

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; authorizing the State Engineer to require the dedication or relinquishment of a water right under certain circumstances; requiring that certain conditions be met if a local ordinance allows the development and use of underground water from a well for an accessory building of a single-family dwelling; authorizing a county to relinquish a water right under certain circumstances; 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 6** 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
- 9 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 is required to adopt regulations establishing a program that allows a public water system to receive credits for the addition of new customers in certain designated groundwater basins. (NRS 534.350) **Section 6** of this bill authorizes a county to relinquish a right to appropriate water from a domestic well to the State Engineer if the county requires the dedication of that right to the county by the owner of a particular parcel of land. **Section 6** further states that, if such an owner becomes a new customer of a public water system, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system.

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 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 certain conditions occur.

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 ~~the~~ :

1. A single-family dwelling ~~and~~ ; and
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. 1.5. NRS 534.050 is hereby amended to read as follows:
534.050 1. Except as otherwise provided in subsection 2 and NRS 534.180, every person desiring to sink or bore a well in any basin or portion therein in the State designated by the State



1 Engineer, as provided for in this chapter, must first make application
2 to and obtain from the State Engineer a permit to appropriate the
3 water, pursuant to the provisions of chapter 533 of NRS relating to
4 the appropriation of the public waters, before performing any work
5 in connection with the boring or sinking of the well.

6 2. Upon written application and a showing of good cause, the
7 State Engineer may issue a written waiver of the requirements of
8 subsection 1:

9 (a) For exploratory wells to be drilled to determine the
10 availability of water or the quality of available water;

11 (b) To allow temporary use of the water in constructing a
12 highway or exploring for *water*, oil, gas, minerals or geothermal
13 resources; or

14 (c) For wells to be drilled in shallow groundwater systems and
15 pumped to alleviate potential hazards to persons and property
16 resulting from the rise of groundwater caused by secondary
17 recharge. If practical, approved by the State Engineer and consistent
18 with this chapter and chapter 533 of NRS, the withdrawn water must
19 be used for some other beneficial use.

20 3. In other basins or portions of basins which have not been
21 designated by the State Engineer no application or permit to
22 appropriate water is necessary until after the well is sunk or bored
23 and water developed. Before any diversion of water may be made
24 from the well, the appropriator must make application to and obtain
25 from the State Engineer, pursuant to the provisions of chapter 533 of
26 NRS, a permit to appropriate the water.

27 4. Upon written application and a showing of good cause, the
28 State Engineer may issue a written waiver of the requirements of
29 subsection 3, to allow temporary use of water in constructing a
30 highway or exploring for *water*, oil, gas, minerals or geothermal
31 resources.

32 5. Any person using water after a permit has been withdrawn,
33 denied, cancelled, revoked or forfeited is guilty of a misdemeanor.
34 Each day of violation of this subsection constitutes a separate
35 offense and is separately punishable.

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

37 534.080 1. A legal right to appropriate underground water for
38 beneficial use from an artesian or definable aquifer subsequent to
39 March 22, 1913, or from percolating water, the course and
40 boundaries of which are incapable of determination, subsequent to
41 March 25, 1939, can only be acquired by complying with the
42 provisions of chapter 533 of NRS pertaining to the appropriation of
43 water.

44 2. The State Engineer may, upon written notice sent by
45 registered or certified mail, return receipt requested, advise the



owner of a well who is using water therefrom without a permit to appropriate ~~{such}~~ *the* water to cease using ~~{such}~~ *the* water until he has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such *a* permit within 30 days ~~{from}~~ *after* the date of ~~{such}~~ *the* notice, he ~~{shall be}~~ *is* guilty of a misdemeanor.

