

Assembly Bill No. 252–Committee on

Natural Resources, Agriculture, and Mining

CHAPTER.....

AN ACT relating to public water; revising the provisions governing liens upon lands entitled to receive water from an irrigation district; and providing other matters properly relating thereto.

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

Section 1. NRS 539.513 is hereby amended to read as follows:

539.513 1. ~~{For the purpose of defraying}~~ **To defray** the organization and current expense of the district, and of the care, operation, maintenance, management, repair, and necessary current improvement or replacement of existing works and property, including salaries and wages of officers and employees and other proper incidental expenditures, the board may:

(a) Fix rates of tolls or charges, and provide for the collection thereof by the district treasurer as operation and maintenance, or some like designation; or

(b) Levy assessments therefor, or for a portion thereof, collecting the balance as tolls or charges.

~~{In this relation, provision may be made by the board}~~ **The board may provide** for the fixing, levying and collection of a minimum, flat or stated operation and maintenance assessment, toll or charge per acre, whether water is used or not, and a further operation and maintenance toll or charge for water used in excess of the amount delivered for the minimum charge , ~~{;}~~ or the board may adopt other reasonable methods of fixing and collecting the operation and maintenance charges.

2. Assessments, tolls and charges may be collected in advance, and the assessment and such tolls and charges may be based upon an estimate of the operation and maintenance revenue required for the current or ensuing year, to be adjusted as near as may be from year to year.

3. Water service may be refused and water delivery may be shut off whenever there is a default in the payment of operation and maintenance, but all other legal remedies ~~{shall}~~ **must** also be available for the enforcement of the debt.

4. The **assessments**, tolls and charges ~~{shall}~~ **must** be collected by the treasurer and deposited in the general fund or operation and maintenance fund, and he shall account therefor and disburse the same as provided in this chapter.

5. The assessments, tolls or charges fixed by the board of directors for the payment of operation and maintenance expenses, as provided in this chapter, ~~{shall become}~~ **are** a lien upon all lands entitled to receive water from the irrigation district system of works, as of the date fixed by the

board of directors for the payment of the ~~{same,}~~ assessments, tolls or charges, whether water is delivered to such lands or not.

6. If the ownership of the land upon which a lien is imposed pursuant to subsection 5 is severed from the ownership of the right to use the water, the lien remains in effect on the land until:

(a) The place of use of the water is changed to land upon which a lien is imposed pursuant to subsection 5, if:

(1) The change is in accordance with applicable statutes and regulations of Nevada; or

(2) On a stream system where a decree of court has been entered, the change is in accordance with the decree or any rules adopted pursuant to the decree; or

(b) The owner of the right to use the water enters into a written agreement with the irrigation district for the payment of assessments, tolls or charges required pursuant to this section. Except as otherwise provided in this paragraph, the payment must be secured by the right to use the water in a manner that is satisfactory to the irrigation district. If the owner of the right to use the water is the Federal Government or one of its agencies, or the State of Nevada or one of its agencies or political subdivisions, the agreement is not required to be secured in such a manner.