

SENATE BILL NO. 161—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF PUBLIC LANDS SUBCOMMITTEE TO STUDY
DOMESTIC AND MUNICIPAL WATER WELLS)

FEBRUARY 15, 2001

Referred to Committee on Natural Resources

SUMMARY—Requires applicant for permit to operate certain water systems to provide documentation that applicant possesses sufficient water rights to operate system. (BDR 40-308)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 controls; requiring an applicant for a permit to operate certain privately owned public water systems to provide documentation that the applicant possesses water rights that are sufficient to operate the system; 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 445A.895 is hereby amended to read as follows:
2 445A.895 A permit to operate a water system may not be issued
3 pursuant to NRS 445A.885 unless all ~~of~~ the following conditions are met:
4 1. Neither water provided by a public utility nor water provided by a
5 municipality or other public entity is available to the persons to be served
6 by the water system.
7 2. The applicant fully complies with all ~~of~~ the conditions of NRS
8 445A.885 to 445A.915, inclusive.
9 3. *The applicant submits to the state board of health or the health*
10 *authority designated by the state board of health documentation issued*
11 *by the state engineer which sets forth that the applicant holds water*
12 *rights that are sufficient to operate the water system.*
13 4. The local governing body assumes:
14 (a) Responsibility in case of default by the builder or developer of the
15 water system for its continued operation and maintenance in accordance
16 with all ~~of~~ the terms and conditions of the permit.



1 (b) The duty of assessing the lands served as provided in subsection ~~15.1~~
2 **6.**

3 ~~14.1~~ **5.** The applicant furnishes the local governing body sufficient
4 surety in the form of a bond, certificate of deposit, investment certificate or
5 any other form acceptable to the governing body, to ensure the continued
6 maintenance and operation of the water system:

7 (a) For 5 years following the date the system is placed in operation; or

8 (b) Until 75 percent of the lots or parcels served by the system are
9 sold,
10 whichever is later.

11 ~~15.1~~ **6.** The owners of the lands to be served by the water system
12 record a declaration of covenants, conditions and restrictions, which is an
13 equitable servitude running with the land and which must provide that each
14 lot or parcel will be assessed by the local governing body for its
15 proportionate share of the cost of continued operation and maintenance of
16 the water system if there is a default by the applicant or operator of the
17 water system and a sufficient surety, as provided in subsection ~~14.1~~ **5**, is not
18 available.

19 ~~16.1~~ **7.** If the water system uses or stores ozone, the portion of the
20 system where ozone is used or stored must be constructed not less than 100
21 feet from any existing residence, unless the owner and occupant of each
22 residence located closer than 100 feet consent to the construction of the
23 system at a closer distance.

24 ~~17.1~~ **8.** The declaration of covenants, conditions and restrictions
25 recorded by the owners of the lands further provides that if the state board
26 of health determines that:

27 (a) The water system is not satisfactorily serving the needs of its users;
28 and

29 (b) Water provided by a public utility or a municipality or other public
30 entity is reasonably available,
31 the local governing body may, pursuant to NRS 244.3655 or 268.4102,
32 require all users of the water system to connect into the available water
33 system provided by a public utility or a municipality or other public entity,
34 and each lot or parcel will be assessed by the local governing body for its
35 proportionate share of the costs associated with connecting into that water
36 system. If the water system is being connected into a public utility, the
37 public utilities commission of Nevada shall determine the amount of the
38 assessments for the purposes of establishing a lien pursuant to NRS
39 445A.900.

40 ~~18.1~~ **9.** Provision has been made for disposition of the water system
41 and the land on which it is situated after the local governing body requires
42 all users to connect into an available water system provided by a public
43 utility or a municipality or other public entity.

44 **Sec. 2.** NRS 445A.910 is hereby amended to read as follows:

45 445A.910 1. If the state board of health has found that any of the
46 conditions of a permit to operate ~~such~~ a water system issued pursuant to
47 NRS 445A.885 are being violated and has notified the holder of the permit
48 that he must bring the water system into compliance, but the holder of the
49 permit has failed to comply within a reasonable time after the date of the



1 notice, the local governing body, if requested to do so in writing by the
2 state board of health, may take the following actions independently of any
3 further action by the state board of health:

4 (a) Give written notice, by certified mail, to the owner of the water
5 system and the owners of the property served by the system that if the
6 violation is not corrected within 30 days after the date of the notice, the
7 local governing body will seek a court order authorizing it to assume
8 control; and

9 (b) After the 30-day period has expired, if the water system has not been
10 brought into compliance, apply to the district court for an order authorizing
11 the local governing body to assume control of the system and assess the
12 property for the continued operation and maintenance of the system as
13 provided in subsection ~~15~~ 6 of NRS 445A.895.

14 2. If the local governing body determines at any time that immediate
15 action is necessary to protect the public health and welfare, it may assume
16 physical control and operation of a water system without complying with
17 any of the requirements set forth in subsection 1. The local governing body
18 may not maintain control of a water system pursuant to this subsection for
19 a period greater than 30 days unless it obtains an order from the district
20 court authorizing an extension.

21 **Sec. 3.** This act becomes effective on July 1, 2001.