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

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

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

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

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

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right ~~{}~~ or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. ~~{For water rights in basins for which the State Engineer keeps pumping records, if}~~ *If* the records of the State Engineer *or any other documents specified by the State Engineer* indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of ~~{such}~~ a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless he has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the



1 water reverts to the public and is available for further appropriation,
2 subject to existing rights. If, upon notice by registered or certified
3 mail to the owner of record whose right has been declared forfeited,
4 the owner of record fails to appeal the ruling in the manner provided
5 for in NRS 533.450, and within the time provided for therein, the
6 forfeiture becomes final. The failure to receive a notice pursuant to
7 this subsection does not nullify the forfeiture or extend the time
8 necessary to work the forfeiture of a water right.

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

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

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

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

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

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

30 ➡ The State Engineer shall notify, by registered or certified mail,
31 the owner of the water right, as determined in the records of the
32 Office of the State Engineer, of whether he has granted or denied the
33 holder's request for an extension pursuant to this subsection.

34 3. If the failure to use the water pursuant to subsection 1 is
35 because of the use of center-pivot irrigation before July 1, 1983, and
36 such use could result in a forfeiture of a portion of a right, the State
37 Engineer shall, by registered or certified mail, send to the owner of
38 record a notice of intent to declare a forfeiture. The notice must
39 provide that the owner has at least 1 year ~~from~~ after the date of the
40 notice to use the water beneficially or apply for additional relief
41 pursuant to subsection 2 before forfeiture of his right is declared by
42 the State Engineer.

43 4. A right to use underground water whether it is vested or
44 otherwise may be lost by abandonment. If the State Engineer, in
45 investigating a groundwater source, upon which there has been a



1 prior right, for the purpose of acting upon an application to
2 appropriate water from the same source, is of the belief from his
3 examination that an abandonment has taken place, he shall so state
4 in his ruling approving the application. If, upon notice by registered
5 or certified mail to the owner of record who had the prior right, the
6 owner of record of the prior right fails to appeal the ruling in the
7 manner provided for in NRS 533.450, and within the time provided
8 for therein, the alleged abandonment declaration as set forth by the
9 State Engineer becomes final.

10 **Sec. 3.5.** NRS 534.120 is hereby amended to read as follows:

11 534.120 1. Within an area that has been designated by the
12 State Engineer, as provided for in this chapter, where, in his
13 judgment, the groundwater basin is being depleted, the State
14 Engineer in his administrative capacity ~~is herewith empowered to~~
15 *may* make such rules, regulations and orders as are deemed essential
16 for the welfare of the area involved.

17 2. In the interest of public welfare, the State Engineer is
18 authorized and directed to designate preferred uses of water within
19 the respective areas so designated by him and from which the
20 groundwater is being depleted, and in acting on applications to
21 appropriate groundwater, he may designate such preferred uses in
22 different categories with respect to the particular areas involved
23 within the following limits:

24 (a) Domestic, municipal, quasi-municipal, industrial, irrigation,
25 mining and stock-watering uses; and

26 (b) Any uses for which a county, city, town, public water district
27 or public water company furnishes the water.

28 3. Except as otherwise provided in subsection 5, the State
29 Engineer may:

30 (a) Issue temporary permits to appropriate groundwater which
31 can be limited as to time and which may, except as limited by
32 subsection 4, be revoked if and when water can be furnished by an
33 entity such as a water district or a municipality presently engaged in
34 furnishing water to the inhabitants thereof.

35 (b) Deny applications to appropriate groundwater for any use in
36 areas served by such an entity.

37 (c) Limit the depth of domestic wells.

38 (d) Prohibit the drilling of wells for domestic use, as defined in
39 NRS 534.013 , ~~[and 534.0175,]~~ in areas where water can be
40 furnished by an entity such as a water district or a municipality
41 presently engaged in furnishing water to the inhabitants thereof.

