

SENATE BILL NO. 75—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 8, 2007

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing subsisting rights to water livestock. (BDR 48-263)

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; revising provisions governing the manner of proof, date of priority and marking of location for subsisting rights to water livestock; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, an owner of livestock may prove to the State Engineer that
2 he has a subsisting right to water livestock on public lands and unfenced private
3 land by submitting evidence of certain documents and a map showing the location
4 of the subsisting water right. (NRS 533.492) This bill amends the specifications for
5 the documents and map an owner may submit to the State Engineer. This bill also
6 creates certain presumptions relating to the date of priority an owner of livestock
7 will be granted when he submits the documents to the State Engineer.

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

1 **Section 1.** NRS 533.492 is hereby amended to read as follows:
2 533.492 1. A subsisting right to water livestock may be
3 proven by an owner of livestock by one or more of the following
4 items of evidence for the number of livestock and date of priority:
5 (a) As to water rights on open range, whether public lands or
6 unfenced private lands or a combination of these:
7 (1) A statement of priority of use submitted to the Taylor
8 Grazing Service, predecessor to the Bureau of Land Management, to



1 show the numbers of livestock grazed upon the open range, for
2 years from 1928 to 1934, inclusive, if accompanied by evidence of
3 changes or absence of change since the date of the statement;

4 (2) A license issued by the Taylor Grazing Service ~~{for use~~
5 ~~upon the open range;}~~ or *a current permit issued by the Bureau of*
6 *Land Management which sets forth the number and class of*
7 *livestock licensed or permitted and the place of use; or*

8 (3) A statement of priority of use, or a license ~~{}~~ *or current*
9 *permit*, issued by the United States Forest Service for the grazing of
10 livestock ~~{before 1950.}~~ *which sets forth the number and class of*
11 *livestock licensed or permitted and the place of use.*

12 (b) As to water rights on other privately owned land:

13 (1) An affidavit concerning the number and kind of livestock
14 by a person familiar with the use made of the lands;

15 (2) A record of livestock assessed to the claimant of the
16 right, or his predecessor, by a county assessor;

17 (3) A count of livestock belonging to the claimant or his
18 predecessor made by a lender; or

19 (4) An affidavit of a disinterested person.

20 2. *Proof of use established pursuant to paragraph (a) of*
21 *subsection 1 creates a conclusive presumption that such use*
22 *existed for the number of livestock claimed, and with:*

23 (a) *A date of priority before 1905 as to surface water located*
24 *within a national forest;*

25 (b) *A date of priority before 1928 as to surface water located*
26 *on public land; or*

27 (c) *An earlier date of priority as evidenced by a statement of*
28 *priority of use.*

29 3. The location of a subsisting right to water livestock and its
30 extent along a stream ~~{may}~~ *, if applicable, must* be shown by
31 marking upon a ~~{topographic}~~ *location* map whose scale is not less
32 than ~~{1:100,000 or a map}~~ *1 mile per inch. The location map must*
33 *be* prepared by ~~{the United States Geological Survey covering a~~
34 ~~quadrangle of 7 1/2 minutes of latitude and longitude and by further~~
35 ~~identifying the location or extent by one-sixteenth sections within a~~
36 ~~numbered section, township and range as certified by}~~ *a registered*
37 *state water right surveyor* ~~{}~~ *and must identify the location of the*
38 *subsisting right to water livestock by course and distance to a*
39 *section corner as to:*

40 (a) *A point location for a spring or well; or*

41 (b) *The reach of a stream.*

