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SECOND REPRINT **A.B. 114**

ASSEMBLY BILL NO. 114–COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises the amount of the fee for issuing and recording a certain permit for an existing water right for irrigational purposes. (BDR 48-209)

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 water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a schedule of fees that the State Engineer is required to collect for providing various services relating to the appropriation of water for beneficial uses in Nevada. In 2009, a fee of $200 for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes was eliminated and the following fee became applicable to such a permit: (1) a fee of $250 for issuing and recording a permit to change an existing water right for any purpose other than for watering livestock or wildlife purposes or for certain uses concerning the generation of hydroelectric power; and (2) an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer. (Chapter 250, Statutes of Nevada 2009, p. 1014; NRS 533.435) This bill reinstates and increases to $750 the flat fee that had been eliminated in 2009 for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes. Thus, under this bill, a person who is issued such a permit is required to pay a flat fee of $750 rather than a fee of $250 plus an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer.

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

Section 1. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $300.00
This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a permit to appropriate water 100.00

For examining and acting upon plans and specifications for construction of a dam 1,000.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 200.00
This fee includes the cost of the publication of the application, which is $50.

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water or watering livestock or wildlife purposes 300.00
plus $3 per acre-foot approved or fraction thereof.

~~[For issuing and recording each permit to change an existing right whether temporary or permanent for any purpose, except]~~ ***Except*** for generating hydroelectric power which results in nonconsumptive use of the water, for watering livestock or wildlife purposes which change the point of diversion or place of use only ***or for irrigational purposes which change the point of diversion or place of use only, for issuing and recording each permit to change an existing right whether temporary or permanent for any purpose*** 250.00
plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit to change the point of diversion or place of use only of an existing right whether temporary or permanent for irrigational purposes $750.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right only whether temporary or permanent for watering livestock or wildlife purposes..... 200.00

plus $50 for each second-foot of water approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water..... 400.00

plus $50 for each second-foot of water approved or fraction thereof.

For issuing a waiver in connection with an application to drill a well 100.00

For filing a secondary application under a reservoir permit 250.00

For approving and recording a secondary permit under a reservoir permit..... 450.00

For reviewing each tentative subdivision map..... 150.00

plus $1 per lot.

For reviewing and approving each final subdivision map..... 100.00

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet..... 400.00

plus $1 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work 50.00

For filing proof of beneficial use 50.00

For filing proof of resumption of a water right..... 300.00

For filing any protest..... 25.00

For filing any application for extension of time within which to file proofs, for each year for which the extension of time is sought..... 100.00

For reviewing a cancellation of a water right pursuant to a petition for review 300.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... $100.00
plus $20 per conveyance document
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page 1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 5.00
For each blueprint copy of any drawing or map, per square foot 5.00
The minimum charge for a blueprint copy, per print 3.00
For colored mylar plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for blueprint copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund. The State Engineer may maintain, with the approval of the State Board of Examiners, a checking account in any bank or credit union qualified to handle state money to carry out the provisions of this subsection. The account must be secured by a depository bond satisfactory to the State Board of Examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

Sec. 2. This act becomes effective on July 1, 2011.

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