

SENATE BILL NO. 275—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S  
COMMITTEE TO STUDY THE USE, MANAGEMENT,  
AND ALLOCATION OF WATER RESOURCES)

MARCH 13, 2007

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to underground water. (BDR 48-208)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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 underground water; revising provisions governing the domestic use of underground water from a well; revising the date of priority of an appropriation of underground water from a well for domestic purposes; requiring the State Engineer to give notice in all basins before the forfeiture of a water right; requiring the dedication of a water right to a city or county or the designee of a city or county under certain circumstances; requiring that certain conditions be met if local law or ordinance allows the development and use of underground water from a well for an accessory building of a single-family dwelling; revising provisions governing parcel maps; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Under existing law, the State Engineer may exempt from the application of
- 2 chapter 534 of NRS, relating to underground water and wells, the use of water from
- 3 a well for a domestic use or purpose if the use or purpose directly relates to a
- 4 single-family dwelling and the draught does not exceed 1,800 gallons per day.
- 5 (NRS 534.013, 534.180) **Sections 1, 4, 5 and 7** of this bill quantify the maximum
- 6 limit of domestic use of underground water from a well as 2 acre feet per year
- 7 instead of 1,800 gallons per day. **Sections 1, 4, 6 and 7** of this bill authorize a local
- 8 ordinance to extend a domestic use or purpose to an accessory building of the



single-family dwelling. **Section 4** imposes additional responsibilities on the owner of a well, the local governing body or planning commission and the State Engineer if a local ordinance allows the development and use of underground water from a well for an accessory building of a single-family dwelling to qualify as a domestic use or purpose.

Under existing law, a domestic well exempted from chapter 534 of NRS is not assigned a date of priority. (NRS 534.080, 534.180) **Section 2** of this bill sets the date of priority for certain domestic wells as the date of completion of the well as recorded by the driller of the well or another date as documented by evidence determined to be adequate by the State Engineer.

Under existing law, the State Engineer, in basins for which the State Engineer maintains pumping records, is required to give notice to an owner of a water right before the water right is forfeited for nonuse of the water. (NRS 534.090) **Section 3** of this bill requires the State Engineer to give notice of a forfeiture of water rights for nonuse in all basins regardless of whether he maintains pumping records for the basin.

Under existing law, the State Engineer, in a designated basin, may require the registration of an otherwise exempt domestic well. (NRS 534.180) **Section 4** of this bill authorizes the State Engineer to require the owner of a domestic well whose well is located in a designated basin to dedicate a water right to the city or county in which the well is located or to the designee of that city or county under certain circumstances.

Under existing law, a person who proposes to divide any land for transfer or development into four lots or less is required to prepare a parcel map and file it in accordance with local ordinance. (NRS 278.461) **Section 7** of this bill requires such a person, in addition to filing a parcel map in accordance with local ordinance, to prepare and file a parcel map with the Division of Water Resources of the State Department of Conservation and Natural Resources and also to obtain a certificate of approval from the Division of Water Resources if the resulting parcels of land meet certain qualifications.

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

**Section 1.** NRS 534.013 is hereby amended to read as follows:

534.013 “Domestic use” or “domestic purposes” extends to culinary and household purposes directly related to **[a]** :

**1. A single-family dwelling ~~[a]~~ ; or**

**2. An accessory building for a single-family dwelling if provided for in an applicable local ordinance,**

including, without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed the **[threshold-daily]** maximum amount set **forth** in NRS 534.180 for exemption from the application of this chapter.

**Sec. 2.** NRS 534.080 is hereby amended to read as follows:

534.080 1. A legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to



1 March 25, 1939, can only be acquired by complying with the  
2 provisions of chapter 533 of NRS pertaining to the appropriation of  
3 water.

4 2. The State Engineer may, upon written notice sent by  
5 registered or certified mail, return receipt requested, advise the  
6 owner of a well who is using water therefrom without a permit to  
7 appropriate ~~[such]~~ *the* water to cease using ~~[such]~~ *the* water until he  
8 has complied with the laws pertaining to the appropriation of water.  
9 If the owner fails to initiate proceedings to secure such *a* permit  
10 within 30 days ~~[from]~~ *after* the date of ~~[such]~~ *the* notice, he ~~[shall]~~  
11 ~~be~~ *is* guilty of a misdemeanor.

12 3. ~~[The]~~ *Except as otherwise provided in subsection 4 and*  
13 *NRS 534.180, the* date of priority of all appropriations of water  
14 from an underground source ~~[i]~~ mentioned in this section ~~[i]~~ is the  
15 date when application is made in proper form and filed in the Office  
16 of the State Engineer pursuant to the provisions of chapter 533 of  
17 NRS.

