,
11 inaccuracies in water meters and high pressure in water supplies;
12 and
13 (2) Where applicable, increase the reuse of effluent.
14 (d) A contingency plan for drought conditions that ensures a
15 supply of potable water.
16 (e) A schedule for carrying out the plan or joint plan.
17 ~~††~~ **2. In addition to the requirements of subsection 1, a**
18 **plan or joint plan of water conservation submitted by a supplier of**
19 **water providing service for 500 or more connections must include**
20 **provisions relating to measures** to evaluate the effectiveness of the
21 plan or joint plan.
22 ~~†(g) For each conservation measure specified in the plan or joint~~
23 ~~plan, an estimate of the amount of water that will be conserved each~~
24 ~~year as a result of the adoption of the plan or joint plan, stated in~~
25 ~~terms of gallons of water per person per day.†~~
26 ~~—2.†~~ **3. A plan or joint plan submitted for review must be**
27 accompanied by an analysis of:
28 (a) The feasibility of charging variable rates for the use of water
29 to encourage the conservation of water.
30 (b) How the rates that are proposed to be charged for the use of
31 water in the plan or joint plan will maximize water conservation,
32 including, without limitation, an estimate of the manner in which the
33 rates will affect consumption of water.
34 ~~†3.†~~ **4. The Section shall review any plan or joint plan**
35 submitted to it within 30 days after its submission and approve the
36 plan if it is based on the climate and living conditions of the service
37 area and complies with the requirements of this section.
38 ~~†4.†~~ **5. The Chief may exempt wholesale water purveyors from**
39 the provisions of this section which do not reasonably apply to
40 wholesale supply.
41 ~~†5.†~~ **6. To the extent practicable, the State Engineer shall**
42 provide on the Internet website of the State Engineer a link to the
43 plans and joint plans that are submitted for review. In carrying out
44 the provisions of this subsection, the State Engineer is not
45 responsible for ensuring, and is not liable for failing to ensure, that



1 the plans and joint plans which are provided on the Internet website
2 are accurate and current.

3 **Sec. 90.** NRS 111.167 is hereby amended to read as follows:
4 111.167 Unless the deed conveying land specifically provides
5 otherwise, all:

6 1. Applications and permits to appropriate any of the public
7 waters;

8 2. Certificates of appropriation;

9 3. Adjudicated or unadjudicated water rights; and

10 4. Applications or permits to change the ~~place~~ *point* of
11 diversion, manner of use or place of use of water,

12 ➤ which are appurtenant to the land are presumed to be conveyed
13 with the land.

14 **Sec. 91.** NRS 533.100, 533.105, 533.110, 533.120, 533.155,
15 533.250, 533.260, 533.265 and 534.070 are hereby repealed.

16 **Sec. 92.** This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

533.100 Investigation of flow of stream and ditches by State Engineer; preparation of surveys and maps.

533.105 Use of data compiled by United States Geological Survey or other persons; remission of proportionate cost of preparation.

533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice.

533.120 Statements to be certified under oath; no fee for administering or furnishing blank form.

533.155 Daily deposit by each party.

533.250 Admissibility of maps, plats, surveys and evidence on file in office of State Engineer; notice by State Engineer of intention to consider evidence and submission of findings to court.

533.260 Regulations of State Engineer requiring blueprints from claimants to be attached to proofs.

533.265 State Engineer to issue certificates upon final determination of relative rights; contents of certificates; exceptions.

534.070 Waste of water from artesian well unlawful.

