
ASSEMBLY BILL NO. 133—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE
AND MINING

(ON BEHALF OF HUMBOLDT RIVER BASIN WATER AUTHORITY)

FEBRUARY 4, 1999

Referred to Committee on Natural Resources, Agriculture and Mining

SUMMARY—Limits circumstances under which person may apply for permit to appropriate water for wildlife purposes or for benefit of environment. (BDR 48-523)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to water; limiting the circumstances under which a person may apply for a permit to appropriate water for wildlife purposes or for the benefit of the environment; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 533.330 is hereby amended to read as follows:
2 533.330 ~~[No application shall be for the water of]~~ ***A person may not***
3 ***apply for a permit to appropriate water:***
4 1. ***From*** more than one source to be used for more than one purpose ,
5 ~~[;]~~ but individual domestic use may be included in any application with the
6 other use named ~~[;]~~ ***in the application;***
7 2. ***For wildlife purposes unless the person:***
8 (a) ***Owens the wildlife habitat; or***
9 (b) ***If the person is an agency of this state or the United States, is***
10 ***authorized to manage the wildlife,***
11 ***for which the water is proposed to be used beneficially by that person or***
12 ***agency; or***
13 3. ***Except as otherwise provided in NRS 533.437 to 533.4377,***
14 ***inclusive, for the benefit of the environment.***

1 **Sec. 2.** NRS 533.370 is hereby amended to read as follows:

2 533.370 1. Except as otherwise provided in **this section and** NRS
3 **533.330**, 533.345, 533.371, 533.372 and 533.503 , ~~{and this section,}~~ the
4 state engineer shall approve an application submitted in proper form which
5 contemplates the application of water to beneficial use if:

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

7 (b) The proposed use or change, if within an irrigation district, does not
8 adversely affect the cost of water for other holders of water rights in the
9 district or lessen the ~~{district's}~~ efficiency **of the district** in its delivery or
10 use of water; and

11 (c) The applicant provides proof satisfactory to the state engineer of:

12 (1) His intention in good faith to construct any work necessary to
13 apply the water to the intended beneficial use with reasonable diligence;
14 and

15 (2) His financial ability and reasonable expectation actually to
16 construct the work and apply the water to the intended beneficial use with
17 reasonable diligence.

18 2. Except as otherwise provided in subsection 5, the state engineer
19 shall ~~{either}~~ approve or reject each application within 1 year after the final
20 date for filing **a** protest. However:

21 (a) Action ~~{can}~~ **may** be postponed by the state engineer upon written
22 authorization to do so by the applicant or, ~~{in case of a protested~~
23 ~~application, by both}~~ **if an application is protested, by** the protestant and
24 the applicant; and

25 (b) In areas where studies of water supplies are being made or where
26 court actions are pending, the state engineer may withhold action until it is
27 determined there is unappropriated water or the court action becomes final.

28 3. Except as otherwise provided in subsection 5, ~~{where}~~ **if** there is no
29 unappropriated water in the proposed source of supply, or ~~{where}~~ **if** its
30 proposed use or change conflicts with existing rights, or threatens to prove
31 detrimental to the public interest, the state engineer shall reject the
32 application and refuse to issue the requested permit. ~~{Where}~~ **If** a previous
33 application for a similar use of water within the same basin has been
34 rejected on ~~{these}~~ **those** grounds, the new application may be denied
35 without publication.

36 4. If a hearing is held regarding an application, the decision of the state
37 engineer must be in writing and include findings of fact, conclusions of
38 law and a statement of the underlying facts supporting the findings of fact.
39 The written decision may take the form of a transcription of an oral ruling.
40 The rejection or approval of an application must be endorsed on a copy of
41 the original application, and a record made of the endorsement in the
42 records of the state engineer. The copy of the application so endorsed must
43 be returned to the applicant. Except as otherwise provided in subsection 6,

1 if the application is approved, the applicant may, on receipt thereof,
2 proceed with the construction of the necessary works and take ~~all~~ **any**
3 steps required to apply the water to beneficial use and to perfect the
4 proposed appropriation. If the application is rejected , the applicant may
5 take no steps toward the prosecution of the proposed work or the diversion
6 and use of the public water ~~so~~ **as** long as the rejection continues in force.

7 5. The provisions of subsections 1, 2 and 3 do not apply to an
8 application for an environmental permit.

9 6. The provisions of subsection 4 do not authorize the recipient of an
10 approved application to use any state land administered by the division of
11 state lands of the state department of conservation and natural resources
12 without the appropriate authorization for ~~such-a~~ **that** use from the state
13 land registrar.

14 **Sec. 3.** The amendatory provisions of this act do not apply to a permit
15 to appropriate water for a purpose specified in subsection 2 or 3 of NRS
16 533.330 which is issued before July 1, 1999.

17 **Sec. 4.** This act becomes effective on July 1, 1999.