18 4. *The date of priority of an appropriation of underground*  
19 *water from a well for domestic purposes where the draught does*  
20 *not exceed 2 acre feet per year is the date of completion of the well*  
21 *as:*

22 (a) *Recorded by the well driller on the log he files with the*  
23 *State Engineer pursuant to NRS 534.170; or*

24 (b) *Demonstrated through any other documentation or*  
25 *evidence specified by the State Engineer.*

26 **Sec. 3.** NRS 534.090 is hereby amended to read as follows:

27 534.090 1. Except as otherwise provided in this section,  
28 failure for 5 successive years after April 15, 1967, on the part of the  
29 holder of any right, whether it is an adjudicated right, an  
30 unadjudicated right ~~[i]~~ or a permitted right, and further whether the  
31 right is initiated after or before March 25, 1939, to use beneficially  
32 all or any part of the underground water for the purpose for which  
33 the right is acquired or claimed, works a forfeiture of both  
34 undetermined rights and determined rights to the use of that water to  
35 the extent of the nonuse. ~~[For water rights in basins for which the~~  
36 ~~State Engineer keeps pumping records, if]~~ *If* the records of the State  
37 Engineer *or any other documents specified by the State Engineer*  
38 indicate at least 4 consecutive years, but less than 5 consecutive  
39 years, of nonuse of all or any part of ~~[such]~~ a water right which is  
40 governed by this chapter, the State Engineer shall notify the owner  
41 of the water right, as determined in the records of the Office of the  
42 State Engineer, by registered or certified mail that he has 1 year  
43 after the date of the notice in which to use the water right  
44 beneficially and to provide proof of such use to the State Engineer  
45 or apply for relief pursuant to subsection 2 to avoid forfeiting the



1 water right. If, after 1 year after the date of the notice, proof of  
2 beneficial use is not sent to the State Engineer, the State Engineer  
3 shall, unless he has granted a request to extend the time necessary to  
4 work a forfeiture of the water right, declare the right forfeited within  
5 30 days. Upon the forfeiture of a right to the use of groundwater, the  
6 water reverts to the public and is available for further appropriation,  
7 subject to existing rights. If, upon notice by registered or certified  
8 mail to the owner of record whose right has been declared forfeited,  
9 the owner of record fails to appeal the ruling in the manner provided  
10 for in NRS 533.450, and within the time provided for therein, the  
11 forfeiture becomes final. The failure to receive a notice pursuant to  
12 this subsection does not nullify the forfeiture or extend the time  
13 necessary to work the forfeiture of a water right.

14 2. The State Engineer may, upon the request of the holder of  
15 any right described in subsection 1, extend the time necessary to  
16 work a forfeiture under that subsection if the request is made before  
17 the expiration of the time necessary to work a forfeiture. The State  
18 Engineer may grant, upon request and for good cause shown, any  
19 number of extensions, but a single extension must not exceed 1 year.  
20 In determining whether to grant or deny a request, the State  
21 Engineer shall, among other reasons, consider:

22 (a) Whether the holder has shown good cause for his failure to  
23 use all or any part of the water beneficially for the purpose for  
24 which his right is acquired or claimed;

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

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

29 (d) Any prolonged period in which precipitation in the basin  
30 where the water right is located is below the average for that basin  
31 or in which indexes that measure soil moisture show that a deficit in  
32 soil moisture has occurred in that basin; and

33 (e) Whether the holder has demonstrated efficient ways of using  
34 the water for agricultural purposes, such as center-pivot irrigation.

35 ➔ The State Engineer shall notify, by registered or certified mail,  
36 the owner of the water right, as determined in the records of the  
37 Office of the State Engineer, of whether he has granted or denied the  
38 holder's request for an extension pursuant to this subsection.

39 3. If the failure to use the water pursuant to subsection 1 is  
40 because of the use of center-pivot irrigation before July 1, 1983, and  
41 such use could result in a forfeiture of a portion of a right, the State  
42 Engineer shall, by registered or certified mail, send to the owner of  
43 record a notice of intent to declare a forfeiture. The notice must  
44 provide that the owner has at least 1 year ~~from~~ after the date of the  
45 notice to use the water beneficially or apply for additional relief



pursuant to subsection 2 before forfeiture of his right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his examination that an abandonment has taken place, he shall so state in his ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

**Sec. 4.** NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed ~~the daily maximum of 1,800 gallons.~~

~~2. The State Engineer may designate~~ *2 acre feet per year.*

*2. In any groundwater basin or portion thereof ~~as a basin in which the~~ that is within an area designated by the State Engineer pursuant to NRS 534.120, the State Engineer may require:*

*(a) The registration of a well ~~is required~~ located within or partially within the area if the well is drilled for the development and use of underground water for domestic purposes ~~is~~; and*

*(b) The dedication, to a city or county in which the well is located or the designee of that city or county, of such water rights necessary to ensure an adequate water supply for a parcel of land that is 40 acres or less in area, unless the dedication is required by an applicable local ordinance.*

3. A driller who drills ~~such~~ a well *for the development and use of underground water for domestic purposes* shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

~~3. 4.~~ The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,



1 ➡ but only if the charge for making the connection to the service is  
2 less than \$200.

