

**EXHIBIT “3”**

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# SB65

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Introduced in the Senate on Dec 20, 2014.

By: Government Affairs

*Revises provisions relating to the use of water. (BDR 48-366)***Fiscal Notes View Fiscal Notes**

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

Effect on State: Yes.

**Most Recent History**

Read third time. Lost. (Yeas: 13, Nays: 8.)

**Action:**

(See full list below)

**Upcoming Hearings****Past Hearings**

Senate Government Affairs	Feb 11, 2015 01:30 PM	<b>Agenda</b>	<b>Minutes</b>	Heard, No Action
Assembly Natural Resources, Agriculture, and Mining	Feb 24, 2015 01:30 PM	<b>Agenda</b>		Mentioned no jurisdiction
Assembly Government Affairs	Mar 24, 2015 08:00 AM	<b>Agenda</b>		Mentioned no jurisdiction
Senate Government Affairs	Apr 10, 2015 01:00 PM	<b>Agenda</b>	<b>Minutes</b>	Amend, and do pass as amended
Assembly Government Affairs	Apr 22, 2015 09:00 AM	<b>Agenda</b>		Mentioned no jurisdiction

**Final Passage Votes**

Senate Final Passage (1st Reprint) Apr 21, 2015 Yea 13, Nay 8, Excused 0, Not Voting 0, Absent 0

**Bill Text As Introduced 1st Reprint****Adopted Amendments Amend. No. 466****Bill History**

Dec 20, 2014

- Prefiled. Referred to Committee on Government Affairs. To printer.

Dec 22, 2014

- From printer.

**Feb 02, 2015**

- Read first time. To committee.

**Apr 20, 2015**

- From committee: Amend, and do pass as amended.
- Placed on Second Reading File.
- Read second time. Amended. (Amend. No. 466.) To printer.

**Apr 21, 2015**

- From printer. To engrossment. Engrossed. **First reprint** .
- Read third time. Lost. (Yeas: 13, Nays: 8.)

**EXHIBIT "2"**

**EXHIBIT "2"**

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.

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 the  
63 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



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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.

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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.**



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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





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



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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.



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

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

5 533.095 1. As soon as practicable after the State Engineer  
6 ~~{shall make and enter the}~~ *enters an order pursuant to NRS 533.090*  
7 *granting the petition or selecting the streams upon which the*  
8 *determination of rights is to begin, the State Engineer shall {prepare}*  
9 *issue a notice setting forth {the} :*

10 (a) *The fact of the entry of the order and of the pendency of the*  
11 *proceedings ; {*

12 ~~— 2. The notice shall:~~

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

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

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

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

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

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

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

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

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

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

43 533.115 ~~{The State Engineer shall, in addition, enclose with the~~  
44 ~~notice to be mailed as provided in NRS 533.110, blank forms upon~~  
45 ~~which the}~~



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- 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.-~~ (a) The name and ~~[- post-office]~~ **mailing** address of the  
8 claimant ~~[-~~  
9 ~~2.-~~ ;  
10       (b) The nature of the right or use on which the claim for  
11 appropriation is based ~~[-~~  
12 ~~3.-~~ ;  
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** ~~[-~~  
16 ~~4.-~~ ;  
17       (d) The date ~~[- of beginning of]~~ **on which** construction ~~[-~~  
18 ~~5.-~~ **began on works of diversion and distribution;**  
19       (e) The date ~~[- when]~~ **on which construction of works of**  
20 **diversion and distribution was completed** ~~[-~~  
21 ~~6.-~~ ;  
22       (f) The dates ~~[- of beginning and completion of]~~ **on which**  
23 **construction of any enlargements** ~~[-~~  
24 ~~7.-~~ The dimensions of the ditch as originally constructed and as  
25 enlarged.  
26 ~~8.-~~ **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** ~~[-~~  
34 ~~9.-~~ ;  
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 ~~[-]~~ ;  
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.**



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

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

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

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

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

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

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

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

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

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

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

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

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed 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}~~ *order*  
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 {off} 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*  
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 ~~{-}~~ *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* ~~{off}~~  
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 ~~{-}~~ 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  
38 to be published at least once a week for 4 consecutive weeks in  
39 ~~{some}~~ *a* newspaper of general circulation published in each county  
40 in 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.



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

2       533.170 1. At least ~~5~~ **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 **serving 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.



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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



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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 ~~{or~~  
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 ~~{or~~  
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 ~~{or 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 ~~{or 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 ~~{of}~~ *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,



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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 ~~[-]~~ *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* the  
37 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.



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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 ~~30~~ 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



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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



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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



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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 ~~{-}~~ **and acre-feet per**  
37 **year**, except ~~{in}~~ :

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



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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:



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- 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



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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 ~~+~~ *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.



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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.



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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



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

7 ~~{6.}~~ 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.



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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:



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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;



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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



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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 ~~{3-}~~ 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 ~~{4-}~~ 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 ~~{2-}~~ 3.

13 ~~{5-}~~ 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 ~~{6-}~~ 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** of  
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.



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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  
32       For examining and filing an application for a  
33       permit to appropriate water ..... \$360.00

34       This fee includes the cost of publication,  
35       which is \$50.

36       For reviewing a corrected ~~application or~~ *proof*  
37       *of appropriation, a map of a proof of*  
38       *appropriation, an application, a map* ~~or~~  
39       ~~both,~~ *or both an application and a map*, in  
40       connection with an application for a water  
41       right permit..... 100.00

42       For examining and acting upon plans and  
43       specifications for construction of a dam..... 1,200.00



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 <del>{volume}</del> <i>duty</i> of water is	
28	granted.....	360.00
29	<i>plus \$3 per acre-foot, up to a maximum of</i>	
30	\$ 1,000.00 .	
31	For issuing and recording each permit to change	
32	the point of diversion or place of use <del>{only}</del> of	
33	an existing right whether temporary or	
34	permanent for <del>{irrigational}</del> <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 <del>{second-foot}</del> <b>cubic foot</b>	
7	<b>per second</b> of water approved or	
8	fraction thereof.	
9	For <del>{issuing}</del> <b>filing</b> 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 <i>under a</i>	
36	<i>revocable permit</i> .....	60.00
37	For <i>filing proof of beneficial use</i> , issuing and	
38	recording a certificate upon approval of the	
39	proof of beneficial use.....	<del>{350.00}</del> <b>410.00</b>
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



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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



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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 ~~††~~, *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:



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- 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



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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 ~~at~~ *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



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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



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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



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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.



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

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

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

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

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

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

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

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

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

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

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

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



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- 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 ~~{(f)}~~ 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



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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.

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#### LEADLINES OF REPEALED SECTIONS

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**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.





**EXHIBIT "1"**

**EXHIBIT "1"**

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.

EXPLANATION -- Matter in *bolded italics* is new; matter between brackets ~~formatted 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
- 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 and the date by which such  
23 proofs must be filed. **Section 13** also requires the State Engineer to provide the  
24 notice to each person whom the State Engineer knows or should know claims rights  
25 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 amendments to proofs of appropriation may not, with certain exceptions, be  
32 received by or filed with the State Engineer after the date set forth in the notice by  
33 which proofs must be filed. **Section 17** increases the amount of the fees that the  
34 State Engineer must collect for the filing of proofs of appropriation.

35 **Section 6** requires the State Engineer, when investigating a source of surface  
36 water or groundwater for the purpose of adjudicating the vested rights of the water,  
37 to gather any essential data and information, compile a list of all proofs of  
38 appropriation filed for the area being adjudicated, conduct any necessary field  
39 investigations and verifications of the proofs and reduce his or her observations and  
40 measurements to writing. If the State Engineer causes a survey or map to be  
41 executed, the survey or map must be prepared by a licensed state water right  
42 surveyor and conform to 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 60 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) **Section 23** authorizes parties affected by  
63 or having an interest in any exception to file a response to the exception. Existing  
64 law requires the district court, after the hearing on the order of determination, to  
65 enter a decree affirming or modifying the order. (NRS 533.185) **Section 8**  
66 authorizes the district court to require, under certain circumstances, that a revised  
67 map which accurately reflects the decree and conforms with the rules and  
68 regulations of the State Engineer to be prepared and filed with the district court and  
69 the State Engineer. Under existing law, the district court's decree may be appealed,  
70 and notice of the appeal must be served upon the attorneys of record for claimants  
71 who have filed exceptions to the final order of determination by the State Engineer.



(NRS 533.200) **Sections 28 and 29** require any notice of appeal and notice of intention to move for a new trial to be served upon claimants who have filed exceptions but for whom there is no attorney of record.

Under existing law, after the filing of the order of determination in the district court, the distribution of adjudicated water is under the supervision and control of the district court. (NRS 533.220) **Section 32** authorizes the State Engineer, under certain circumstances, to require certain water users to rotate in the use of the water to which they are entitled.

Finally, **section 37** amends provisions requiring the State Engineer to prepare an annual budget of the estimated expenses of administering and regulating each adjudicated source of surface water or groundwater. (NRS 533.280)

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

Existing law authorizes the holder of a permit to appropriate water whose permit is cancelled to request a review of the cancellation. (NRS 533.395) **Section 60** revises provisions governing the deadline by which such a request must be filed with the State Engineer.

Existing law provides for the issuance by the State Engineer of certificates relating to the appropriation of water. (NRS 533.425) **Section 62** prohibits the State Engineer from issuing certificates based on certain revocable permits to appropriate water and requires the State Engineer to cancel a permit if the holder or holders of the permit do not pay the required fee for issuing and recording the certificate. **Section 9** requires the State Engineer to quantify in acre-feet the amount of water that has been beneficially used for certificates which express the amount of appropriation only in terms of cubic feet per second.

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

Existing law governs the appropriation and use of groundwater. (Chapter 534 of NRS) **Section 73** of this bill requires a person wishing to obtain a right to the use of groundwater from a basin to ensure that wildlife which customarily uses spring sources in the basin which could be impaired by any groundwater pumping will continue to have access to those sources. **Section 76** of this bill authorizes the use of certain assessments levied by boards of county commissioners for the implementation of a groundwater management plan and the oversight of an area of active management or an area designated as a critical management area. Existing law authorizes the State Engineer to notify the owner of a right to underground water that has not been used for at least 4 consecutive years, but less than 5 consecutive years, that the owner has 1 year after the date of the notice in which to use the water beneficially and to provide proof of such use to the State Engineer to avoid forfeiting the water right. Upon request of the holder of the right, the State Engineer may extend the time necessary to work the forfeiture. (NRS 534.090) **Section 77** of this bill provides that such an extension may not exceed 1 year from the expiration of the time otherwise necessary to work the forfeiture.

**Section 78** of this bill prohibits the user of a domestic well who is furnished water by an entity such as a water district or municipality from using water from the well for the watering of a family garden or lawn or the watering of livestock or



126 any domestic animals or household pets. **Section 78** also requires such a well to be  
127 plugged in accordance with any applicable regulation of the State Engineer.  
128 **Sections 86 and 87** of this bill provide for the imposition of administrative  
129 fines against persons who violate certain provisions relating to the planning and  
130 development of water resources.

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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.** *"Perennial yield" has the meaning ascribed to it in*  
5 *section 72 of this act.*

6 **Sec. 3.** *"Source of surface water or groundwater" includes,*  
7 *without limitation, a stream or stream system.*

8 **Sec. 4.** *"Waste" has the meaning ascribed to it in*  
9 *NRS 534.0165.*

10 **Sec. 5. 1.** *Upon the filing of a proof of appropriation*  
11 *pursuant to NRS 533.115, the State Engineer shall make an*  
12 *endorsement thereon of the date of its receipt and shall keep a*  
13 *record of the date.*

14 **2.** *If a proof of appropriation or an accompanying map is*  
15 *found to be defective, it must be returned by registered or certified*  
16 *mail with a statement explaining why the proof was found to be*  
17 *defective, and the date of the return to the claimant must be*  
18 *endorsed upon the proof and a record made of it in the Office of*  
19 *the State Engineer.*

20 **3.** *A proof of appropriation, properly corrected and*  
21 *accompanied by such maps and drawings as may be required and*  
22 *by the fee required pursuant to NRS 533.135, must be refiled with*  
23 *the Office of the State Engineer within 60 days after the date of*  
24 *the return to the claimant.*

25 **4.** *Except as otherwise provided in this subsection, any proof*  
26 *of appropriation returned for correction or completion that is not*  
27 *refiled in proper form within 60 days must be rejected. For good*  
28 *cause shown, upon application made before the expiration of the*  
29 *60-day period, the State Engineer may, in his or her discretion,*  
30 *grant an extension of time not to exceed 60 days in which to file*  
31 *the instruments.*

32 **Sec. 6. 1.** *In investigating a source of surface water or*  
33 *groundwater for the purpose of determining the relative rights of*  
34 *the various claimants to the waters thereto, the State Engineer*  
35 *shall:*



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

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

6 (c) Conduct any necessary field investigations and  
7 verifications of the proofs of appropriation; and

8 (d) Reduce his or her observations and measurements to  
9 writing.

10 2. If the State Engineer causes a survey or map to be  
11 executed:

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

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

16 (c) The map filed in the Office of the State Engineer must be  
17 on mylar on a scale of not less than 1,000 feet to the inch; and

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

20 3. The State Engineer may use data, measurements and  
21 information compiled by the United States Geological Survey or  
22 other persons or governmental agencies in investigating a source  
23 of surface water or groundwater.