42 *(e) In connection with the approval of a parcel map in which*
43 *any parcel is proposed to be served by a domestic well, require the*
44 *dedication to a city or county or a designee of a city or county, or*
45 *require a relinquishment to the State Engineer, of any right to*



1 *appropriate water required by the State Engineer to ensure a*
2 *sufficient supply of water for each of those parcels, unless the*
3 *dedication of the right to appropriate water is required by a local*
4 *ordinance.*

5 4. The State Engineer may revoke a temporary permit issued
6 pursuant to subsection 3 for residential use, and require a person to
7 whom groundwater was appropriated pursuant to the permit to
8 obtain water from an entity such as a water district or a municipality
9 engaged in furnishing water to the inhabitants of the designated
10 area, only if:

11 (a) The distance from the property line of any parcel served by a
12 well pursuant to a temporary permit to the pipes and other
13 appurtenances of the proposed source of water to which the property
14 will be connected is not more than 180 feet; and

15 (b) The well providing water pursuant to the temporary permit
16 needs to be redrilled or have repairs made which require the use of a
17 well-drilling rig.

18 5. The State Engineer may, in an area in which he has issued
19 temporary permits pursuant to subsection 3, limit the depth of a
20 domestic well pursuant to paragraph (c) of subsection 3 or prohibit
21 repairs from being made to a well, and may require the person
22 proposing to deepen or repair the well to obtain water from an entity
23 such as a water district or a municipality engaged in furnishing
24 water to the inhabitants of the designated area, only if:

25 (a) The distance from the property line of any parcel served by
26 the well to the pipes and other appurtenances of the proposed source
27 of water to which the property will be connected is not more than
28 180 feet; and

29 (b) The deepening or repair of the well would require the use of
30 a well-drilling rig.

31 6. For good and sufficient reasons, the State Engineer may
32 exempt the provisions of this section with respect to public housing
33 authorities.

34 7. ~~[Nothing in this section prohibits]~~ *The provisions of this*
35 *section do not prohibit* the State Engineer from revoking a
36 temporary permit issued pursuant to this section if any parcel served
37 by a well pursuant to the temporary permit is currently obtaining
38 water from an entity such as a water district or a municipality
39 engaged in furnishing water to the inhabitants of the area.

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

41 534.180 1. Except as otherwise provided in subsection 2 and
42 as to the furnishing of any information required by the State
43 Engineer, this chapter does not apply in the matter of obtaining
44 permits for the development and use of underground water from a



1 well for domestic purposes where the draught does not exceed ~~at~~
2 ~~daily maximum of 1,800 gallons.~~ *2 acre feet per year.*

3 2. The State Engineer may designate any groundwater basin or
4 portion thereof as a basin in which the registration of a well is
5 required if the well is drilled for the development and use of
6 underground water for domestic purposes. A driller who drills such
7 a well shall register the information required by the State Engineer
8 within 10 days after the completion of the well. The State Engineer
9 shall make available forms for the registration of such wells and
10 shall maintain a register of those wells.

11 3. The State Engineer may require the plugging of such a well
12 which is drilled on or after July 1, 1981, at any time not sooner than
13 1 year after water can be furnished to the site by:

14 (a) A political subdivision of this State; or

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

17 ➔ but only if the charge for making the connection to the service is
18 less than \$200.

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

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

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

27 (2) *Install a water meter capable of measuring the total*
28 *withdrawal of water from the well; and*

29 (3) *Ensure the total withdrawal of water from the well does*
30 *not exceed 2 acre feet per year;*

31 (b) *The local governing body or planning commission shall*
32 *report the withdrawal of water from the well on a form provided by*
33 *the State Engineer;*

34 (c) *The State Engineer shall monitor the annual withdrawal of*
35 *water from the well; and*

36 (d) *The date of priority for the use of the domestic well to*
37 *supply water to the accessory building is the date of approval of*
38 *the accessory building by the local governing body or planning*
39 *commission.*

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

41 534.185 1. The State Engineer shall, upon written request
42 and receipt of a written agreement between the affected property
43 owners, waive the requirements of this chapter regarding permits for
44 the use and development of underground water from a well if:

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



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

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

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

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

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

534.350 1. The State Engineer shall adopt regulations establishing a program that allows a public water system to receive credits, as provided in this section, for the addition of new customers to the system. The program must be limited to public water systems in areas:

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

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

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

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

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

↳ to take testimony from any interested persons regarding the proposed regulations.