3 *5. If the development and use of underground water from a*  
4 *well for an accessory building of a single-family dwelling qualifies*  
5 *as a domestic use or domestic purpose pursuant to an applicable*  
6 *local ordinance:*

7 (a) *The owner of the well shall:*

8 (1) *Obtain approval for that use or purpose from the local*  
9 *governing body or planning commission in whose jurisdiction the*  
10 *well is located;*

11 (2) *Install a water meter capable of measuring the total*  
12 *consumption of water used from the well; and*

13 (3) *Ensure the total consumption of water used from the*  
14 *well does not exceed 2 acre feet per year;*

15 (b) *The local governing body or planning commission shall*  
16 *report the use of water from the well on a form provided by the*  
17 *State Engineer;*

18 (c) *The State Engineer shall monitor the annual water*  
19 *consumption from the well; and*

20 (d) *The date of priority for the use of the domestic well to*  
21 *supply water to the accessory building is the date of approval*  
22 *received by the owner of the well from the local governing body or*  
23 *planning commission.*

24 **Sec. 5.** NRS 534.185 is hereby amended to read as follows:

25 534.185 1. The State Engineer shall, upon written request  
26 and receipt of a written agreement between the affected property  
27 owners, waive the requirements of this chapter regarding permits for  
28 the use and development of underground water from a well if:

29 (a) The well existed on July 1, 1983;

30 (b) It is used solely for domestic purposes by not more than  
31 three single-family dwellings; and

32 (c) Each of those dwellings does not draw more than ~~[1,800~~  
33 ~~gallons]~~ **2 acre feet** of water ~~[in a day.]~~ **per year.**

34 2. The State Engineer may require an owner who has been  
35 granted such a waiver to apply for a permit if one or more of the  
36 dwellings is drawing more than ~~[1,800 gallons]~~ **2 acre feet** of water  
37 ~~[in a day.]~~ **per year.**

38 3. This section does not apply to any groundwater basin for  
39 which the State Engineer has in effect on July 1, 1983, a procedure  
40 of issuing revocable permits.

41 **Sec. 6.** NRS 534.350 is hereby amended to read as follows:

42 534.350 1. The State Engineer shall adopt regulations  
43 establishing a program that allows a public water system to receive  
44 credits, as provided in this section, for the addition of new



1 customers to the system. The program must be limited to public  
2 water systems in areas:

3 (a) Designated as groundwater basins by the State Engineer  
4 pursuant to the provisions of NRS 534.030; and

5 (b) In which the State Engineer has denied one or more  
6 applications for any municipal uses of groundwater.

7 2. Before the State Engineer adopts any regulations pursuant to  
8 this section regarding any particular groundwater basin, he shall  
9 hold a public hearing:

10 (a) Within the basin to which the regulations will apply if  
11 adequate facilities to hold a hearing are available within that basin;  
12 or

13 (b) In all other cases, within the county where the major portion  
14 of that basin lies,

15 ➔ to take testimony from any interested persons regarding the  
16 proposed regulations.

17 3. Upon adoption of the regulations required by this section  
18 regarding a particular groundwater basin, a public water system  
19 which provides service in that basin is entitled to receive a credit for  
20 each customer who is added to the system after the adoption of  
21 those regulations and:

22 (a) Voluntarily ceases to draw water from a domestic well  
23 located within that basin; or

24 (b) Is the owner of a lot or other parcel of land, other than land  
25 used or intended solely for use as a location for a water well, which:

26 (1) Is located within that basin;

27 (2) Was established as a separate lot or parcel before July 1,  
28 1993;

29 (3) Was approved by a local governing body or planning  
30 commission for service by an individual domestic well before  
31 July 1, 1993; and

32 (4) Is subject to a written agreement which was voluntarily  
33 entered into by the owner with the public water system pursuant to  
34 which the owner agrees not to drill a domestic well on the land and  
35 the public water system agrees that it will provide water service to  
36 the land. Any such agreement must be acknowledged and recorded  
37 in the same manner as conveyances affecting real property are  
38 required to be acknowledged and recorded pursuant to chapter 111  
39 of NRS.

