

SENATE BILL NO. 363—SENATOR RHODS

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises the notice and publication requirements for certain applications for water rights. (BDR 48-31)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 applications for water rights; revising certain notice and publication requirements for certain applications for water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Engineer to publish notice of certain applications for water rights once a week for 4 consecutive weeks within 30 days after an application is filed. If the application is for a proposed well of a certain type, existing law requires the applicant to 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. Further, the applicant is required to send a certain number of notices by certified mail if there are more or less than six such wells. (NRS 533.360)

This bill requires the State Engineer to publish notice of certain applications for water rights twice a week for 8 consecutive weeks within 120 days after an application is filed. This bill also requires an applicant to mail copies of the notice of application to each owner of real property containing a domestic well that is within 5,000 feet of a proposed well of a certain type. Finally, this bill requires an applicant to send a certain number of notices by certified mail if there are more or less than 12 such wells.

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

Section 1. NRS 533.360 is hereby amended to read as follows:
533.360 1. Except as otherwise provided in subsection 4,
NRS 533.345 and subsection 5 of NRS 533.370, when an
application is filed in compliance with this chapter, the State



* S B 3 6 3 *

1 Engineer shall, within ~~{30}~~ 120 days, publish or cause to be
2 published ~~{once}~~ twice a week for ~~{4}~~ 8 consecutive weeks in a
3 newspaper of general circulation and printed and published in the
4 county where the water is sought to be appropriated, a notice of the
5 application which sets forth:

6 (a) That the application has been filed.

7 (b) The date of the filing.

8 (c) The name and address of the applicant.

9 (d) The name of the source from which the appropriation is to be
10 made.

11 (e) The location of the place of diversion, described by legal
12 subdivision or metes and bounds and by a physical description of
13 that place of diversion.

14 (f) The purpose for which the water is to be appropriated.

15 ➔ The publisher shall add thereto the date of the first publication
16 and the date of the last publication.

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

23 3. If the application is for a proposed well:

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

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

27 ➔ the applicant shall mail a copy of the notice of application to each
28 owner of real property containing a domestic well that is within
29 ~~{2,500}~~ 5,000 feet of the proposed well, to the owner's address as
30 shown in the latest records of the county assessor. If there are not
31 more than ~~{six}~~ 12 such wells, notices must be sent to each owner by
32 certified mail, return receipt requested. If there are more than ~~{six}~~
33 12 such wells, at least ~~{six}~~ 12 notices must be sent to owners by
34 certified mail, return receipt requested. The return receipts from
35 these notices must be filed with the State Engineer before the State
36 Engineer may consider the application.

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