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

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

(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a ~~[water]~~ **domestic** well, which:

(1) Is located within that basin;

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



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

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

4. If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:

(a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map for the parcel of land; and

(b) Maintains its date of priority established pursuant to NRS 534.080.

5. If an owner of a parcel of land specified in subsection 4 becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.

6. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 3 ~~or whose right to appropriate water is dedicated pursuant to subsection 4~~, to plug that well.

~~5-7~~ 7. A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or ~~1,800 gallons per day,~~ **2 acre feet per year**, whichever is less.

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

~~6-7~~ 8. This section does not:

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



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

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

~~[7-]~~ 9. As used in this section:

(a) "Domestic well" means a well used for culinary and household purposes in ~~[a]~~ :

(1) A single-family dwelling ~~[.]~~ ; and

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

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

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

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

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

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

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

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

2. *In addition to any other requirement set forth in this section, a person who proposes to divide any land for transfer or development shall prepare and provide a copy of a parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:*

(a) *Any parcel included in the parcel map:*

(1) *Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring approval by him of the parcel map; and*

(2) *Will be served by a domestic well; and*



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1 ***(b) The dedication of a right to appropriate water to ensure a***
2 ***sufficient supply of water is not required by an applicable local***
3 ***ordinance.***

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

7 ~~**3-1**~~ **4.** A common-interest community consisting of four units
8 or less shall be deemed to be a division of land within the meaning
9 of this section, but need only comply with this section and NRS
10 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and
11 278.466.

12 ~~**4-1**~~ **5.** A parcel map is not required when the division is for
13 the express purpose of:

14 (a) The creation or realignment of a public right-of-way by a
15 public agency.

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

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

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

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

27 ~~**5-1**~~ **6.** A parcel map is not required for any of the following
28 transactions involving land:

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

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

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

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

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

40 ~~**6-1**~~ **7.** When two or more separate lots, parcels, sites, units or
41 plots of land are purchased, they remain separate for the purposes of
42 this section and NRS 278.468, 278.590 and 278.630. When the lots,
43 parcels, sites, units or plots are resold or conveyed they are exempt
44 from the provisions of NRS 278.010 to 278.630, inclusive, until
45 further divided.



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

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

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

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

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

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

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

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

(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 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



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1 or other authorized person or agency fails to take action within the
2 period specified in this subsection, the parcel map shall be deemed
3 approved.

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

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

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

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

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

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

30 7. If a parcel map and the associated division of land are
31 approved or deemed approved pursuant to this section, the approval
32 must be noted on the map in the form of a certificate attached
33 thereto and executed by the clerk of the governing body, the
34 governing body's designated representative or the chairman of the
35 planning commission. A certificate attached to a parcel map
36 pursuant to this subsection must indicate, if applicable, that the
37 governing body or planning commission determined that a public
38 street, easement or utility easement which will not remain in effect
39 after a merger and resubdivision of parcels conducted pursuant to
40 NRS 278.4925 has been vacated or abandoned in accordance with
41 NRS 278.480.

42 **Sec. 8.5.** NRS 278.466 is hereby amended to read as follows:

43 278.466 1. The parcel map must be legibly drawn in
44 permanent black ink on tracing cloth or produced by the use of other
45 materials of a permanent nature generally used for that purpose in



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1 the engineering profession. Affidavits, certificates and
2 acknowledgments must be legibly stamped or printed upon the map
3 with permanent black ink. The size of each sheet must be 24 by 32
4 inches. A marginal line must be drawn completely around each
5 sheet, leaving an entirely blank margin of 1 inch at the top, bottom
6 and right edges, and of 2 inches at the left edge along the 24-inch
7 dimension.