40 4. The State Engineer may require a new customer, who  
41 voluntarily ceases to draw water from a domestic well as provided  
42 in paragraph (a) of subsection 3, to plug that well.

43 5. A credit granted pursuant to this section:

44 (a) Must be sufficient to enable the public water system to add  
45 one service connection for a single-family dwelling to the system,



1 except that the credit may not exceed the increase in water  
2 consumption attributable to the additional service connection or  
3 ~~[1,800-gallons-per-day.]~~ *2 acre feet per year*, whichever is less.

4 (b) May not be converted to an appropriative water right.

5 6. This section does not:

6 (a) Require a public water system to extend its service area.

7 (b) Authorize any increase in the total amount of groundwater  
8 pumped in a groundwater basin.

9 (c) Affect any rights of an owner of a domestic well who does  
10 not voluntarily bring himself within the provisions of this section.

11 7. As used in this section:

12 (a) "Domestic well" means a well used for culinary and  
13 household purposes in ~~feet~~ :

14 (1) A single-family dwelling ~~feet~~ ; or

15 (2) *An accessory building for a single-family dwelling if*  
16 *provided for in an applicable local ordinance,*

17 *including the watering of a garden, lawn and domestic animals*  
18 *and where the draught does not exceed* ~~[1,800-gallons-per-day.]~~ *2*  
19 *acre feet per year.*

20 (b) "Public water system" has the meaning ascribed to it in  
21 NRS 445A.840.

22 **Sec. 7.** NRS 278.461 is hereby amended to read as follows:

23 278.461 1. Except as otherwise provided in this section, a  
24 person who proposes to divide any land for transfer or development  
25 into four lots or less shall:

26 (a) Prepare a parcel map and file the number of copies, as  
27 required by local ordinance, of the parcel map with the planning  
28 commission or its designated representative or, if there is no  
29 planning commission, with the clerk of the governing body; and

30 (b) Pay a filing fee in an amount determined by the governing  
31 body,

32 *unless* ~~these~~ *those* requirements are waived or the provisions of  
33 NRS 278.471 to 278.4725, inclusive, apply. The map must be  
34 accompanied by a written statement signed by the treasurer of the  
35 county in which the land to be divided is located indicating that all  
36 property taxes on the land for the fiscal year have been paid.

37 2. *In addition to any other requirement set forth in this*  
38 *section, if, in a designated basin, there is no local ordinance*  
39 *requiring the dedication of such water rights necessary to ensure*  
40 *an adequate water supply, a person who proposes to divide any*  
41 *land for transfer or development into four lots or less with each*  
42 *resulting lot constituting 40 acres or less in area and which is*  
43 *proposed to be served by a domestic well shall:*





1       (a) *Prepare and file a parcel map with the Division of Water*  
2       *Resources of the State Department of Conservation and Natural*  
3       *Resources; and*

4       (b) *Obtain a certificate of approval for the parcel map from*  
5       *that Division.*

6       3. If the parcel map is submitted to the clerk of the governing  
7       body, he shall submit the parcel map to the governing body at its  
8       next regular meeting.

9       ~~3.1~~ 4. A common-interest community consisting of four units  
10      or less shall be deemed to be a division of land within the meaning  
11      of this section, but need only comply with this section and NRS  
12      278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and  
13      278.466.

14      ~~4.1~~ 5. A parcel map is not required when the division is for  
15      the express purpose of:

16      (a) The creation or realignment of a public right-of-way by a  
17      public agency.

18      (b) The creation or realignment of an easement.

19      (c) An adjustment of the boundary line between two  
20      abutting parcels or the transfer of land between two owners of  
21      abutting parcels, which does not result in the creation of any  
22      additional parcels, if such an adjustment is approved pursuant to  
23      NRS 278.5692 and is made in compliance with the provisions of  
24      NRS 278.5693.

25      (d) The purchase, transfer or development of space within an  
26      apartment building or an industrial or commercial building.

27      (e) Carrying out an order of any court or dividing land as a  
28      result of an operation of law.

29      ~~5.1~~ 6. A parcel map is not required for any of the following  
30      transactions involving land:

31      (a) The creation of a lien, mortgage, deed of trust or any other  
32      security instrument.

33      (b) The creation of a security or unit of interest in any  
34      investment trust regulated under the laws of this State or any other  
35      interest in an investment entity.

36      (c) Conveying an interest in oil, gas, minerals or building  
37      materials, which is severed from the surface ownership of real  
38      property.

39      (d) Conveying an interest in land acquired by the Department of  
40      Transportation pursuant to chapter 408 of NRS.