24 Sec. 7. 1. Any and all maps, plats, surveys and evidence on  
25 file in the Office of the State Engineer relating to any proof of  
26 appropriation involved in a proceeding for the determination of  
27 the relative rights in and to the waters of any source of surface  
28 water or groundwater, obtained or filed under the provisions of  
29 any statute relating to the Office of the State Engineer, is  
30 admissible in court and has the same force and effect as though  
31 submitted under the provisions of this chapter.

32 2. At least 90 days before the rendering of his or her order of  
33 determination of the relative rights in and to the waters of any  
34 source of surface water or groundwater, the State Engineer shall  
35 notify all parties in interest of his or her intention to consider any  
36 maps, plats and evidence described in subsection 1, and of his or  
37 her intention to submit the findings of the State Engineer to the  
38 court under the provisions of this chapter.

39 3. Within 60 days after such notice, any party in interest may  
40 file with the State Engineer any additional or supplementary  
41 maps, plats, surveys or evidence, or objections to the admissibility  
42 of any evidence previously presented and on file in the Office of  
43 the State Engineer, in relation to his or her claim of water rights  
44 or adverse to the claim or claims of the water rights of any other  
45 party or parties in interest, in order to perfect his or her claim in



1 *accordance with the provisions of this chapter, and the State*  
2 *Engineer shall consider the whole thereof in rendering such order*  
3 *of determination, and the same shall become a part of the record*  
4 *which must be submitted to the court as provided in NRS 533.170*  
5 *to 533.235, inclusive.*

6 **Sec. 8.** *If a decree entered pursuant to NRS 533.185 holds*  
7 *that the water right of a claimant is different than the right*  
8 *claimed in the proof of appropriation filed by the claimant, or if*  
9 *discrepancies exist between a map accompanying a proof of*  
10 *appropriation and any water right described in a decree entered*  
11 *pursuant to NRS 533.185, the court may require that a revised*  
12 *map which accurately reflects the decree and which conforms with*  
13 *the rules and regulations of the State Engineer be prepared and*  
14 *filed with the court and filed and made of record in the Office of*  
15 *the State Engineer.*

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

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

24 **3.** *The State Engineer shall notify by registered or certified*  
25 *mail each person to whom a certificate described in subsection 1 is*  
26 *issued the amount of water that has been beneficially used for the*  
27 *purpose set forth in the certificate of appropriation, as quantified*  
28 *in acre-feet pursuant to subsection 1.*

29 **Sec. 10.** NRS 533.005 is hereby amended to read as follows:

30 533.005 As used in this chapter, unless the context otherwise  
31 requires, the words and terms defined in NRS 533.007 to 533.023,  
32 inclusive, *and sections 2, 3 and 4 of this act* have the meanings  
33 ascribed to them in those sections.

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

35 533.024 The Legislature declares that:

36 1. It is the policy of this State:

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

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



\* S B 6 5 \*

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

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

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

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

15 533.090 1. Upon a *written* petition to the State Engineer,  
16 signed by one or more water users of any ~~{stream or stream system,}~~  
17 **source of surface water or groundwater**, requesting the  
18 determination of the relative rights of the various claimants to  
19 the waters thereof, the State Engineer shall, if upon investigation the  
20 State Engineer finds the facts and conditions justify it, enter an order  
21 granting the petition and shall make proper arrangements to proceed  
22 with ~~{such}~~ **the** determination.

23 2. The State Engineer ~~{shall,}~~ **may**, in the absence of ~~{such}~~ a  
24 petition requesting a determination of relative rights, enter an order  
25 for the determination of the relative rights to the use of water of any  
26 ~~{stream}~~ **source of surface water or groundwater** selected by the  
27 State Engineer . ~~{commencing on the streams in the order of their~~  
28 ~~importance for irrigation.}~~ As soon as practicable after the order is  
29 made and entered, the State Engineer shall proceed with ~~{such}~~ **the**  
30 determination as provided in this chapter.

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

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

35 533.095 1. As soon as practicable after the State Engineer  
36 ~~{shall make and enter the}~~ **enters an order pursuant to NRS 533.090**  
37 granting the petition or selecting the ~~{streams}~~ **source of surface**  
38 **water or groundwater** upon which the determination of rights is to  
39 begin, the State Engineer shall ~~{prepare}~~ **issue** a notice setting forth  
40 ~~{the}~~ :

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

43 — 2. The notice shall:

44 — (a) Name a date when the State Engineer or the State Engineer's  
45 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 source of surface water or groundwater;*

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

(d) *The fact that all claimants to rights in and to the waters of the ~~{stream system}~~ source of surface water or groundwater are required ~~{as provided in this chapter}~~ to make proof of their claims.*

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}~~ *area being adjudicated.*

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 source of surface water or groundwater. 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. *To file a proof of appropriation, a claimant shall present in writing, on a form provided by the State Engineer, a statement of all particulars necessary for the determination of the claimant's right in or to the waters of ~~{the stream system}~~ the source of surface water or groundwater. The statement ~~{to}~~ must include the following:*

~~{1.}~~ (a) The name and ~~{post office}~~ *mailing* address of the claimant ~~{.~~

~~—2.—~~ ;

(b) The nature of the right or use on which the claim for appropriation is based ~~{.~~

~~—3.—~~ ;



1 (c) The time of the initiation of such right and a description of  
2 *the point of diversion and* works of diversion and distribution †

3 —4.† ;

4 (d) The date †of beginning of† *on which* construction †

5 —5.† *began on works of diversion and distribution;*

6 (e) The date †when† *on which construction of works of*  
7 *diversion and distribution was completed* †

8 —6.† ;

9 (f) The dates †of beginning and completion of† *on which*  
10 *construction of any enlargements* †

11 —7. The dimensions of the ditch as originally constructed and as  
12 enlarged.

13 —8.† *or modifications of works of diversion and distribution*  
14 *began and were completed;*

15 (g) The date †when† *on which the* water was first used for  
16 irrigation or other beneficial purposes and, if used for irrigation, the  
17 †amount of land reclaimed† *number of acres irrigated* the first year,  
18 the †amount† *number of acres irrigated* in subsequent years, †with†  
19 the dates of reclamation, and the area and location of the lands  
20 which †are intended to be† *were* irrigated †

21 —9.† ;

22 (h) The character of the soil and the kind of crops cultivated, *the*  
23 *rate of diversion*, the number of acre-feet of water per †annum† *acre*  
24 *annually* required to irrigate the land, and such other facts as will  
25 show the extent and nature of the right and compliance with the law  
26 in acquiring the same, as may be required by the State Engineer †† ;  
27 *and*

28 (i) *If the diverted water was used for a beneficial purpose other*  
29 *than irrigation, the rate of diversion, the number of acre-feet of*  
30 *water used annually, and, if the diverted water was used for*  
31 *watering livestock, the number and type of livestock.*

32 2. *The statement required by subsection 1 must be*  
33 *accompanied by a survey and map drawn by a state water right*  
34 *surveyor and any drawings that are required to support the*  
35 *claimed right.*

36 3. *The map required by subsection 2 must be on mylar on a*  
37 *scale of not less than 1,000 feet to the inch and must show with*  
38 *substantial accuracy the following:*

39 (a) *If the claimed right is from a source of surface water, a*  
40 *survey of the course or location of the stream, stream system or*  
41 *spring system;*

42 (b) *The location of each point of diversion and each ditch or*  
43 *canal diverting water from each point of diversion;*

44 (c) *The area and outline of the place of use identified in the*  
45 *statement, by legal subdivision; and*



1       (d) *The type of culture or manner of use on each place of use.*

2       4. *The survey and map required by subsection 2 must bear*  
3 *the affidavit of the state water right surveyor who draws the survey*  
4 *and map. If the survey and map are made by different state water*  
5 *right surveyors, the map must bear the affidavit of each surveyor*  
6 *to demonstrate that the map as compiled agrees with the survey.*

7       5. *The survey and map required by subsection 2 must*  
8 *conform with the rules and regulations of the State Engineer.*

9       6. *The statement required by subsection 1 must be:*

10       (a) *Accompanied by any additional map, survey, examination*  
11 *or inspection required by the State Engineer;*

12       (b) *Accompanied by evidence supporting the claimed date of*  
13 *priority of the water right being claimed, a complete chain of title*  
14 *demonstrating the claimant's ownership of the vested water right*  
15 *and a demonstration of continual use of the water by the claimant;*  
16 *and*

17       (c) *Made upon oath or affirmation of the claimant.*

18       7. *A claimant must present a separate statement for each*  
19 *source of water in and to which the claimant claims rights.*

20       8. *The State Engineer shall provide, free of charge, forms*  
21 *required for the submission of a proof of appropriation pursuant*  
22 *to this section.*

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

24       533.125 1. The State Engineer shall commence the taking of  
25 *proofs of appropriation* on the date ~~{fixed and named}~~ **set forth** in  
26 the notice provided for in NRS ~~533.110~~ **for the commencement of**  
27 ~~the taking of proofs. The State Engineer shall proceed therewith~~  
28 ~~during~~ **533.095. Except as otherwise provided in this subsection,**  
29 **after** the ~~{period fixed by the State Engineer and named}~~ **date set**  
30 **forth** in the notice ~~{, after which no}~~ **by which** proofs ~~{shall}~~ **must be**  
31 **filed, no amendments to any proofs may** be received by or filed by  
32 the State Engineer. The State Engineer may, in his or her discretion,  
33 for cause shown, extend the time in which proofs may be filed.

34       2. Upon neglect or refusal of any person to make proof of his  
35 or her claim or rights in or to the waters of ~~{such stream system,}~~  
36 **any source of surface water or groundwater** as required by this  
37 chapter, ~~{prior to the expiration of the period fixed by the State~~  
38 ~~Engineer during which proofs may be filed,}~~ the State Engineer shall  
39 determine the right of such person ~~{from such evidence as the State~~  
40 ~~Engineer may obtain or may have on file in the Office of the State~~  
41 ~~Engineer in the way of maps, plats, surveys and transcripts, and~~  
42 ~~exceptions}~~ **in the order of determination entered pursuant to NRS**  
43 **533.160. Exceptions** to such determination may be filed in court, as  
44 provided in this chapter.



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

2       533.130 1. Any person interested in the water of any ~~{stream}~~  
3 *source of surface water or groundwater being adjudicated* upon  
4 whom no service of notice ~~{shall have been had of}~~ *is made*  
5 *regarding* the pendency of proceedings for the determination of the  
6 relative rights to the use of water of ~~{such stream system,}~~ *the*  
7 *source of surface water or groundwater*, and who ~~{shall have}~~ *has*  
8 no actual knowledge or notice of the pendency of the proceedings,  
9 may, at any time prior to the ~~{expiration of 6 months after the entry}~~  
10 *certification* of the ~~{determinations of}~~ *order of determination by*  
11 the State Engineer ~~{,}~~ *pursuant to NRS 533.160*, file a petition to  
12 intervene in the proceedings.

13       2. Such petition shall be under oath and shall contain, among  
14 other things:

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

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

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

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

25       533.135 1. At the time of submission of proofs of  
26 appropriation, ~~{where the necessary maps are prepared by the State~~  
27 ~~Engineer, the fee collected from any claimants must be the actual~~  
28 ~~cost of the survey and the preparation of maps.~~

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

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

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

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

42       533.140 1. As soon as practicable after the expiration of the  
43 period ~~{fixed in}~~ *during* which proofs *of appropriation* may be  
44 filed, the State Engineer shall assemble all proofs which have been  
45 filed ~~{with the State Engineer.}~~ and prepare, certify and have printed



1 an abstract of all *of the claims described in* such proofs. The State  
2 Engineer shall also prepare from the proofs and evidence taken or  
3 given before the State Engineer, or obtained by the State Engineer, a  
4 preliminary order of determination establishing the ~~{several}~~ rights  
5 of claimants to the waters of the ~~{stream}~~ *source of surface water*  
6 *or groundwater*.

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

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

23 ~~—4. The State Engineer shall be present at the time and place~~  
24 ~~designated in the notice and allow, during that period, any}~~ *of*  
25 *appropriation.*

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

29 (a) *Make available a copy of the preliminary order of*  
30 *determination and the abstract of claims on the Internet website of*  
31 *the State Engineer; and*

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

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

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

41 533.145 1. Any person claiming any interest in the ~~{stream~~  
42 ~~system}~~ *source of surface water or groundwater* involved in the  
43 determination of relative rights to the use of water, whether claiming  
44 under vested right or under permit from the State Engineer, may  
45 object to ~~{any finding, part or portion of}~~ the preliminary order of



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determination ~~{made by the State Engineer}~~ by filing objections with the State Engineer within 30 days after ~~{the evidence and proofs, as provided in NRS 533.140, shall have been opened to public inspection,}~~ *the date on which a copy of the preliminary order of determination, or notice that the preliminary order of determination is available online, is sent or delivered pursuant to NRS 533.140, or within such further time as {for good cause shown} may be allowed by the State Engineer upon application {-} and a showing of good cause.*

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

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

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

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

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

~~4.}~~ 3. The evidence in the proceedings must be confined to the subjects enumerated in the objections and the preliminary order of determination. *Oral testimony may be introduced in all hearings.*

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

5. *The claimants objecting to the preliminary order of determination shall pay, in equal portions, the fees for the*



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1 *appearance and travel expenses of the court reporter and for*  
2 *transcribing the portion of the hearing consisting of the comments*  
3 *of the State Engineer. Each such claimant shall pay a pro rata*  
4 *portion of the fees for the remaining portion of the hearing based*  
5 *on the percentage of the remaining portion of the hearing*  
6 *consisting of the case made by that claimant.*

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

8 533.160 1. As soon as practicable after ~~the~~ *a* hearing ~~of~~  
9 *on* objections to the preliminary order of determination, the State  
10 Engineer shall make and cause to be entered of record in the Office  
11 of the State Engineer an order of determination ~~that~~ defining the  
12 ~~several~~ rights to the waters of the ~~stream or stream system.~~  
13 *source of surface water or groundwater.* The order of  
14 determination, when filed with the clerk of the district court as  
15 provided in NRS 533.165, has the legal effect of a complaint in a  
16 civil action.

