

SENATE BILL NO. 204—SENATOR RHODS

MARCH 11, 2009

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing notice of an application for a permit to appropriate water. (BDR 48-1086)

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 notice of an application for a permit to appropriate water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Engineer to publish notice of an application for
2 a permit to appropriate water in the county where the water is sought to be
3 appropriated. (NRS 533.360) This bill requires the State Engineer to publish the
4 notice of the application: (1) in a newspaper of general circulation in the county in
5 which the water is sought to be appropriated; and (2) on the Internet website of the
6 State Engineer, unless the State Engineer is unable to do so because of technical
7 problems relating to the operation or maintenance of the website.

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

1 **Section 1.** NRS 533.360 is hereby amended to read as follows:
2 533.360 1. Except as otherwise provided in subsection 4,
3 NRS 533.345 and subsection 5 of NRS 533.370, when an
4 application is filed in compliance with this chapter, the State
5 Engineer shall, within 30 days, publish or cause to be published
6 ~~{once a week for 4 consecutive weeks in a newspaper of general~~
7 ~~circulation and printed and published in the county where the water~~
8 ~~is sought to be appropriated,}~~ a notice of the application . ~~{which~~
9 ~~sets}~~ ***The notice must:***



(a) Be published once a week for 4 consecutive weeks in a newspaper of general circulation that is printed and published in the county in which the water is sought to be appropriated;

(b) Be published on the Internet website of the State Engineer for 4 consecutive weeks at the same time the notice is published pursuant to paragraph (a), unless the State Engineer is unable to do so because of technical problems relating to the operation or maintenance of the website; and

(c) Set forth:

~~[(a)]~~ (1) That the application has been filed.

~~[(b)]~~ (2) The date of the filing.

~~[(c)]~~ (3) The name and address of the applicant.

~~[(d)]~~ (4) The name of the source from which the appropriation is to be made.

~~[(e)]~~ (5) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

~~[(f)]~~ (6) The purpose for which the water is to be appropriated.

~~{→ The publisher shall add thereto the}~~

(7) *The* date of the first publication and the date of the last publication ~~{}~~ *of the notice.*

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

→ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

5. The inability of the State Engineer to publish notice on the Internet website of the State Engineer of an application or provide proof of publication of the notice pursuant to paragraph (b) of



- 1 *subsection 1 as a result of technical problems with the website*
- 2 *does not invalidate a notice of the application that satisfies the*
- 3 *other requirements of this section.*
- 4 **Sec. 2.** This act becomes effective on July 1, 2009.

