

Amendment No. 811

Assembly Amendment to Senate Bill No. 275 First Reprint (BDR 48-208)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JRS/TMC



Date: 5/20/2007

S.B. No. 275—Makes various changes relating to underground water.
(BDR 48-208)



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 ~~for an appropriation~~ *for the use* 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~~ *dwelling unit* 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:

Under existing law, the State Engineer may exempt from the application of chapter 534 of NRS, relating to underground water and wells, the use of water from a well for a domestic use or purpose if the use or purpose directly relates to a single-family dwelling and the draught does not exceed 1,800 gallons per day. (NRS 534.013, 534.180) **Sections 1, 4, 5 and 6** of this bill quantify the maximum limit of domestic use of underground water from a well as 2 acre feet per year instead of 1,800 gallons per day. **Sections 1, 4, 6 and 7** of this bill authorize a local ordinance to extend a domestic use or purpose to an accessory ~~building~~ *dwelling unit* of ~~the~~ *a* 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~~ *dwelling unit* of a single-family dwelling, *as defined in the local ordinance*, 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 **such** a person, in addition to filing a parcel map in accordance with the local ordinance, to ~~prepare and file~~ **provide a copy of the** parcel map ~~with~~ **to** 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 ~~it~~:

1. A single-family dwelling ~~it~~; and

2. *An accessory ~~building~~ dwelling unit 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 Engineer, as provided for in this chapter, must first make application to and obtain from the State Engineer a permit to appropriate the water, pursuant to the provisions of chapter 533 of NRS relating to the appropriation of the public waters, before performing any work in connection with the boring or sinking of the well.

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

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

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

(c) For wells to be drilled in shallow groundwater systems and pumped to alleviate potential hazards to persons and property resulting from the rise of groundwater caused by secondary recharge. If practical, approved by the State

1 Engineer and consistent with this chapter and chapter 533 of NRS, the withdrawn
2 water must be used for some other beneficial use.

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

9 4. Upon written application and a showing of good cause, the State Engineer
10 may issue a written waiver of the requirements of subsection 3, to allow temporary
11 use of water in constructing a highway or exploring for ~~water~~, oil, gas, minerals or
12 geothermal resources.

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

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

17 534.080 1. A legal right to appropriate underground water for beneficial use
18 from an artesian or definable aquifer subsequent to March 22, 1913, or from
19 percolating water, the course and boundaries of which are incapable of
20 determination, subsequent to March 25, 1939, can only be acquired by complying
21 with the provisions of chapter 533 of NRS pertaining to the appropriation of water.

22 2. The State Engineer may, upon written notice sent by registered or certified
23 mail, return receipt requested, advise the owner of a well who is using water
24 therefrom without a permit to appropriate ~~{such}~~ the water to cease using ~~{such}~~ the
25 water until he has complied with the laws pertaining to the appropriation of water.
26 If the owner fails to initiate proceedings to secure such a permit within 30 days
27 ~~{from}~~ after the date of ~~{such}~~ the notice, he ~~{shall be}~~ is guilty of a misdemeanor.

28 3. ~~{The}~~ *Except as otherwise provided in subsection 4 and NRS 534.180, the*
29 *date of priority of all appropriations of water from an underground source* ~~{}~~
30 *mentioned in this section* ~~{}~~ *is the date when application is made in proper form*
31 *and filed in the Office of the State Engineer pursuant to the provisions of chapter*
32 *533 of NRS.*

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

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

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

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

41 534.090 1. Except as otherwise provided in this section, failure for 5
42 successive years after April 15, 1967, on the part of the holder of any right, whether
43 it is an adjudicated right, an unadjudicated right ~~{}~~ or a permitted right, and further
44 whether the right is initiated after or before March 25, 1939, to use beneficially all
45 or any part of the underground water for the purpose for which the right is acquired
46 or claimed, works a forfeiture of both undetermined rights and determined rights to
47 the use of that water to the extent of the nonuse. ~~{For water rights in basins for~~
48 ~~which the State Engineer keeps pumping records, if}~~ *If* the records of the State
49 Engineer *or any other documents specified by the State Engineer* indicate at least
50 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part
51 of ~~{such}~~ a water right which is governed by this chapter, the State Engineer shall
52 notify the owner of the water right, as determined in the records of the Office of the
53 State Engineer, by registered or certified mail that he has 1 year after the date of the

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

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

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

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

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

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

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

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

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

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

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

2 534.120 1. Within an area that has been designated by the State Engineer, as
3 provided for in this chapter, where, in his judgment, the groundwater basin is being
4 depleted, the State Engineer in his administrative capacity ~~is herewith empowered~~
5 ~~to~~ **may** make such rules, regulations and orders as are deemed essential for the
6 welfare of the area involved.

7 2. In the interest of public welfare, the State Engineer is authorized and
8 directed to designate preferred uses of water within the respective areas so
9 designated by him and from which the groundwater is being depleted, and in acting
10 on applications to appropriate groundwater, he may designate such preferred uses in
11 different categories with respect to the particular areas involved within the
12 following limits:

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

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

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

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

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

24 (c) Limit the depth of domestic wells.