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

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

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

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

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

36 533.165 1. As soon as practicable thereafter, a certified copy  
37 of the order of determination, together with ~~the original~~ *copies of*  
38 *the* evidence and *the* transcript of testimony filed with, or taken  
39 before, the State Engineer, duly certified by the State Engineer, shall  
40 be filed with the clerk of the county, as ex officio clerk of the  
41 district court, in which the ~~stream system~~ *source of surface water*  
42 *or groundwater* is situated, or, if in more than one county but all  
43 within one judicial district, then with the clerk of the county wherein  
44 reside the largest number of parties in interest.



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

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

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

23        5. In all instances a certified copy of the order of determination  
24 shall be filed with the county clerk of each county in which ~~{such~~  
25 ~~stream system,}~~ ***the source of surface water or groundwater,*** or any  
26 part thereof, is situated.

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





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

2       533.170 1. At least ~~5~~ **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 parties that could be**  
11 **affected by or have an interest in the exception. A party affected by**  
12 **or having an interest in the exception may file a response to the**  
13 **exception not later than 10 days after the date on which the copy**  
14 **of the notice is served upon or transmitted to the party.**

15       2. The order of determination by the State Engineer, ~~and~~ the  
16 statements or claims of claimants, ~~and~~ exceptions made to the  
17 order of determination **and responses to the exceptions** shall  
18 constitute the pleadings, and there shall be no other pleadings in the  
19 ~~cause~~ **case**.

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

24       4. On the day set for hearing, all parties in interest who have  
25 filed notices of exceptions ~~to~~ **or responses** as provided in subsection  
26 1 ~~to~~ shall appear in person or by counsel, and the court shall hear  
27 the same or set the time for hearing, until ~~such~~ **the** exceptions are  
28 disposed of.

29       5. All proceedings thereunder, including the taking of  
30 testimony, shall be as nearly as may be in accordance with the  
31 Nevada Rules of Civil Procedure; but the provisions of the Nevada  
32 Rules of Civil Procedure and NRS 18.110 shall not apply respecting  
33 the service of proposed findings of fact and decree or service and  
34 filing of a cost bill, and service shall be made in the following  
35 manner. ~~All claimants~~ **A claimant** who ~~have~~ **has** filed  
36 ~~exceptions~~ **an exception** or ~~objections to the final order of~~  
37 ~~determination~~ **response as provided in subsection 1** shall be served  
38 with a copy of the proposed findings of fact and decree by serving  
39 the attorney who appeared for ~~such claimants~~ **the claimant** in the  
40 proceedings ~~to~~ **, or by personally serving the claimant if no**  
41 **attorney appeared for the claimant in the proceedings.** All  
42 claimants or water users who have not filed exceptions or  
43 ~~objections~~ **responses** to the final order of determination shall be  
44 served with a copy of the proposed findings of fact and decree by  
45 serving a copy thereof on the Attorney General. ~~Such service,~~



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1 **Service**, in each instance, shall be made at least 30 days before  
2 the findings of fact and decree shall be signed by the court, and the  
3 court shall not sign any findings of fact therein prior to the  
4 expiration of such 30 days. The cost bill shall be prepared and filed  
5 with the clerk of the court wherein the proceedings are pending, and  
6 it shall not be necessary to serve any of the exceptors, claimants or  
7 appropriators or their attorneys with a copy of the cost bill.

8 **Sec. 24.** NRS 533.180 is hereby amended to read as follows:

9 533.180 The court may, if necessary, refer the case or any part  
10 thereof for ~~{such}~~ further evidence to be taken by the State Engineer  
11 as it may direct, and may require a further determination by the  
12 State Engineer, subject to the court's instructions.

13 **Sec. 25.** NRS 533.185 is hereby amended to read as follows:

14 533.185 After the hearing the court shall enter a decree  
15 affirming or modifying the order *of determination* of the State  
16 Engineer. Within 30 days after the entry of final judgment by the  
17 district court, or if an appeal is taken, within 30 days after the entry  
18 of the final judgment by the appellate court or within 30 days after  
19 the entry of the final judgment after remand, the clerk of the court  
20 issuing the final judgment shall:

21 1. Deliver to the State Engineer a certified copy of the final  
22 judgment; and

23 2. Cause a certified copy of the final judgment to be filed in the  
24 office of the county recorder in each county in which the water  
25 adjudicated is applied to beneficial use and in each county in which  
26 the water adjudicated is diverted from its natural source.

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

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

38 2. After the making, entry and filing by the court of the first  
39 findings of fact, conclusions of law and decree made, entered and  
40 filed by the court in any ~~{such}~~ water adjudication as distinguished  
41 from the first proposed findings of fact, conclusions of law and  
42 decree, the court shall assess all costs and expenses against the loser  
43 or losers, in any and all subsequent proceedings in any such water  
44 adjudication.



1       3. If costs are assessed or allowed as provided for in this  
2 section and in NRS 533.170 and allotted, the State Engineer, within  
3 60 days after such filing and entry, as above described, shall certify  
4 to the boards of county commissioners of the respective counties  
5 wherein the ~~{stream-system}~~ ***source of surface water or***  
6 ***groundwater*** is situate either the amount of acreage set forth in the  
7 order of determination to which water has been allotted, or the  
8 respective water rights against which such costs have been assessed  
9 by the court, and the charges against each water user in accordance  
10 with the court's judgment and allocation of costs. Upon receipt of  
11 the certificate from the State Engineer by the board of county  
12 commissioners, the board of county commissioners shall certify the  
13 respective charges contained therein to the county assessor of the  
14 county in which the land or property served is situated. The county  
15 assessor shall enter the amount of the charge on the assessment roll  
16 against the claimant's property or acreage served.

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

22       5. When the assessments are collected, the person collecting  
23 the assessments shall transmit the money collected to the State  
24 Treasurer at the time that person transmits other assessments  
25 collected by him or her as provided by law, and the State Treasurer  
26 shall deposit the money in the Adjudication Emergency Account  
27 provided for in NRS 532.200, out of which costs and expenses must  
28 be paid in the manner provided by law.

29       **Sec. 27.** NRS 533.195 is hereby amended to read as follows:

30       533.195 1. Whenever a judge before whom a proceeding for  
31 the adjudication of a ~~{stream-system}~~ ***source of surface water or***  
32 ***groundwater*** is pending and not yet completed shall cease to be  
33 such judge from any cause whatsoever, his or her successor, to  
34 whom such proceeding may be assigned or a part of whose duty it  
35 becomes to preside in such proceeding, may do all things in and  
36 about such adjudication that may be necessary and proper, and may  
37 hear and decide all matters in connection therewith or relating  
38 thereto and make all orders, decisions, findings of fact, conclusions  
39 of law, judgments, decrees, and do all things necessary to complete  
40 the adjudication of ~~{such-stream-system}~~ ***the source of surface***  
41 ***water or groundwater*** to the full extent and the same as though he  
42 or she had been the presiding judge in such proceeding from the  
43 commencement thereof.



2. NRS 3.180 shall not apply to ~~{such stream system adjudication}~~ proceedings ~~{-}~~ *for the adjudication of a source of surface water or groundwater.*

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

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

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

533.205 Notice of intention to move for a new trial shall be served upon the attorneys of record for claimants who have filed exceptions ~~{or objections}~~ to the final order of determination of the State Engineer as provided in NRS 533.170 ~~{-and all-}~~ *and upon all claimants who have filed exceptions but for whom there is no attorney of record.* All claimants or water users who have not filed exceptions ~~{or objections}~~ to the final order of determination or appeared in the ~~{cause}~~ *case* by an attorney shall be served with a copy of notice of intention to move for a new trial by the service of a copy thereof on the Attorney General as their process agent.

**Sec. 30.** NRS 533.210 is hereby amended to read as follows:

533.210 1. The decree entered by the court, as provided by NRS 533.185, shall be final and shall be conclusive upon all persons and rights lawfully embraced within the adjudication; but the State Engineer or any party or adjudicated claimant upon any ~~{stream or stream system}~~ *source of surface water or groundwater* affected by such decree may, at any time within 3 years from the entry thereof, apply to the court for a modification of the decree, insofar only as the decree fixed the duty of water, and upon the hearing of such motion the court may modify such decree increasing or decreasing the duty of water, consistent with good husbandry, and consistent with the principle that actual and beneficial use shall be the measure and limit of the right.

2. Notice of application shall be given as in civil cases.



1       **Sec. 31.** NRS 533.215 is hereby amended to read as follows:  
2       533.215 Whenever there are 10 or less appropriators or  
3 claimants upon a ~~{stream-system,}~~ ***source of surface water or***  
4 ***groundwater***, and all of such claimants or appropriators in writing  
5 waive the provisions of this chapter with reference to notices and the  
6 service and publication thereof, as provided in preceding sections,  
7 the State Engineer may make an order of determination without the  
8 giving, serving or publication of any notices required in this chapter,  
9 and may file the same with the district court in the manner  
10 prescribed in NRS 533.165. Whereupon, the same steps and  
11 proceedings shall be taken and decree entered as if all preliminary  
12 notices had been given prior to the making, entering and filing of the  
13 order of determination.

14       **Sec. 32.** NRS 533.220 is hereby amended to read as follows:  
15       533.220 1. From and after the filing of the order of  
16 determination in the district court, the distribution of water by the  
17 State Engineer or by any of the State Engineer's assistants or by the  
18 water commissioners or their assistants shall, at all times, be under  
19 the supervision and control of the district court. Such officers and  
20 each of them shall, at all times, be deemed to be officers of the court  
21 in distributing water under and pursuant to the order of  
22 determination or under and pursuant to the decree of the court.

23       2. ***The State Engineer may require, when such rotation can***  
24 ***be made without an adverse effect to the lands enjoying an earlier***  
25 ***priority:***

26       (a) ***Water users owning lands to which water is appurtenant to***  
27 ***rotate in the use of the supply of water to which they are***  
28 ***collectively entitled; or***

29       (b) ***A single water user, having lands to which water rights of a***  
30 ***different priority are attached, to rotate in the use of the supply of***  
31 ***water.***

32       3. Upon the neglect or refusal of any claimant to the use of  
33 water as provided in this chapter to carry out or abide by an order or  
34 decision of the State Engineer acting as an officer of the court, the  
35 State Engineer may petition the district court having jurisdiction of  
36 the matter for a review of such order and cause to be issued thereon  
37 an order to show cause why the order and decision should not be  
38 complied with.

39       ~~{3.}~~ 4. The order to show cause shall be personally served on  
40 ***or sent by registered or certified mail to*** the claimant or claimants  
41 complained of, who shall appear and show cause on the day fixed in  
42 the court's order. ~~{so to do.}~~

43       —4. 5. The hearing on the petition and order to show cause  
44 shall be informal and summary in character, with full opportunity  
45 afforded each party to present his or her case.



1     ~~{5-}~~ 6. Appeals from the judgment may be taken to the  
2 appellate court of competent jurisdiction pursuant to the rules fixed  
3 by the Supreme Court pursuant to Section 4 of Article 6 of the  
4 Nevada Constitution in like manner as appeals in other civil cases;  
5 but notice of appeal must be served and filed within ~~{40}~~ 30 days  
6 from the entry of judgment.

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

8     533.230 From and after the filing of the order of determination,  
9 evidence and transcript with the county clerk, and during the time  
10 the hearing ~~{of}~~ *on* the order is pending in the district court, the  
11 division of water from the ~~{stream}~~ *source of surface water or*  
12 *groundwater* involved in such determination shall be made by the  
13 State Engineer in accordance with the order of determination.

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

15     533.240 1. In any suit brought in the district court for the  
16 determination of a right or rights to the use of water of any ~~{stream,}~~  
17 *source of surface water or groundwater*, all persons who claim the  
18 right to use the waters of ~~{such stream and the stream system}~~ *the*  
19 *source of surface water or groundwater* of which it is a part shall  
20 be made parties.

21     2. When the suit has been filed, the court shall direct the State  
22 Engineer to furnish a complete hydrographic survey *or investigation*  
23 of the ~~{stream system}~~ *source of surface water or groundwater* as  
24 provided in ~~{NRS 533.100}~~ *section 6 of this act* in order to obtain  
25 all physical data necessary to the determination of the rights  
26 involved.

27     3. The cost of the suit, including the costs on behalf of the  
28 State and of the surveys ~~{,}~~ *or investigations*, shall be charged  
29 against each of the private parties thereto based on a determination  
30 by the court of the relative merits of the claims made by each of the  
31 private parties. The court may assess and charge against any party at  
32 any time during the suit an equitable amount to pay the costs of the  
33 survey *or investigation* upon its approval of an itemized statement  
34 therefor submitted by the State Engineer.

