

ASSEMBLY BILL NO. 483—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

MARCH 25, 2013

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Limits the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife. (BDR S-745)

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; limiting the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the State Engineer to collect certain fees from persons
- 2 applying to appropriate waters of the State for wildlife purposes. (NRS 533.435)
- 3 This bill limits the amount of the fees that the State Engineer may charge and
- 4 collect from the Department of Wildlife for certain applications to appropriate drain
- 5 and flood waters within the Humboldt Sink for wildlife purposes.

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

- 1 **Section 1.** The Legislature hereby finds and declares that,
- 2 because of the unique and special conditions of the Humboldt
- 3 Wildlife Management Area, certain limitations on fees imposed and
- 4 collected by the State Engineer are necessary to allow the
- 5 Department of Wildlife to maintain the wildlife and wetlands
- 6 located within the Humboldt Wildlife Management Area. The
- 7 Legislature further finds and declares that:



* A B 4 8 3 *

1 1. In 1975, the Department of Wildlife submitted four
2 applications to the State Engineer for permission to appropriate
3 certain drain and flood waters within the Humboldt Sink in the
4 amount of 7,750 cubic feet per second for the purpose of
5 maintaining the wildlife and wetlands located within the Humboldt
6 Wildlife Management Area.

7 2. If the applications described in subsection 1 had been
8 approved in 1975, the fees would have totaled \$100 for all four
9 applications.

10 3. Because of a backlog of applications, the State Engineer did
11 not process the applications described in subsection 1 until 2008,
12 when the fees totaled \$387,500 for all four applications.

13 4. The water rights described in subsection 1 are necessary to
14 maintain the wildlife and wetlands located within the Humboldt
15 Wildlife Management Area because:

16 (a) The drain and flood waters are the only source of water for
17 the Humboldt Wildlife Management Area;

18 (b) The groundwater in the Humboldt Wildlife Management
19 Area and surrounding areas is of poor quality and not suitable for
20 maintaining the wildlife and wetlands; and

21 (c) The amount of water necessary to maintain the wildlife and
22 wetlands is not guaranteed and cannot be provided by the Pershing
23 County Water Conservation District.

24 5. Awarding the water rights described in subsection 1 would
25 not have adverse impacts on irrigation in this State or on the
26 economy of this State.

27 6. A special act is necessary to limit the fees imposed upon the
28 Department of Wildlife to a reasonable amount, and a general law
29 cannot be made applicable because of the unique circumstances
30 surrounding the applications and the necessity of the water rights in
31 maintaining the wildlife and wetlands.

32 **Sec. 2.** Notwithstanding the provisions of NRS 533.435, the
33 State Engineer shall charge and collect a fee of not more than
34 \$1,000 for each of the applications submitted in 1975 by the
35 Department of Wildlife to appropriate drain and flood waters within
36 the Humboldt Sink in the amount of 7,750 cubic feet per second for
37 wildlife purposes.

38 **Sec. 3.** This act becomes effective upon passage and approval.