8 2. A parcel map must indicate the owner of any adjoining land,
9 or any right-of-way if owned by the person dividing the land.

10 3. A parcel map must show:

11 (a) The area of each parcel or lot and the total area of the land to
12 be divided in the following manner:

13 (1) In acres, calculated to the nearest one-hundredth of an
14 acre, if the area is 2 acres or more; or

15 (2) In square feet if the area is less than 2 acres.

16 (b) All monuments found, set, reset, replaced or removed,
17 describing their kind, size and location and giving other data relating
18 thereto.

19 (c) Bearing or witness monuments, the basis of bearings,
20 bearing and length of lines and the scale of the map.

21 (d) The name and legal designation of the tract or grant in which
22 the survey is located and any ties to adjoining tracts.

23 (e) Any easements granted or dedications made.

24 (f) Any other data necessary for the intelligent interpretation of
25 the various items and locations of the points, lines and area shown.

26 4. A parcel map must include:

27 (a) The memorandum of oaths described in NRS 625.320.

28 (b) The certificate of the surveyor required pursuant to
29 NRS 278.375.

30 (c) The *certificate of the Division of Water Resources of the*
31 *State Department of Conservation and Natural Resources issued*
32 *pursuant to NRS 278.461, if any.*

33 (d) *The* signature of each owner of the land to be divided.

34 5. A governing body may by local ordinance require a parcel
35 map to include:

36 (a) A report from a title company which lists the names of:

37 (1) Each owner of record of the land to be divided; and

38 (2) Each holder of record of a security interest in the land to
39 be divided,

40 ➔ if the security interest was created by a mortgage or a deed of
41 trust.

42 (b) The written consent of each holder of record of a security
43 interest listed pursuant to subparagraph (2) of paragraph (a) to the
44 preparation and recordation of the parcel map. A holder of record of
45 a security interest may consent by signing:



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- 1 (1) The parcel map; or
- 2 (2) A separate document that is recorded with the parcel map
- 3 and declares his consent to the division of land, if the map contains
- 4 a notation that a separate document has been recorded to this effect.

5 6. If the requirement for a parcel map is waived, the governing

6 body may specify by local ordinance the type and extent of

7 information or mapping necessary for the division of land.

8 7. Reference to the parcel number and recording data of a

9 recorded parcel map is a complete legal description of the land

10 contained in the parcel.

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

12 278.5693 1. For a boundary line to be adjusted or for land to

13 be transferred pursuant to paragraph (c) of subsection ~~4~~ 5 of NRS

14 278.461, a professional land surveyor must have performed a field

15 survey, set monuments and filed a record of survey pursuant to

16 NRS 625.340.

17 2. A record of survey filed pursuant to subsection 1 must

18 contain:

19 (a) A certificate by the professional land surveyor who prepared

20 the map stating that:

21 (1) He has performed a field survey sufficient to locate and

22 identify properly the proposed boundary line adjustment;

23 (2) All corners and angle points of the adjusted boundary line

24 have been defined by monuments or will be otherwise defined on a

25 document of record as required by NRS 625.340; and

26 (3) The map is not in conflict with the provisions of NRS

27 278.010 to 278.630, inclusive.

28 (b) A certificate that is executed and acknowledged by each

29 affected owner of the abutting parcels which states that:

30 (1) He has examined the plat and approves and authorizes the

31 recordation thereof;

32 (2) He agrees to execute the required documents creating any

33 easement which is shown;

34 (3) He agrees to execute the required documents abandoning

35 any existing easement pursuant to the provisions of NRS 278.010 to

36 278.630, inclusive;

37 (4) All property taxes on the land for the fiscal year have

38 been paid; and

39 (5) Any lender with an impound account for the payment of

40 taxes has been notified of the adjustment of the boundary line or the

41 transfer of the land.

42 (c) A certificate by the governing body or its designated

43 representative approving the adjustment of the boundary line.



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

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