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

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

38     533.270 1. The State Engineer ~~{shall}~~ *may* appoint, subject to  
39 confirmation by any court having jurisdiction, one or more water  
40 commissioners for any ~~{stream system}~~ *source of surface water or*  
41 *groundwater* or water district subject to regulation and control by  
42 the State Engineer. The duties and salaries of the water  
43 commissioners must be fixed by the State Engineer and their  
44 salaries must be paid by the State of Nevada out of the water



1 distribution accounts. The water commissioners are exempt from the  
2 provisions of chapter 284 of NRS.

3 2. The State Engineer ~~{shall}~~ **may** appoint a district supervisor  
4 of water commissioners and fix the district supervisor's duties. The  
5 district supervisor is in the unclassified service of the State.

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

7 533.275 1. The State Engineer may appoint an engineer, who  
8 is qualified in hydrographic and water distribution experience, to  
9 work in a supervisory capacity on water distribution and regulation  
10 service upon all adjudicated ~~{stream-systems}~~ **sources of surface**  
11 **water or groundwater** within the State.

12 2. While engaged in that work, the salary and expenses of the  
13 engineer must be charged to the particular adjudicated ~~{stream~~  
14 ~~system}~~ **source of surface water or groundwater** receiving the  
15 service upon the basis of time occupied and expenses incurred in the  
16 work, and payment must be made out of the water distribution  
17 account provided for the adjudicated ~~{stream-system-}~~ **source of**  
18 **surface water or groundwater.**

19 3. When the engineer is not engaged in water distribution,  
20 additional work may be allotted to the engineer by the State  
21 Engineer, and payment therefor must be from other money available  
22 to the Office of the State Engineer.

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

24 533.280 1. The State Engineer shall, between the first  
25 Monday of October and the first Monday of December of each year,  
26 prepare a budget of the amount of money estimated to be necessary  
27 to pay the expenses ~~{of the stream-system or}~~ **required to administer**  
28 **and regulate each decreed source of surface water or groundwater**  
29 **and** each water district for the then current year.

30 2. The budget must show the following detail:

31 (a) The aggregate amount estimated to be necessary to pay the  
32 expenses ~~{of the stream-system or}~~ **required to administer and**  
33 **regulate each decreed source of surface water or groundwater and**  
34 **each** water district.

35 (b) The aggregate water rights in the ~~{stream-system}~~ **source of**  
36 **surface water or groundwater** or water district as determined by the  
37 State Engineer or the court.

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

39 (d) The charge against each water user, which must be based  
40 upon the proportion which the water right of that water user bears to  
41 the aggregate water rights in the ~~{stream-system,}~~ **source of surface**  
42 **water or groundwater**, but the minimum charge is \$1.

43 3. When the ~~{stream-system}~~ **source of surface water or**  
44 **groundwater** lies in more than one county, a separate budget must



1 be prepared for each county showing only the claimants and charges  
2 assessable within the county.

3 4. When the ~~{stream-system}~~ *source of surface water or*  
4 *groundwater* irrigates more than 200,000 acres of land, the  
5 assessment for water distribution expenses must not exceed ~~{30}~~ 50  
6 cents per acre-foot of water decreed.

7 5. *As used in this section, "decreed source of surface water or*  
8 *groundwater" means a source of surface water or groundwater for*  
9 *which a final judgment affirming or modifying an order of*  
10 *determination of the State Engineer has been entered.*

11 **Sec. 38.** NRS 533.290 is hereby amended to read as follows:

12 533.290 1. The assessments and charges provided for in NRS  
13 533.285, when collected, must be deposited with the State  
14 Controller in the same manner as other special assessments, for  
15 credit to the Water District Account which is hereby created in the  
16 State General Fund.

17 2. All bills against the Water District Account must be certified  
18 by the State Engineer or an assistant thereof and, when certified and  
19 approved by the State Board of Examiners, the State Controller may  
20 draw his or her warrant therefor against the Account.

21 3. An advance must not be made from a ~~{stream-system}~~  
22 *source of surface water or groundwater* account that has been  
23 depleted until the advance is reimbursable from the proceeds of any  
24 assessments levied against the particular ~~{stream-system}~~ *source* or  
25 water district for which any claims are presented.

26 4. Any money remaining in the Water District Account at the  
27 end of the current year must remain in the Account and be available  
28 for use in the following year.

29 5. The State Controller shall keep separate accounts of the  
30 money for each ~~{stream-system}~~ *source of surface water or*  
31 *groundwater* or water district received from the various counties  
32 within which the ~~{stream-system}~~ *source* or water district is located,  
33 and shall not draw warrants against an account until the State  
34 Controller has been notified by the State Engineer that assessments  
35 have been filed with the board of county commissioners, as required  
36 by NRS 533.285, that will return to the State of Nevada money  
37 advanced by the State out of the Water Distribution Revolving  
38 Account provided for in NRS 532.210.

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

40 533.295 1. Except as otherwise provided in NRS 534.040,  
41 money in the Water District Account must be used exclusively for  
42 expenses incurred in the administration, operation and maintenance  
43 of the particular ~~{stream-system}~~ *source of surface water or*  
44 *groundwater* from which the money is budgeted and collected.



\* S B 6 5 \*



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

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

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

2. Upon the creation of a water district the State Engineer may appoint an advisory board of representative citizens within the district to assist the State Engineer in formulating plans and projects for the conservation of the water resources and the use thereof in the district. The per diem and necessary travel and subsistence expenses of the appointive members of the board must be paid from the account provided for the district in NRS 533.290; but the total annual per diem, travel and subsistence expenses of the members for each district must not exceed ~~the sum of \$800.~~ *\$1,500.* The State Engineer may call such meetings of the board as in the opinion of the State Engineer may be necessary and expedient.

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

533.305 1. The State Engineer shall divide or cause to be divided the waters of the ~~the natural streams or other~~ sources of ~~supply~~ *surface water or groundwater* in the State among the several ditches, ~~and~~ reservoirs *and any other facilities* taking water therefrom, according to the rights of each, respectively, in whole or in part, and shall ~~shall~~ *close* or fasten, or cause to be ~~shall~~ *closed* or fastened, the headgates, ~~or~~ ditches, *wells or other facilities*, and shall regulate, or cause to be regulated, the controlling works of reservoirs, as may be necessary to insure a proper distribution of the waters thereof.

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

3. Whenever, in pursuance of his or her duties, the water commissioner regulates a headgate to a ditch or the controlling works of reservoirs, *wells or other facilities*, the water commissioner shall attach to such headgate, ~~or~~ controlling works,



1 *wells or other facilities* a written notice properly dated and signed,  
2 setting forth the fact that such headgate , ~~{or}~~ controlling works  
3 ~~{has}~~ *or wells or other facilities have* been properly regulated and  
4 ~~{is}~~ *are* wholly under the water commissioner's control. Such notice  
5 shall be a legal notice to all parties interested in the diversion and  
6 distribution of the water . ~~{of such ditch or reservoir.}~~ Such water  
7 commissioner shall have the right of ingress and egress across and  
8 upon public, private or corporate lands at all times in the exercise of  
9 his or her duties.

10 4. The ~~{district attorney}~~ *Attorney General* shall appear for or  
11 ~~{in}~~ *on* behalf of the State Engineer, or the duly authorized assistants  
12 of the State Engineer, in any case which may arise in the pursuance  
13 of the official duties of any such officer . ~~{within the jurisdiction of~~  
14 ~~the district attorney.}~~

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

16 533.310 1. On any ~~{stream}~~ *source of surface water or*  
17 *groundwater* in this state on which the water rights have been  
18 adjudicated and determined and the final decree therefor entered, as  
19 between all persons who claimed the right to the use of the waters of  
20 ~~{such stream,}~~ *the source of surface water or groundwater*, in a suit  
21 brought in the district court having jurisdiction of ~~{such stream}~~ *the*  
22 *source of surface water or groundwater* and in which suit the  
23 adjudication and determination was not had in the manner provided  
24 in NRS 533.090 to ~~{533.265,}~~ *533.320*, inclusive, *and sections 5 to*  
25 *8, inclusive, of this act*, and thereafter one or more of the parties as  
26 users of such adjudicated and determined rights or their successors  
27 in interest desire that the State Engineer take charge of the  
28 diversions and distribution of such rights and administer them in  
29 conformity with the final decree of the court, they may petition the  
30 district court which entered the decree requesting such  
31 administration.

32 2. Upon the filing of such petition, the district court shall direct  
33 that notice of the filing of the petition shall be given to each water  
34 user or claimant to a water right listed in the final decree. The notice  
35 shall be an order to show cause on the day fixed in the order by the  
36 court, ~~{which day shall not be less than 10 days nor more than 25~~  
37 ~~days from and after the date of issuance thereof,}~~ and ~~{which}~~ *the*  
38 order shall direct the person or persons therein named to attend  
39 before the court on that day and show cause, if any they or each of  
40 them may have, why the petition should not be granted. The court  
41 shall designate the form and direct the preparation of the order or  
42 orders to show cause and by its order direct the manner, mode and  
43 the payment of the cost of the service thereof.

44 3. For the purpose of the hearing on the petition, such petition  
45 shall be deemed in the nature of a complaint. Objections of the



1 water users or claimants, or any of them, to the granting of the  
2 petition shall be in writing signed by such users or claimants, or by  
3 any attorneys thereof. No other pleading shall be filed. Costs shall  
4 be paid as in civil cases brought in the district court, except by the  
5 State Engineer or the State. The practice in civil cases shall apply  
6 insofar as consistent with the summary character of the proceedings.  
7 The State Engineer shall be given notice of and, in person or by  
8 assistant or deputy state engineer, shall attend upon the hearing of  
9 the petition.

10 4. The court, prior to the final determination of the matter,  
11 may, by an order duly entered and served upon the State Engineer,  
12 direct the State Engineer to make a hydrographic survey of the  
13 ~~{stream-system}~~ *source of surface water or groundwater* and to  
14 render to the court a written report, together with such maps and  
15 other necessary data as will enable the court to determine whether or  
16 not administration of such water rights by the State Engineer would  
17 be in the best interest of the water users.

18 5. If the district court finally determines the matter  
19 affirmatively, the court shall, by its judgment duly entered and  
20 served on the State Engineer, direct the State Engineer to distribute  
21 such waters in strict accordance with the decree, and from and after  
22 the filing of such judgment in the district court and service thereof  
23 on the State Engineer the administration of the decree and the  
24 distribution of the water thereunder shall be under the supervision  
25 and control of the district court, and the State Engineer, the State  
26 Engineer's deputies, assistants and water commissioners, when  
27 engaged in the administration of the final decree and the distribution  
28 of the water thereunder, shall be deemed officers of the district court  
29 only and subject only to its supervision and control.

30 6. Appeals may be taken from the judgment so entered to the  
31 appellate court of competent jurisdiction pursuant to the rules fixed  
32 by the Supreme Court pursuant to Section 4 of Article 6 of the  
33 Nevada Constitution in the same manner and within the time as  
34 provided in NRS 533.450.

35 **Sec. 43.** NRS 533.315 is hereby amended to read as follows:

36 533.315 The cost of the hydrographic survey of the ~~{stream~~  
37 ~~system}~~ *source of surface water or groundwater* and the  
38 preparation of the reports and maps by the State Engineer necessary  
39 to advise the court in proceedings under NRS 533.310 shall be paid  
40 by the water users of the ~~{stream}~~ *source of surface water or*  
41 *groundwater* upon approval and order of the district court of an  
42 itemized statement therefor submitted by the State Engineer.

43 **Sec. 44.** NRS 533.320 is hereby amended to read as follows:

44 533.320 The estimated cost of the administration of the final  
45 decree and the distribution of the waters of the ~~{stream-system}~~



1 *source of surface water or groundwater* must be budgeted by the  
2 State Engineer in like manner and at the time as provided in NRS  
3 533.280. The budget must be first submitted to the district court for  
4 approval. Upon approval thereof by the district court the budget  
5 must be submitted by the district court to the board of county  
6 commissioners of the proper county and thereupon all of the  
7 provisions of NRS 533.280 to 533.295, inclusive, govern with  
8 respect to the assessment and collection of the costs, the deposits  
9 thereof in the Water District Account in the State General Fund, and  
10 the payment of claims for the costs of administration of the final  
11 decree and the distribution of water thereunder.

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

13 533.324 As used in NRS 533.325, 533.345 and 533.425,  
14 "water already appropriated" includes water for whose appropriation  
15 the State Engineer has issued a permit but which has not been  
16 applied to the intended use before an application to change the  
17 ~~place~~ **point** of diversion, manner of use or place of use is made.

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

19 533.325 Any person who wishes to appropriate any of the  
20 public waters, or to change the ~~place~~ **point** of diversion, manner of  
21 use or place of use of water already appropriated, shall, before  
22 performing any work in connection with such appropriation, change  
23 in ~~place~~ **point** of diversion or change in manner or place of use,  
24 apply to the State Engineer for a permit to do so.

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

26 533.335 Each application for a permit to appropriate water  
27 shall contain the following information:

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

31 2. The name of the source *of surface water or groundwater*  
32 from which the appropriation is to be made.

33 3. The amount of water which it is desired to appropriate,  
34 expressed in terms of cubic feet per second ~~+~~ **and acre-feet**, except  
35 in an application for a permit to store water, where the amount shall  
36 be expressed in acre-feet.

