

ASSEMBLY BILL NO. 252—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING

FEBRUARY 16, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing liens upon lands entitled to receive water from irrigation districts. (BDR 48-972)

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 ~~for omitted material~~ is material to be omitted.

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:

- 1 **Section 1.** NRS 539.513 is hereby amended to read as follows:
2 539.513 1. ~~{For the purpose of defraying}~~ ***To defray*** the organization
3 and current expense of the district, and of the care, operation, maintenance,
4 management, repair, and necessary current improvement or replacement of
5 existing works and property, including salaries and wages of officers and
6 employees and other proper incidental expenditures, the board may:
7 (a) Fix rates of tolls or charges, and provide for the collection thereof
8 by the district treasurer as operation and maintenance, or some like
9 designation; or
10 (b) Levy assessments therefor, or for a portion thereof, collecting the
11 balance as tolls or charges.
12 ~~{In this relation, provision may be made by the board}~~ ***The board may***
13 ***provide*** for the fixing, levying and collection of a minimum, flat or stated
14 operation and maintenance assessment, toll or charge per acre, whether
15 water is used or not, and a further operation and maintenance toll or charge
16 for water used in excess of the amount delivered for the minimum charge ,

1 ~~{:}~~ or the board may adopt other reasonable methods of fixing and
2 collecting the operation and maintenance charges.

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

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

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

15 5. The assessments, tolls or charges fixed by the board of directors for
16 the payment of operation and maintenance expenses, as provided in this
17 chapter, ~~{shall become}~~ **are** a lien upon all lands entitled to receive water
18 from the irrigation district system of works, as of the date fixed by the
19 board of directors for the payment of the ~~{same,}~~ **assessments, tolls or**
20 **charges**, whether water is delivered to such lands or not.

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

24 (a) *The place of use of the water is changed to:*

25 (1) *Land upon which a lien is imposed pursuant to subsection 5, if*
26 *such change is in accordance with applicable statutes and regulations; or*

27 (2) *Stream systems where a decree of court has been entered, if that*
28 *change is in accordance with the decree or any rules adopted pursuant to*
29 *the decree; or*

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