41      (e) Filing a certificate of amendment pursuant to NRS 278.473.

42      ~~6.1~~ 7. When two or more separate lots, parcels, sites, units or  
43      plots of land are purchased, they remain separate for the purposes of  
44      this section and NRS 278.468, 278.590 and 278.630. When the lots,  
45      parcels, sites, units or plots are resold or conveyed they are exempt



1 from the provisions of NRS 278.010 to 278.630, inclusive, until  
2 further divided.

3 ~~7.1~~ 8. Unless a method of dividing land is adopted for the  
4 purpose or would have the effect of evading this chapter, the  
5 provisions for the division of land by a parcel map do not apply to a  
6 transaction exempted by paragraph (c) of subsection 1 of  
7 NRS 278.320.

8 *9. As used in this section:*

9 (a) *"Designated basin" means a groundwater basin or portion*  
10 *thereof that is designated by the State Engineer pursuant to*  
11 *NRS 534.120.*

12 (b) *"Domestic well" has the meaning ascribed to it in*  
13 *NRS 534.350.*

14 **Sec. 8.** NRS 278.464 is hereby amended to read as follows:

15 278.464 1. Except as otherwise provided in subsection 2, if  
16 there is a planning commission, it shall:

17 (a) In a county whose population is 400,000 or more, within 45  
18 days; or

19 (b) In a county whose population is less than 400,000, within 60  
20 days,

21 ➡ after accepting as a complete application a parcel map,  
22 recommend approval, conditional approval or disapproval of the  
23 map in a written report. The planning commission shall submit the  
24 parcel map and the written report to the governing body.

25 2. If the governing body has authorized the planning  
26 commission to take final action on a parcel map, the planning  
27 commission shall:

28 (a) In a county whose population is 400,000 or more, within 45  
29 days; or

30 (b) In a county whose population is less than 400,000, within 60  
31 days,

32 ➡ after accepting as a complete application the parcel map,  
33 approve, conditionally approve or disapprove the map. The planning  
34 commission shall file its written decision with the governing body.  
35 Unless the time is extended by mutual agreement, if the planning  
36 commission is authorized to take final action and it fails to take  
37 action within the period specified in this subsection, the parcel map  
38 shall be deemed approved.

39 3. If there is no planning commission or if the governing body  
40 has not authorized the planning commission to take final action, the  
41 governing body or, by authorization of the governing body, the  
42 director of planning or other authorized person or agency shall:

43 (a) In a county whose population is 400,000 or more, within 45  
44 days; or



(b) In a county whose population is less than 400,000, within 60 days,

➡ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection ~~2~~ 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, within 60 days,

➡ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

5. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

6. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

7. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect



\* S B 2 7 5 \*

1 after a merger and resubdivision of parcels conducted pursuant to  
2 NRS 278.4925 has been vacated or abandoned in accordance with  
3 NRS 278.480.

4 **Sec. 9.** NRS 278.5693 is hereby amended to read as follows:

5 278.5693 1. For a boundary line to be adjusted or for land to  
6 be transferred pursuant to paragraph (c) of subsection ~~4~~ 5 of NRS  
7 278.461, a professional land surveyor must have performed a field  
8 survey, set monuments and filed a record of survey pursuant to  
9 NRS 625.340.

10 2. A record of survey filed pursuant to subsection 1 must  
11 contain:

12 (a) A certificate by the professional land surveyor who prepared  
13 the map stating that:

14 (1) He has performed a field survey sufficient to locate and  
15 identify properly the proposed boundary line adjustment;

16 (2) All corners and angle points of the adjusted boundary line  
17 have been defined by monuments or will be otherwise defined on a  
18 document of record as required by NRS 625.340; and

19 (3) The map is not in conflict with the provisions of NRS  
20 278.010 to 278.630, inclusive.

21 (b) A certificate that is executed and acknowledged by each  
22 affected owner of the abutting parcels which states that:

23 (1) He has examined the plat and approves and authorizes the  
24 recordation thereof;

25 (2) He agrees to execute the required documents creating any  
26 easement which is shown;

27 (3) He agrees to execute the required documents abandoning  
28 any existing easement pursuant to the provisions of NRS 278.010 to  
29 278.630, inclusive;

30 (4) All property taxes on the land for the fiscal year have  
31 been paid; and

32 (5) Any lender with an impound account for the payment of  
33 taxes has been notified of the adjustment of the boundary line or the  
34 transfer of the land.

35 (c) A certificate by the governing body or its designated  
36 representative approving the adjustment of the boundary line.

37 **Sec. 10.** This act becomes effective on July 1, 2007.