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

38 5. A substantially accurate description of the location of the  
39 place at which the water is to be diverted from its source and, if any  
40 of such water is to be returned to the source, a description of the  
41 location of the place of return.

42 6. A description of the proposed works.

43 7. The estimated cost of such works.



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

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

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

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

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

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

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

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

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

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

- (a) That the application has been filed.
  - (b) The date of the filing.
  - (c) The name and address of the applicant.
  - (d) The name of the source *of surface water or groundwater* from which the appropriation is to be made.
  - (e) The location of the ~~place~~ **point** of diversion, described by legal subdivision or metes and bounds and by a physical description of that ~~place~~ **point** of diversion.
  - (f) The purpose for which the water is to be appropriated.
- ↪ The publisher shall add thereto the date of the first publication and the date of the last publication.



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

3. If the application is for a proposed well:

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not apply:

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

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested ~~place~~ *point* of diversion or use of the water are,

→ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county



1 commissioners a copy of the application and any information  
2 relevant to the request.

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

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

14 533.364 1. In addition to the requirements of NRS 533.370,  
15 before approving an application for an interbasin transfer of more  
16 than ~~{250-acre-feet-of-groundwater}~~ **25 percent of the perennial**  
17 **yield** from a basin which the State Engineer has not previously  
18 inventoried or for which the State Engineer has not conducted, or  
19 caused to be conducted, a study pursuant to NRS 532.165 or  
20 533.368, the State Engineer or a person designated by the State  
21 Engineer shall conduct an inventory of the basin from which the  
22 water is to be exported. The inventory must include:

23 (a) The total amount of surface water and groundwater  
24 appropriated in accordance with a decreed, certified or permitted  
25 right;

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

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

31 2. The provisions of this section do not:

32 (a) Require the State Engineer to initiate or complete a  
33 determination of the surface water or groundwater rights pursuant to  
34 NRS 533.090 to 533.320, inclusive, **and sections 5 to 8, inclusive,**  
35 **of this act**, or to otherwise quantify any vested claims of water  
36 rights in the basin before approving an application for an interbasin  
37 transfer of groundwater from the basin; or

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

42 3. The State Engineer shall charge the applicant a fee to cover  
43 the cost of the inventory. The amount of the fee must not exceed the  
44 cost to the State Engineer of conducting the inventory.



1       4. The State Engineer shall complete any inventory conducted  
2 pursuant to subsection 1 within 1 year after commencing the  
3 inventory.

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

5       533.365 1. Any person interested may, within 30 days after  
6 the date of last publication of the notice of application, file with the  
7 State Engineer a written protest against the granting of the  
8 application, setting forth with reasonable certainty the grounds of  
9 such protest, which, except as otherwise provided in subsection 2,  
10 must be verified by the affidavit of the protestant, or an agent or  
11 attorney thereof.

12       2. If the application is for a permit to change the ~~place~~ *point*  
13 of diversion, manner of use or place of use of water already  
14 appropriated within the same basin, a protest filed against the  
15 granting of such an application by a government, governmental  
16 agency or political subdivision of a government must be verified by  
17 the affidavit of:

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

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

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

26       (2) The State Director of the Nevada State Office of the  
27 Bureau of Land Management, if the protest is filed by the Bureau of  
28 Land Management;

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

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

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

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

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

43       4. The State Engineer shall consider the protest, and may, in  
44 his or her discretion, hold hearings and require the filing of such  
45 evidence as the State Engineer may deem necessary to a full





1 understanding of the rights involved. The State Engineer shall give  
2 notice of the hearing by *registered or* certified mail to both the  
3 applicant and the protestant. The notice must state the time and  
4 place at which the hearing is to be held and must be mailed at least  
5 15 days before the date set for the hearing.

6 5. Each applicant and each protestant shall, in accordance with  
7 a schedule established by the State Engineer, provide to the State  
8 Engineer and to each protestant and each applicant information  
9 required by the State Engineer relating to the application or protest.

10 6. If the State Engineer holds a hearing pursuant to subsection  
11 4, the State Engineer shall render a decision on each application not  
12 later than 240 days after the later of:

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

15 (b) The date specified by the State Engineer for the filing of any  
16 additional information, evidence, studies or compilations requested  
17 by the State Engineer. The State Engineer may, for good cause  
18 shown, extend any applicable period.

19 7. The State Engineer shall adopt rules of practice regarding  
20 the conduct of a hearing held pursuant to subsection 4. The rules of  
21 practice must be adopted in accordance with the provisions of NRS  
22 233B.040 to 233B.120, inclusive, and codified in the Nevada  
23 Administrative Code. The technical rules of evidence do not apply  
24 at such a hearing.

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

26 533.3703 1. The State Engineer may consider the  
27 consumptive use of a water right and the consumptive use of a  
28 proposed beneficial use of water in determining whether a proposed  
29 change in the ~~place~~ *point* of diversion, manner of use or place of  
30 use complies with the provisions of subsection 2 of NRS 533.370.

31 2. The provisions of this section:

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

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

38 **Sec. 54.** NRS 533.380 is hereby amended to read as follows:

39 533.380 1. Except as otherwise provided in subsection ~~{5,}~~ 7,  
40 in an endorsement of approval upon any application, the State  
41 Engineer shall:

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

44 (b) Except as otherwise provided in this paragraph, set a time  
45 before which the complete application of water to a beneficial use



1 must be made, which must not exceed 10 years after the date of the  
2 approval. The time set under this paragraph respecting an  
3 application for a permit to apply water to a municipal or quasi-  
4 municipal use on any land:

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

7 (2) For which a plan for the development of a project has  
8 been approved by the local government pursuant to NRS 278.010 to  
9 278.460, inclusive; or

10 (3) On any land for which a plan for the development of a  
11 planned unit development has been recorded pursuant to chapter  
12 278A of NRS,

13 ➔ must not be less than 5 years.

14 2. The State Engineer may limit the applicant to a smaller  
15 quantity of water, to a shorter time for the completion of work, and,  
16 except as otherwise provided in paragraph (b) of subsection 1, to a  
17 shorter time for the perfecting of the application than named in the  
18 application.

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

31 (a) Made within 30 days following notice by registered or  
32 certified mail that proof of the work is due as provided for in NRS  
33 533.390 and 533.410; and

34 (b) Accompanied by proof and evidence of the **good faith and**  
35 reasonable diligence with which the applicant is pursuing the  
36 perfection of the application.

37 ~~{→The}~~

38 **4. The failure to provide the proof and evidence required by**  
39 **subsection 3 is prima facie evidence that the holder is not**  
40 **proceeding in good faith and with reasonable diligence to perfect**  
41 **the application.**

42 **5. Except as otherwise provided in this subsection, the** State  
43 Engineer shall not grant an extension of time unless the State  
44 Engineer determines from the proof and evidence so submitted that  
45 the applicant is proceeding in good faith and with reasonable



1 diligence to perfect the application. ~~{The failure to provide the proof~~  
2 ~~and evidence required pursuant to this subsection is prima facie~~  
3 ~~evidence that the holder is not proceeding in good faith and with~~  
4 ~~reasonable diligence to perfect the application.~~

5 ~~—4.}~~ *If the water right in question lies within a basin that is an*  
6 *area of active management or has been designated as a critical*  
7 *management area by the State Engineer, the State Engineer may*  
8 *approve or deny an extension of time to effectuate the successful*  
9 *administration of the area of active management or critical*  
10 *management area. As used in this subsection, "area of active*  
11 *management" has the meaning ascribed to it in NRS 534.011.*

12 6. Except as otherwise provided in subsection ~~{5}~~ 7 and NRS  
13 533.395, whenever the holder of a permit issued for any municipal  
14 or quasi-municipal use of water on any land referred to in paragraph  
15 (b) of subsection 1, or for any use which may be served by a county,  
16 city, town, public water district or public water company, requests  
17 an extension of time to apply the water to a beneficial use, the State  
18 Engineer shall, in determining whether to grant or deny the  
19 extension, consider, among other factors:

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

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

26 (c) Any economic conditions which affect the ability of the  
27 holder to make a complete application of the water to a beneficial  
28 use;

29 (d) Any delays in the development of the land or the area being  
30 served by the county, city, town, public water district or public  
31 water company which were caused by unanticipated natural  
32 conditions; and

33 (e) The period contemplated in the:

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

36 (2) Plan for the development of a planned unit development  
37 recorded pursuant to chapter 278A of NRS,

38 ↪ if any, for completing the development of the land.

39 ~~{5.}~~ 7. The provisions of subsections 1 and ~~{4}~~ 6 do not apply  
40 to an environmental permit or a temporary permit issued pursuant to  
41 NRS 533.436 or 533.504.

42 ~~{6.}~~ 8. For the purposes of this section, the measure of  
43 reasonable diligence is the steady application of effort to perfect the  
44 application in a reasonably expedient and efficient manner under all  
45 the facts and circumstances. When a project or integrated system is



1 composed of several features, work on one feature of the project or  
2 system may be considered in finding that reasonable diligence has  
3 been shown in the development of water rights for all features of the  
4 entire project or system.

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

6 533.382 Except as otherwise provided in NRS 533.387, every  
7 conveyance of an application or permit to appropriate any of the  
8 public waters, a certificate of appropriation, an adjudicated or  
9 unadjudicated water right or an application or permit to change the  
10 ~~place~~ *point* of diversion, manner of use or place of use of water  
11 must be:

- 12 1. Made by deed;
- 13 2. Acknowledged in the manner provided in NRS 240.161 to  
14 240.168, inclusive; and
- 15 3. Recorded in the office of the county recorder of each county  
16 in which the water is applied to beneficial use and in each county in  
17 which the water is diverted from its natural source.

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

19 533.383 1. The recording of a deed pursuant to NRS 533.382  
20 shall be deemed to impart notice of the contents of the deed to all  
21 persons at the time the deed is recorded, and a subsequent purchaser  
22 or mortgagee shall be deemed to purchase and take with notice of  
23 the contents of the deed.

24 2. The deed of:

- 25 (a) An application or permit to appropriate any of the public  
26 waters;
- 27 (b) A certificate of appropriation;
- 28 (c) An adjudicated or unadjudicated water right; or
- 29 (d) An application or permit to change the ~~place~~ *point* of  
30 diversion, manner of use or place of use of water,

31 ➔ that has not been recorded as required by NRS 533.382 shall be  
32 deemed void as against a subsequent purchaser who in good faith  
33 and for valuable consideration purchases the same application, right,  
34 certificate or permit, or any portion thereof, if the subsequent  
35 purchaser first records the deed in compliance with NRS 533.382.

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

37 533.384 1. A person to whom is conveyed an application or  
38 permit to appropriate any of the public waters, a certificate of  
39 appropriation, an adjudicated or unadjudicated water right or an  
40 application or permit to change the ~~place~~ *point* of diversion,  
41 manner of use or place of use of water, shall:

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

- 45 (1) An abstract of title;



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

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

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

(1) An abstract of title; and

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

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

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

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

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

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

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

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

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

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

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

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

(2) The amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use upon conveyance of the application or permit to appropriate any of the public waters, the certificate of appropriation, the adjudicated or unadjudicated water right, or the application or



1 permit to change the ~~place~~ **point** of diversion, manner of use or  
2 place of use of water.

3 (b) A statement that the confirmation of the report of  
4 conveyance is not a determination of ownership and that only a  
5 court of competent jurisdiction may adjudicate conflicting claims to  
6 ownership of a water right.

7 3. If the State Engineer determines that the report of  
8 conveyance is deficient, the State Engineer shall reject the report of  
9 conveyance and return it to the person who submitted it, together  
10 with:

11 (a) An explanation of the deficiency; and

12 (b) A notice stating that the State Engineer will not confirm a  
13 report of conveyance that has been rejected unless the report is  
14 resubmitted with the material required to cure the deficiency. The  
15 notice must also include a statement of the provisions of  
16 subsection 5.

17 4. If, from the conveyance documents or other information in  
18 the Office of the State Engineer, it appears to the State Engineer that  
19 there is a conflict in the chain of title, the State Engineer shall reject  
20 the report of conveyance and return it to the person who submitted  
21 it, together with:

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

24 (b) A notice stating that the State Engineer will not take further  
25 action with respect to the report of conveyance until a court of  
26 competent jurisdiction has determined the conflicting claims to  
27 ownership of the water right and the determination has become final  
28 or until a final resolution of the conflicting claims has otherwise  
29 occurred. The notice must also include a statement of the provisions  
30 of subsection 5.

31 5. The State Engineer shall not consider or treat the person to  
32 whom:

33 (a) An application or permit to appropriate any of the public  
34 waters;

35 (b) A certificate of appropriation;

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

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

39 ➤ is conveyed as the owner or holder of the application, right,  
40 certificate or permit for the purposes of this chapter, including,  
41 without limitation, all advisements and other notices required of the  
42 State Engineer and the granting of permits to change the ~~place~~  
43 **point** of diversion, manner of use or place of use of water, until a  
44 report of the conveyance is confirmed pursuant to subsection 1.