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

29 ***(e) In connection with the approval of a parcel map in which any parcel is***
30 ***proposed to be served by a domestic well, require the dedication to a city or***
31 ***county or a designee of a city or county, or require a relinquishment to the State***
32 ***Engineer, of any right to appropriate water required by the State Engineer to***
33 ***ensure a sufficient supply of water for each of those parcels, unless the***
34 ***dedication of the right to appropriate water is required by a local ordinance.***

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

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

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

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

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

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

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

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

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 ~~[a daily maximum of 1,800 gallons.]~~ *2 acre feet per year.*

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well 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. 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,

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

4. *If the development and use of underground water from a well for an accessory ~~[building]~~ dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose :* ~~[pursuant to an applicable local ordinance.]~~

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

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

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

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

(b) *The local governing body or planning commission shall report the ~~[withdrawal of water from the well]~~ approval of the accessory dwelling unit on a form provided by the State Engineer;*

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

(d) *The date of priority for the use of the domestic well to supply water to the accessory ~~[building]~~ dwelling unit is the date of approval of the accessory ~~[building]~~ dwelling unit by the local governing body or planning commission.*

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

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

(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*

1 *Engineer. A right to appropriate water that is dedicated and relinquished*
2 *pursuant to this subsection:*

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

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

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

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

14 ~~5.7~~ 7. A credit granted pursuant to this section:

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

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

20 ~~6.8~~ 8. This section does not:

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

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

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

26 ~~7.9~~ 9. As used in this section:

27 (a) "Domestic well" means a well used for culinary and household purposes in
28 ~~the~~ :

29 (1) A single-family dwelling ~~the~~ ; and

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

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

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

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

36 278.461 1. Except as otherwise provided in this section, a person who
37 proposes to divide any land for transfer or development into four lots or less shall:

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

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

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

47 2. *In addition to any other requirement set forth in this section, a person*
48 *who proposes to divide any land for transfer or development shall prepare and*
49 *is required to prepare a parcel map pursuant to subsection 1 shall provide a copy*
50 *of ~~the~~ the parcel map to the Division of Water Resources of the State Department*
51 *of Conservation and Natural Resources and obtain a certificate from the Division*
52 *indicating that the parcel map is approved as to the quantity of water available*
53 *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*
(b) *The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.*

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

~~3.3~~ 4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

~~4.4~~ 5. A parcel map is not required when the division is for the express purpose of:

- (a) The creation or realignment of a public right-of-way by a public agency.
- (b) The creation or realignment of an easement.
- (c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.
- (d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.
- (e) Carrying out an order of any court or dividing land as a result of an operation of law.

~~5.5~~ 6. A parcel map is not required for any of the following transactions involving land:

- (a) The creation of a lien, mortgage, deed of trust or any other security instrument.
- (b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.
- (c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.
- (d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.
- (e) Filing a certificate of amendment pursuant to NRS 278.473.

~~6.6~~ 7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

~~7.7~~ 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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 7. If a parcel map and the associated division of land are approved or deemed
49 approved pursuant to this section, the approval must be noted on the map in the
50 form of a certificate attached thereto and executed by the clerk of the governing
51 body, the governing body's designated representative or the chairman of the
52 planning commission. A certificate attached to a parcel map pursuant to this
53 subsection must indicate, if applicable, that the governing body or planning

1 commission determined that a public street, easement or utility easement which will
2 not remain in effect after a merger and resubdivision of parcels conducted pursuant
3 to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

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

5 278.466 1. The parcel map must be legibly drawn in permanent black ink on
6 tracing cloth or produced by the use of other materials of a permanent nature
7 generally used for that purpose in the engineering profession. Affidavits,
8 certificates and acknowledgments must be legibly stamped or printed upon the map
9 with permanent black ink. The size of each sheet must be 24 by 32 inches. A
10 marginal line must be drawn completely around each sheet, leaving an entirely
11 blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left
12 edge along the 24-inch dimension.

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

15 3. A parcel map must show:

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

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

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

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

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

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

27 (e) Any easements granted or dedications made.

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

30 4. A parcel map must include:

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

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

33 (c) The *certificate of the Division of Water Resources of the State*
34 *Department of Conservation and Natural Resources issued pursuant to NRS*
35 *278.461, if any.*

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

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

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

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

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

41 *↪* if the security interest was created by a mortgage or a deed of trust.

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

45 (1) The parcel map; or

46 (2) A separate document that is recorded with the parcel map and declares
47 his consent to the division of land, if the map contains a notation that a separate
48 document has been recorded to this effect.

49 6. If the requirement for a parcel map is waived, the governing body may
50 specify by local ordinance the type and extent of information or mapping necessary
51 for the division of land.

52 7. Reference to the parcel number and recording data of a recorded parcel
53 map is a complete legal description of the land contained in the parcel.

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

2 278.5693 1. For a boundary line to be adjusted or for land to be transferred
3 pursuant to paragraph (c) of subsection ~~4~~ 5 of NRS 278.461, a professional land
4 surveyor must have performed a field survey, set monuments and filed a record of
5 survey pursuant to NRS 625.340.

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

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

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

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

14 (3) The map is not in conflict with the provisions of NRS 278.010 to
15 278.630, inclusive.

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

18 (1) He has examined the plat and approves and authorizes the recordation
19 thereof;

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

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

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

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

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

29 **Sec. 10.** This act becomes effective on ~~July 1, 2007.~~ **January 1, 2008.**