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

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

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

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

2. A certificate of appropriation;

3. An adjudicated or unadjudicated water right; or

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

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

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

2. If any permit is cancelled under the provisions of this section or NRS 533.390 or 533.410, the holder of the permit may ~~{within 60 days of the cancellation of the permit}~~ file a written petition with the State Engineer requesting a review of the cancellation by the State Engineer at a public hearing. *For a permit cancelled under the provisions of this section, the petition must be filed within 60 days after the date the State Engineer sends notice to the holder of the permit advising the holder of its cancellation. For a permit cancelled under the provisions of NRS 533.390 or 533.410, the petition must be filed within 60 days after the date the State Engineer cancels the permit.*

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



1     ~~{3-}~~ 4. If the decision of the State Engineer modifies or  
2 rescinds the cancellation of a permit, the effective date of the  
3 appropriation under the permit is vacated and replaced by the date of  
4 the filing of the written petition with the State Engineer.

5     ~~{4-}~~ 5. The cancellation of a permit may not be reviewed or be  
6 the subject of any judicial proceedings unless a written petition for  
7 review has been filed and the cancellation has been affirmed,  
8 modified or rescinded pursuant to subsection 2.

9     ~~{5-}~~ 6. For the purposes of this section, the measure of  
10 reasonable diligence is the steady application of effort to perfect the  
11 appropriation in a reasonably expedient and efficient manner under  
12 all the facts and circumstances. When a project or integrated system  
13 is comprised of several features, work on one feature of the project  
14 or system may be considered in finding that reasonable diligence  
15 has been shown in the development of water rights for all features of  
16 the entire project or system.

17     ~~{6-}~~ 7. The appropriation of water or the acquisition or lease of  
18 appropriated water from any:

19     (a) ~~{Stream system}~~ *Source of surface water or groundwater* as  
20 provided for in this chapter; or

21     (b) Underground water as provided for in NRS 534.080,  
22     ↪ by a political subdivision of this State or a public utility, as  
23 defined in NRS 704.020, to serve the present or the reasonably  
24 anticipated future municipal, industrial or domestic needs of its  
25 customers for water, as determined in accordance with a master plan  
26 adopted pursuant to chapter 278 of NRS or a plan approved by the  
27 State Engineer, must be considered when reviewing an extension of  
28 time.

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

30     533.400 1. Except as otherwise provided in subsection 2, on  
31 or before the date set in the endorsement of a permit for the  
32 application of water to beneficial use, or on the date set by the State  
33 Engineer under a proper application for extension , ~~{therefor,}~~ any  
34 person holding a permit from the State Engineer to appropriate the  
35 public waters of the State of Nevada, to change the ~~{place}~~ *point* of  
36 diversion or the manner or place of use, shall file with the State  
37 Engineer a statement under oath, on a form prescribed by the State  
38 Engineer. The statement must include:

39     (a) The name and ~~{post-office}~~ *mailing* address of the person  
40 making the proof.

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

42     (c) The source of the water supply.

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





- 1 (e) The name of the original person to whom the permit was  
2 issued.
- 3 (f) The purpose for which the water is used.
- 4 (g) If for irrigation, the actual number of acres of land upon  
5 which the water granted in the permit has been beneficially used,  
6 giving the same by 40-acre legal subdivisions when possible.
- 7 (h) An actual measurement taken by a licensed state water right  
8 surveyor or an official or employee of the Office of the State  
9 Engineer of the water diverted for beneficial use.
- 10 (i) The capacity of the works of diversion.
- 11 (j) If for power, the dimensions and capacity of the flume, pipe,  
12 ditch or other conduit.
- 13 (k) The average grade and difference in elevation between the  
14 termini of any conduit.
- 15 (l) The number of months, naming them, in which water has  
16 been beneficially used.
- 17 (m) The amount of water beneficially used, taken from actual  
18 measurements, together with such other data as the State Engineer  
19 may require to become acquainted with the amount of the  
20 appropriation for which the proof is filed.
- 21 2. The provisions of subsection 1 do not apply to a person  
22 holding an environmental permit or a temporary permit issued  
23 pursuant to NRS 533.436 or 533.504.
- 24 **Sec. 62.** NRS 533.425 is hereby amended to read as follows:
- 25 533.425 1. Except as otherwise provided in *subsection 3 and*  
26 NRS 533.503, as soon as practicable after satisfactory proof has  
27 been made to the State Engineer that any application to appropriate  
28 water or any application for permission to change the ~~place~~ *point*  
29 of diversion, manner or place of use of water already appropriated  
30 has been perfected in accordance with the provisions of this chapter,  
31 the State Engineer shall issue to the holder or holders of the permit a  
32 certificate setting forth:
- 33 (a) The name ~~and post office address~~ of each holder of the  
34 permit.
- 35 (b) The date, source, purpose and amount of appropriation.
- 36 (c) If for irrigation, a description of the irrigated lands by legal  
37 subdivisions, when possible, to which the water is appurtenant.
- 38 (d) The number of the permit under which the certificate is  
39 issued.
- 40 2. If the water is appropriated from an underground source, the  
41 State Engineer shall issue with the certificate a notice of the  
42 provisions governing the forfeiture and abandonment of such water  
43 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       4. *The State Engineer shall cancel a permit if the holder or*  
5 *holders of the permit do not pay the fee required by NRS 533.435*  
6 *for issuing and recording the certificate within 30 days after the*  
7 *State Engineer requests payment of the fee.*

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

9       533.430 1. Every permit to appropriate water, and every  
10 certificate of appropriation granted under any permit by the State  
11 Engineer upon any ~~{stream or stream system}~~ **source of surface**  
12 **water or groundwater** which shall have been adjudicated under the  
13 provisions of NRS 533.090 to 533.235, inclusive, **and sections 5 to**  
14 **8, inclusive, of this act,** shall be, and the same is hereby declared to  
15 be, subject to existing rights and to the decree and modifications  
16 thereof entered in such adjudication proceedings, and the same shall  
17 be subject to regulation and control by the State Engineer and the  
18 water commissioners in the same manner and to the same extent as  
19 rights which have been adjudicated and decreed under the  
20 provisions of this chapter. Every such holder of a certificate or a  
21 permit shall in like manner be subject to all of the provisions of  
22 NRS 533.270 to 533.305, inclusive, 533.465, 533.475, 533.480,  
23 533.481, 533.482, 535.050, 536.010, 536.020 and 536.030.

24       2. Upon any ~~{stream or stream system}~~ **source of surface water**  
25 **or groundwater** that has not been adjudicated and upon which the  
26 State Engineer has heretofore granted and may hereafter grant a  
27 permit or permits to appropriate water therefrom, any and all such  
28 permitted rights to the use of water so granted shall be subject to  
29 regulation and control by the State Engineer to the same extent and  
30 in the same manner as adjudicated and permitted rights upon  
31 ~~{streams and stream systems}~~ **sources of surface water or**  
32 **groundwater** heretofore adjudicated pursuant to the provisions of  
33 this chapter.

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

35       533.435 1. The State Engineer shall collect the following  
36 fees:

37  
38       For examining and filing an application for a  
39       permit to appropriate water ..... \$360.00

40       This fee includes the cost of publication,  
41       which is \$50.

42       For reviewing a corrected ~~{application}~~ **proof of**  
43       **appropriation or an application or map** ~~{, or~~  
44       ~~both,}~~ in connection with an application for a  
45       water right permit ..... 100.00



1	For examining and acting upon plans and	
2	specifications for construction of a dam.....	\$1,200.00
3	For examining and filing an application for each	
4	permit to change the point of diversion,	
5	manner of use or place of use of an existing	
6	right .....	240.00
7	This fee includes the cost of publication,	
8	which is \$50.	
9	For examining and filing an application for a	
10	temporary permit to change the point of	
11	diversion, manner of use or place of use of an	
12	existing right.....	180.00
13	For issuing and recording each permit to	
14	appropriate water for any purpose, except for	
15	generating hydroelectric power which results	
16	in nonconsumptive use of the water or	
17	wildlife purposes .....	360.00
18	plus \$3 per acre-foot approved or fraction	
19	thereof.	
20	Except for generating hydroelectric power ,	
21	<i>watering livestock</i> or wildlife purposes, for	
22	issuing and recording each permit to change	
23	an existing water right whether temporary or	
24	permanent for any purpose.....	300.00
25	plus \$3 per acre-foot approved or fraction	
26	thereof.	
27	For issuing and recording each permit for	
28	additional rate of diversion <i>from a well</i> where	
29	no additional <del>volume</del> <i>duty</i> of water is	
30	granted.....	360.00
31	<i>plus \$3 per acre-foot, up to a maximum of</i>	
32	\$ 1,000.00 .	
33	For issuing and recording each permit to change	
34	the point of diversion or place of use <del>only</del> of	
35	an existing right whether temporary or	
36	permanent for <del>irrigational</del> <i>irrigation</i>	
37	purposes, a maximum fee of .....	750.00
38	For issuing and recording each permit to	
39	appropriate or change the point of diversion or	
40	place of use of an existing right whether	
41	temporary or permanent for watering	
42	livestock or wildlife purposes .....	240.00
43	plus \$50 for each <i>cubic</i> foot <i>per second</i> of	
44	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 <del>{second-foot}</del> <b>cubic foot</b>	
7	<b>per second</b> of water approved or	
8	fraction thereof.	
9	For <del>{issuing}</del> <b>filing</b> 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.....	60.00
36	For issuing and recording a certificate upon	
37	approval of the proof of beneficial use.....	350.00
38	For filing proof of resumption of a water right .....	360.00
39	For filing any protest .....	30.00
40	For filing any application for extension of time	
41	within which to file proofs, of completion or	
42	beneficial use, for each year for which the	
43	extension of time is sought.....	120.00



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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



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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 ~~+~~, *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.** NRS 533.455 is hereby amended to read as follows:

27 533.455 1. Whenever a decree determining and adjudicating  
28 the relative rights of the claimants to the use of water of a ~~stream or~~  
29 ~~stream system~~ *source of surface water or groundwater* has been  
30 entered in the district court pursuant to the provisions of this  
31 chapter, and the decree becomes final and the State Engineer has  
32 brought in that court any proceeding, either civil or of a criminal  
33 nature, concerning the administration of and for the enforcement of  
34 the provisions of the decree, and wherein the validity of the decree  
35 or any of its provisions is drawn in question by adversary parties  
36 and the decision or judgment of the court is that the decree or a part  
37 thereof is invalid, the State Engineer shall be deemed a party in  
38 interest with the right to take an appeal from such decision or  
39 judgment to the appellate court of competent jurisdiction pursuant to  
40 the rules fixed by the Supreme Court pursuant to Section 4 of  
41 Article 6 of the Nevada Constitution.

42 2. Such appeal may be taken in the same manner as appeals in  
43 civil cases.



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1       **Sec. 67.** NRS 533.460 is hereby amended to read as follows:  
2       533.460 ~~{The unauthorized use of water to which another~~  
3 ~~person is entitled, or the willful}~~

4       **1. A person:**

5       **(a) Controlling surface water or groundwater shall not**  
6 ~~willfully waste {of water to the detriment of another, shall be a~~  
7 ~~misdemeanor, and the possession}~~ **the water except to prevent a**  
8 **greater harm.**

9       **(b) Shall not possess or use {of} such water without legal right .**  
10 ~~{shall be prima facie evidence of the guilt of the person using or~~  
11 ~~diverting it.}~~

12       **2. A person who violates the provisions of subsection 1 is**  
13 **guilty of a misdemeanor.**

14       **Sec. 68.** NRS 533.481 is hereby amended to read as follows:

15       533.481 1. In addition to any other penalty provided by law,  
16 the State Engineer may, after notice and opportunity for a hearing,  
17 require a person who violates any provision of this chapter or any  
18 permit, certificate, order or decision issued or regulation adopted by  
19 the State Engineer pursuant to this chapter or NRS 532.120 to:

20       (a) Pay an administrative fine not to exceed \$10,000 per day for  
21 each violation as determined by the State Engineer.

22       (b) In the case of ~~{an unauthorized}~~ **possession or use of water**  
23 **without legal right** or willful waste of water in violation of NRS  
24 533.460 , ~~{or}~~ an unlawful diversion of water in violation of NRS  
25 533.463, or any other violation of this chapter that, as determined by  
26 the State Engineer, results in an unlawful use, waste or diversion of  
27 water, replace not more than 200 percent of the water used, wasted  
28 or diverted.

29       2. If an administrative fine is imposed against a person  
30 pursuant to subsection 1 or the person is ordered to replace any  
31 water pursuant to that subsection, the State Engineer may require the  
32 person to pay the costs of the proceeding, including investigative  
33 costs and attorney's fees.

34       3. An order imposing an administrative fine or requiring the  
35 replacement of water or the payment of costs or fees pursuant to this  
36 section may be reviewed by a district court pursuant to  
37 NRS 533.450.

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

39       533.492 ~~{+}~~ A subsisting right to water livestock may be  
40 proven by an owner of livestock by one or more of the following  
41 items of evidence for the number of livestock and date of priority:

42       ~~{(a)}~~ **1.** As to water rights on open range, whether public lands  
43 or unfenced private lands or a combination of these:

44       ~~{(1)}~~ **(a)** A statement of priority of use submitted to the  
45 Taylor Grazing Service, predecessor to the Bureau of Land



1 Management, to show the numbers of livestock grazed upon the  
2 open range, for years from 1928 to 1934, inclusive, if accompanied  
3 by evidence of changes or absence of change since the date of the  
4 statement;

5 ~~{(2)}~~ (b) A license issued by the Taylor Grazing Service for  
6 use upon the open range; or

7 ~~{(3)}~~ (c) A statement of priority of use, or a license, issued  
8 by the United States Forest Service for the grazing of livestock  
9 before 1950.

10 ~~{(b)}~~ 2. As to water rights on other privately owned land:

11 ~~{(1)}~~ (a) An affidavit concerning the number and kind of  
12 livestock by a person familiar with the use made of the lands;

13 ~~{(2)}~~ (b) A record of livestock assessed to the claimant of the  
14 right, or the claimant's predecessor, by a county assessor;

15 ~~{(3)}~~ (c) A count of livestock belonging to the claimant or  
16 the claimant's predecessor made by a lender; or

17 ~~{(4)}~~ (d) An affidavit of a disinterested person.

18 ~~{2. The location of a subsisting right to water livestock and its~~  
19 ~~extent along a stream may be shown by marking upon a topographic~~  
20 ~~map whose scale is not less than 1:100,000 or a map prepared by the~~  
21 ~~United States Geological Survey covering a quadrangle of 7 1/2~~  
22 ~~minutes of latitude and longitude and by further identifying the~~  
23 ~~location or extent by one sixteenth sections within a numbered~~  
24 ~~section, township and range as certified by a registered state water~~  
25 ~~right surveyor.}~~

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

27 533.515 1. No permit for the appropriation of water or  
28 application to change the point of diversion , *manner of use or*  
29 *place of use* under an existing water right may be denied because of  
30 the fact that the point of diversion described in the application for  
31 the permit, or any portion of the works in the application described  
32 and to be constructed for the purpose of storing, conserving,  
33 diverting or distributing the water are situated in any other state; but  
34 in all such cases where the place of intended use ~~{, or the lands, or~~  
35 ~~part of the lands to be irrigated by means of the water, are}~~ *is*  
36 situated within this state, the permit must be issued as in other cases,  
37 pursuant to the provisions of NRS 533.324 to 533.450, inclusive,  
38 and chapter 534 of NRS.

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





1     **Sec. 71.** Chapter 534 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 72 and 73 of this act.

3     **Sec. 72.** *"Perennial yield" means the maximum amount of*  
4 *groundwater available for appropriation from a hydrographic*  
5 *basin on an annual basis for an indefinite period of time, as*  
6 *determined by the State Engineer.*

7     **Sec. 73.** *Before a person may obtain a right to the use of*  
8 *groundwater from a basin, the person must ensure that wildlife*  
9 *which customarily uses spring sources in the basin which could be*  
10 *impaired by any groundwater pumping in the basin will continue*  
11 *to have access to those sources.*

12     **Sec. 74.** NRS 534.010 is hereby amended to read as follows:

13     534.010 1. As used in this chapter, unless the context  
14 otherwise requires, the words and terms defined in NRS 534.0105 to  
15 534.0175, inclusive, *and section 72 of this act* have the meanings  
16 ascribed to them in those sections.

17     2. As used in this chapter, the terms "underground water" and  
18 "groundwater" are synonymous.

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

20     534.0165 "Waste" means ~~{causing, suffering}~~ :

21     1. *Causing* or permitting any ~~{artesian well}~~ *water* to discharge  
22 ~~{water unnecessarily}~~ *or flow:*

23     (a) *Unnecessarily* above or below the surface of the ground so  
24 that the ~~{waters thereof are}~~ *water is* lost for beneficial use ; or ~~{in}~~

25     (b) *In* any canal or ditch conveying water from a well where the  
26 loss of water in transit is more than 20 percent of the amount of the  
27 water discharged from the well ~~{}~~ ; or

28     2. *Misusing water such that it discharges or flows:*

29     (a) *Unnecessarily* above or below the surface of the ground so  
30 that the *water is* lost for beneficial use; or

31     (b) *In* any canal or ditch conveying water from a well where  
32 the loss of water in transit is more than 20 percent of the amount  
33 of the water discharged from the well.

34     **Sec. 76.** NRS 534.040 is hereby amended to read as follows:

35     534.040 1. Upon the initiation of the administration of this  
36 chapter in any particular basin, and where the investigations of the  
37 State Engineer have shown the necessity for the supervision over the  
38 waters of that basin, the State Engineer may employ a well  
39 supervisor and other necessary assistants, who shall execute the  
40 duties as provided in this chapter under the direction of the State  
41 Engineer. The salaries of the well supervisor and ~~{the}~~ assistants ~~{of~~  
42 ~~{the well supervisor}~~ must be fixed by the State Engineer. The well  
43 supervisor and assistants are exempt from the provisions of chapter  
44 284 of NRS.



1       2. The board of county commissioners shall levy a special  
2 assessment annually, or at such time as the assessment is needed,  
3 upon all taxable property situated within the confines of the area  
4 designated by the State Engineer to come under the provisions of  
5 this chapter in an amount as is necessary to pay those salaries,  
6 together with necessary expenses, including the compensation and  
7 other expenses of the Well Drillers' Advisory Board if the money  
8 available from the license fees provided for in NRS 534.140 is not  
9 sufficient to pay those costs. *The assessments may be also used to*  
10 *pay for any services required in the area designated by the State*  
11 *Engineer to come under the provisions of this chapter, including,*  
12 *without limitation, the implementation of a groundwater*  
13 *management plan and oversight of an area of active management*  
14 *or an area designated as a critical management area by the State*  
15 *Engineer.* In designated areas within which the use of groundwater  
16 is predominantly for agricultural purposes the levy must be charged  
17 against each water user who has a permit to appropriate water or a  
18 perfected water right, and the charge against each water user must  
19 be based upon the proportion which his or her water right bears to  
20 the aggregate water rights in the designated area. The minimum  
21 charge is \$1.

22       3. The salaries and expenses may be paid by the State Engineer  
23 from the Water Distribution Revolving Account pending the levy  
24 and collection of the assessment as provided in this section.

25       4. The proper officers of the county shall levy and collect the  
26 special assessment as other special assessments are levied and  
27 collected, and the assessment is a lien upon the property.

28       5. The assessment provided for, when collected, must be  
29 deposited with the State Treasurer for credit to the Water District  
30 Account to be accounted for in basin well accounts.

31       6. Upon determination and certification by the State Engineer  
32 of the amount to be budgeted for the current or ensuing fiscal year  
33 for the purpose of paying the per diem and travel allowances of the  
34 groundwater board and employing consultants or other help needed  
35 to fulfill its responsibilities, the State Controller shall transfer that  
36 amount to a separate operating account for that fiscal year for the  
37 groundwater basin. Claims against the account must be approved by  
38 the groundwater board and paid as other claims against the State are  
39 paid. The State Engineer may use money in a particular basin well  
40 account to support an activity outside the basin in which the money  
41 is collected if the activity bears a direct relationship to the  
42 responsibilities or activities of the State Engineer regarding the  
43 particular groundwater basin.



1       **Sec. 77.** NRS 534.090 is hereby amended to read as follows:  
2       534.090 1. Except as otherwise provided in this section,  
3 failure for 5 successive years after April 15, 1967, on the part of the  
4 holder of any right, whether it is an adjudicated right, an  
5 unadjudicated right or a right for which a certificate has been issued  
6 pursuant to NRS 533.425, and further whether the right is initiated  
7 after or before March 25, 1939, to use beneficially all or any part of  
8 the underground water for the purpose for which the right is  
9 acquired or claimed, works a forfeiture of both undetermined rights  
10 and determined rights to the use of that water to the extent of the  
11 nonuse. If the records of the State Engineer or any other documents  
12 specified by the State Engineer indicate at least 4 consecutive  
13 years, but less than 5 consecutive years, of nonuse of all or any part  
14 of a water right which is governed by this chapter, the State  
15 Engineer shall notify the owner of the water right, as determined in  
16 the records of the Office of the State Engineer, by registered or  
17 certified mail that the owner has 1 year after the date of the notice in  
18 which to use the water right beneficially and to provide proof of  
19 such use to the State Engineer or apply for relief pursuant to  
20 subsection 2 to avoid forfeiting the water right. If, after 1 year after  
21 the date of the notice, proof of resumption of beneficial use is not  
22 filed in the Office of the State Engineer, the State Engineer shall,  
23 unless the State Engineer has granted a request to extend the time  
24 necessary to work a forfeiture of the water right, declare the right  
25 forfeited . ~~within 30 days.~~ Upon the forfeiture of a right to the use  
26 of groundwater, the water reverts to the public and is available for  
27 further appropriation, subject to existing rights. If, upon notice by  
28 registered or certified mail to the owner of record whose right has  
29 been declared forfeited, the owner of record fails to appeal the  
30 ruling in the manner provided for in NRS 533.450, and within the  
31 time provided for therein, the forfeiture becomes final. The failure  
32 to receive a notice pursuant to this subsection does not nullify the  
33 forfeiture or extend the time necessary to work the forfeiture of a  
34 water right.  
35       2. The State Engineer may, upon the request of the holder of  
36 any right described in subsection 1, extend the time necessary to  
37 work a forfeiture under that subsection if the request is made before  
38 the expiration of the time necessary to work a forfeiture. The State  
39 Engineer may grant, upon request and for good cause shown, ~~any~~  
40 ~~number of extensions, but a single~~ *an* extension ~~must~~ *not to*  
41 *exceed 1 year* ~~from the expiration of the time otherwise~~  
42 *necessary to work a forfeiture.* In determining whether to grant or  
43 deny a request, the State Engineer shall, among other reasons,  
44 consider:



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

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

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

8 (d) Any prolonged period in which precipitation in the basin  
9 where the water right is located is below the average for that basin  
10 or in which indexes that measure soil moisture show that a deficit in  
11 soil moisture has occurred in that basin;

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

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

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

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

35 4. A right to use underground water whether it is vested or  
36 otherwise may be lost by abandonment. If the State Engineer, in  
37 investigating a groundwater source, upon which there has been a  
38 prior right, for the purpose of acting upon an application to  
39 appropriate water from the same source, is of the belief from his or  
40 her examination that an abandonment has taken place, the State  
41 Engineer shall so state in the ruling approving the application. If,  
42 upon notice by registered or certified mail to the owner of record  
43 who had the prior right, the owner of record of the prior right fails to  
44 appeal the ruling in the manner provided for in NRS 533.450, and



1 within the time provided for therein, the alleged abandonment  
2 declaration as set forth by the State Engineer becomes final.

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

4 534.120 1. Within an area that has been designated by the  
5 State Engineer, as provided for in this chapter, where, in the  
6 judgment of the State Engineer, the groundwater basin is being  
7 depleted, the State Engineer in his or her administrative capacity  
8 may make such rules, regulations and orders as are deemed essential  
9 for the welfare of the area involved.

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

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

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

21 3. Except as otherwise provided in subsection 5, the State  
22 Engineer may:

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

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

30 (c) Limit the depth of domestic wells.

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

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

43 4. The State Engineer may revoke a ~~temporary~~ *revocable*  
44 permit issued pursuant to subsection 3 for residential use, and  
45 require a person to whom groundwater was appropriated pursuant to



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1 the permit to obtain water from an entity such as a water district or a  
2 municipality engaged in furnishing water to the inhabitants of the  
3 designated area, only if:

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

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

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

18 (a) The distance from the property line of any parcel served by  
19 the well to the pipes and other appurtenances of the proposed source  
20 of water to which the property will be connected is not more than  
21 ~~180~~ **1,000** feet; and

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

24 6. For good and sufficient reasons, the State Engineer may  
25 exempt the provisions of this section with respect to public housing  
26 authorities.

27 7. *If a user of a domestic well is furnished water by an entity*  
28 *such as a water district or a municipality:*

29 (a) *The water from the domestic well must not be used for the*  
30 *watering of a family garden or lawn or the watering of livestock or*  
31 *any domestic animals or household pets; and*

32 (b) *The domestic well must be plugged pursuant to the*  
33 *provisions of any applicable regulations adopted by the State*  
34 *Engineer.*

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

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

42 534.125 If the State Engineer issues a ~~temporary~~ **revocable**  
43 permit pursuant to NRS 534.120 or if a well for domestic use is  
44 drilled in an area in which the State Engineer has issued such a  
45 ~~temporary~~ **revocable** permit, the State Engineer shall file a notice



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

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

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

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

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

12 534.130 The State Engineer, or the assistants or authorized  
13 agents of the State Engineer, ~~and the Artesian Well Supervisor, or~~  
14 ~~the assistants of the Artesian Well Supervisor, shall have the right~~  
15 ~~to~~ **may** enter the ~~premises~~ **land** of any owner or proprietor where  
16 any well mentioned in this chapter is situated **or where water is**  
17 **being used** at any reasonable hour of the day for the purpose of  
18 investigating and carrying out ~~their~~ **the** duties ~~in the~~  
19 ~~administration~~ **of the State Engineer pursuant to** this chapter.

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

21 534.140 1. Every well driller, before engaging in the physical  
22 drilling of a well in this State for development of water, must  
23 annually apply to the State Engineer for a license to drill.

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

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

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

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

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

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

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



1 must obtain a license as a well driller from the State Contractors'  
2 Board.

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

4 534.180 1. Except as otherwise provided in subsection 2 and  
5 as to the furnishing of any information required by the State  
6 Engineer, this chapter does not apply in the matter of obtaining  
7 permits for the development and use of underground water from a  
8 well for domestic purposes where the draught does not exceed 2  
9 acre-feet per year.

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

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

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

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

24 ~~but only if the charge for making the connection to the service is~~  
25 ~~less than \$200.}~~

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

30 (a) The owner of the well shall:

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

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

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

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

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

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



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

3 **Sec. 83.** NRS 534.193 is hereby amended to read as follows:

4 534.193 1. Except as otherwise provided in NRS 534.280,  
5 534.310 and 534.330 and in addition to any other penalty provided  
6 by law, the State Engineer may, after notice and opportunity for a  
7 hearing, require a person who violates any provision of this chapter  
8 or any permit, order or decision issued or regulation adopted by the  
9 State Engineer pursuant to this chapter or NRS 532.120 to:

10 (a) Pay an administrative fine not to exceed \$10,000 per day for  
11 each violation as determined by the State Engineer.

12 (b) In the case of ~~{an unlawful waste of water in violation of~~  
13 ~~NRS 534.070 or}~~ any ~~{other}~~ violation of this chapter that, as  
14 determined by the State Engineer, results in an unlawful use, waste  
15 or diversion of water, replace not more than 200 percent of the water  
16 used, wasted or diverted.

17 2. In determining violations of this chapter relating to the  
18 unauthorized use of water yielded from a well that is used pursuant  
19 to a permit issued by the State Engineer and that has 16 or fewer  
20 connections, the State Engineer has the burden of proving which  
21 user is withdrawing water in excess of the portion of water allotted  
22 to the connection of that user. The State Engineer may require any  
23 or all users of the well to install and maintain, at their own expense,  
24 a meter that measures the amount of water withdrawn from the well  
25 by each connection.

26 3. If an administrative fine is imposed against a person  
27 pursuant to subsection 1 or the person is ordered to replace any  
28 water pursuant to that subsection, the State Engineer may require the  
29 person to pay the costs of the proceeding, including investigative  
30 costs and attorney's fees.

31 4. An order imposing an administrative fine or requiring the  
32 replacement of water or payment of costs or fees pursuant to this  
33 section may be reviewed by a district court pursuant to  
34 NRS 533.450.

35 **Sec. 84.** NRS 536.115 is hereby amended to read as follows:

36 536.115 1. In a county whose population is less than  
37 100,000, the State Engineer shall, upon request of the owner of a  
38 ditch or a local governmental entity in whose jurisdiction a ditch is  
39 located, investigate a complaint involving a possible violation of the  
40 provisions of NRS 536.120 which involves the ditch if the ditch is  
41 located:

42 (a) Within the boundaries of an adjudicated ~~{stream-system}~~  
43 *source of surface water or groundwater* for which the State  
44 Engineer has appointed an engineer to work in a supervisory  
45 capacity pursuant to NRS 533.275; and



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(b) Outside the boundaries of an irrigation district organized pursuant to chapter 539 of NRS.

2. For any complaint investigated pursuant to subsection 1, the State Engineer shall:

(a) Prepare a report concerning the investigation, including, without limitation, the condition of the ditch; and

(b) Make the report available to the person or local governmental entity that requested the investigation.

3. A person or local governmental entity that obtains a report pursuant to subsection 2 may submit a copy of the report with any report of a violation of the provisions of NRS 536.120 that is reported to a law enforcement agency.

4. *As used in this section, "source of surface water or groundwater" has the meaning ascribed to it in section 3 of this act.*

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

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

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

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

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in



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1 subsection 1 by the Commission or by any entity to whom or with  
2 whom the Commission has contracted the water is not subject to  
3 regulation by the State Engineer.

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

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

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

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

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

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

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

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

34 *2. On a showing by the State Engineer that a person is*  
35 *engaged, or is about to engage, in any act or practice which*  
36 *violates or will violate any provision of this chapter, or any order*  
37 *or decision issued or regulation adopted by the State Engineer*  
38 *pursuant to this chapter or NRS 532.120, the court may issue,*  
39 *without a bond, any prohibitory or mandatory injunction that the*  
40 *facts may warrant, including a temporary restraining order issued*  
41 *ex parte or, after notice and hearing, a preliminary or permanent*  
42 *injunction.*

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



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

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

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

8     540.141 1. A plan or joint plan of water conservation  
9 submitted to the Section for review must include provisions relating  
10 to:

11     (a) Methods of public education to:

12         (1) Increase public awareness of the limited supply of water  
13 in this State and the need to conserve water.

14         (2) Encourage reduction in the size of lawns and encourage  
15 the use of plants that are adapted to arid and semiarid climates.

16     (b) Specific conservation measures required to meet the needs of  
17 the service area, including, but not limited to, any conservation  
18 measures required by law.

19     (c) The management of water to:

20         (1) Identify and reduce leakage in water supplies,  
21 inaccuracies in water meters and high pressure in water supplies;  
22 and

23         (2) Where applicable, increase the reuse of effluent.

24     (d) A contingency plan for drought conditions that ensures a  
25 supply of potable water.

26     (e) A schedule for carrying out the plan or joint plan.

27     ~~1~~ 2. ***In addition to the requirements of subsection 1, a***  
28 ***plan or joint plan of water conservation submitted by a supplier of***  
29 ***water providing service for 500 or more connections must include***  
30 ***provisions relating to:***

31         (a) Measures to evaluate the effectiveness of the plan or joint  
32 plan.

33     ~~(e)~~ (b) For each conservation measure specified in the plan or  
34 joint plan, an estimate of the amount of water that will be conserved  
35 each year as a result of the adoption of the plan or joint plan, stated  
36 in terms of gallons of water per person per day.

37     ~~2~~ 3. A plan or joint plan submitted for review must be  
38 accompanied by an analysis of:

39         (a) The feasibility of charging variable rates for the use of water  
40 to encourage the conservation of water.

41         (b) How the rates that are proposed to be charged for the use of  
42 water in the plan or joint plan will maximize water conservation,  
43 including, without limitation, an estimate of the manner in which the  
44 rates will affect consumption of water.



\* S B 6 5 \*

1     ~~{3.}~~ 4. The Section shall review any plan or joint plan  
2 submitted to it within 30 days after its submission and approve the  
3 plan if it is based on the climate and living conditions of the service  
4 area and complies with the requirements of this section.

5     ~~{4.}~~ 5. The Chief may exempt wholesale water purveyors from  
6 the provisions of this section which do not reasonably apply to  
7 wholesale supply.

8     ~~{5.}~~ 6. To the extent practicable, the State Engineer shall  
9 provide on the Internet website of the State Engineer a link to the  
10 plans and joint plans that are submitted for review. In carrying out  
11 the provisions of this subsection, the State Engineer is not  
12 responsible for ensuring, and is not liable for failing to ensure, that  
13 the plans and joint plans which are provided on the Internet website  
14 are accurate and current.

15     **Sec. 90.** NRS 111.167 is hereby amended to read as follows:

16     111.167 Unless the deed conveying land specifically provides  
17 otherwise, all:

18     1. Applications and permits to appropriate any of the public  
19 waters;

20     2. Certificates of appropriation;

21     3. Adjudicated or unadjudicated water rights; and

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

24     ↪ which are appurtenant to the land are presumed to be conveyed  
25 with the land.

26     **Sec. 91.** NRS 533.100, 533.105, 533.110, 533.120, 533.155,  
27 533.250, 533.260, 533.265 and 534.070 are hereby repealed.

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

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### LEADLINES OF REPEALED SECTIONS

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**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.

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\* S B 6 5 \*

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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4                                   Electronically Filed  
5                                   Jun 19 2015 04:02 p.m.  
6                                   Tracie K. Lindeman  
7                                   Clerk of Supreme Court  
8                                   CASE NO.: 64773

6       J.W. BENTLEY AND MARYANN  
7       BENTLEY TRUSTEES OF THE  
8       BENTLEY FAMILY 1995 TRUST; JOY  
9       SMITH; DANIEL BARDEN; AND  
10      ELAINE BARDEN,

9                                   Appellants

10                               vs.

11      STATE OF NEVADA, OFFICE OF THE  
12      STATE ENGINEER; DONALD S. FORRESTER,  
13      AND KRISTINA M. FORRESTER; HALL  
14      RANCHES, LLC; THOMAS J. SCYPHERS AND  
15      KATHLEEN M. SCYPHERS; FRANK SCHARO;  
16      SHERIDAN CREEK EQUESTRIAN CENTER, LLC;  
17      AND RONALD R. MITCHELL AND GINGER  
18      G. MITCHELL,

15                               Respondents.

16      \_\_\_\_\_  
17      J.W. BENTLEY; MARYANN BENTLEY,  
18      TRUSTEES OF THE BENTLEY FAMILY  
19      1995 TRUST; JOY SMITH; DANIEL D. BARDEN;  
20      AND ELAINE BARDEN,

CASE NO.: 66303

19                               Appellants,

20                               vs.

21      HALL RANCHES, LLC; THOMAS J. SCYPHERS;  
22      KATHLEEN M. SCYPHERS; FRANK SCHARO;  
23      SHERIDAN CREEK EQUESTRIAN CENTER, LLC,  
24      A NEVADA LIMITED LIABILITY COMPANY;  
25      DONALD S. FORRESTER; KRISTINA M.  
26      FORRESTER; RONALD R. MITCHELL; AND  
27      GINGER G. MITCHELL,

25                               Respondents.  
26      \_\_\_\_\_  
27  
28

1 J.W. BENTLEY; MARYANN BENTLEY,  
2 TRUSTEES OF THE BENTLEY FAMILY 1995  
3 TRUST; JERALD R. JACKSON, TRUSTEE OF  
4 THE JERALD R. JACKSON 1975 TRUST, AS  
5 AMENDED; AND IRENE M. WINDHOLZ,  
6 TRUSTEE OF THE WINDHOLZ TRUST DATED  
7 AUGUST 11, 1992,

CASE NO.: 66932

Appellants,

vs.

8 THE STATE OF NEVADA STATE ENGINEER;  
9 HALL RANCHES, LLC; THOMAS J. SCYPHERS;  
10 KATHLEEN M. SCYPHERS; FRANK SCHARO;  
11 SHERIDAN CREEK EQUESTRIAN CENTER, LLC;  
12 DONALD S. FORRESTER; KRISTINA M.  
13 FORRESTER; RONALD R. MITCHELL;  
14 AND GINGER G. MITCHELL,

Respondents.

On Appeal from the Ninth Judicial District Court  
of the State of Nevada, in and for Douglas County  
Hon. Nathan Todd Young, District Judge

## SECOND REQUEST FOR JUDICIAL NOTICE

DYER, LAWRENCE, FLAHERTY,  
DONALDSON & PRUNTY  
JESSICA C. PRUNTY  
Nevada Bar No. 6926  
2805 Mountain Street  
Carson City, Nevada 89703  
Telephone: (775) 885-1896  
*Attorneys for Appellants Joy Smith,  
Daniel Barden and Elaine Barden*



**SECOND REQUEST FOR JUDICIAL NOTICE**

Appellants Joy Smith, Daniel Barden and Elaine Barden (“Smith & Barden”) hereby request, pursuant to NRS 47.130 *et seq.* and NRAP 27 that this Court take judicial notice of (1) Senate Bill (SB) 65, as introduced, (2) SB 65, as amended, (3) SB 65 information sheet, true and accurate copies of which are attached hereto as Exhibit 1, 2 and 3.

Under NRS 47.130, this Court may take judicial notice of a fact when that fact is “[c]apable of ready determination by resort to sources whose accuracy cannot reasonably be questioned” so that the fact in question “is not subject to reasonable dispute.” See Sheriff, Clark County v. Kravetz, 96 Nev. 919, 920 (1980). In this regard, the Legislative, Judicial, and Executive branches of the government of the State of Nevada are “sources whose accuracy cannot reasonably be questioned,” and the fact of and content contained in the public records of the government of the State of Nevada “is not subject to reasonable dispute” and may be judicially noticed. NRS 47.130; see Ainsworth v. Combined Ins. Co., 105 Nev. 237, 267 (1989) (taking judicial notice of the public records in state district court proceedings); Jory v. Bennight, 91 Nev. 763, 766 (1975) (taking judicial notice of the public records of the Nevada Real Estate Division indicating that Edward Jory “was the officer licensed as broker on behalf of the corporation”); see also Chas. L. Harney, Inc. v. State, 31 Cal. Rptr. 524, 529 (Ct. App. 1963) (taking judicial notice of the “official records and files of the State Board of Control and of the office of the State Controller”).

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1 Smith and Barden request that this Court take judicial notice of the attached  
2 report as a public official record of the Nevada Legislature, and the facts and  
3 *content* therein are “not subject to reasonable dispute.” Therefore, this Court’s  
4 judicial notice of these facts and documents is appropriate.

5 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of June, 2015.

6  
7 DYER, LAWRENCE, FLAHERTY,  
8 DONALDSON & PRUNTY

9  
10 By:   
11 Jessica C. Prunty, Bar No. 6926  
12 2805 Mountain Street  
13 Carson City, Nevada 89703  
14 Telephone: (775) 885-1896

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*Attorneys for Appellants Smith & Barden*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Dyer, Lawrence, Flaherty, Donaldson & Prunty, and that on the 19<sup>th</sup> day of June, 2015, I caused a true and correct copy of the within **SECOND REQUEST FOR JUDICIAL NOTICE** to be deposited in the U.S. Mail, first-class postage prepaid, addressed to the persons listed below:

Bryan L. Stockton, Esq.  
Deputy Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

Thomas J. Hall, Esq.  
Law Offices of Thomas J. Hall  
P.O. Box 3948  
Reno, Nevada 89520

Michael L. Matuska, Esq.  
Matuska Law Offices, Ltd.  
2310 South Carson Street, Suite #6  
Carson City, Nevada 89701

  
Debora McEachin