

**Amendment No. 158**

Senate Amendment to Senate Bill No. 134 (BDR 48-249)

**Proposed by:** Senate Committee on Natural Resources

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 134 (§ 1).

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 underlining* is newly added transitory language.

DPR/JRS



Date: 4/8/2013

S.B. No. 134—Revises provisions governing animals. (BDR 48-249)



SENATE BILL NO. 134—SENATORS GOICOECHEA,  
GUSTAVSON; AND CEGAVSKE

FEBRUARY 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLISON AND GRADY

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing animals. (BDR 48-249)

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 animals; ~~defining the term “water” to include snow for the purpose of watering livestock; setting forth the meaning of “point of diversion” or “place of diversion” for the use of water for that purpose;~~ authorizing a person to apply for a temporary permit to appropriate groundwater to water livestock under certain circumstances; requiring the Department of Wildlife to maintain certain fences; ~~requiring the Department to submit an application to the State Engineer before placing a guzzler;~~ requiring each guzzler to have a notice posted containing certain information; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Under existing law, the water of all sources of water supply in this State belongs to the public and, subject to existing rights, may be appropriated for a beneficial use in accordance with chapter 533 of NRS. (NRS 533.025, 533.030) Existing law also specifically declares that the use of water for watering livestock is a beneficial use and that the right to use water for that purpose may be acquired in the same manner as the right to use water for any other beneficial use. (NRS 533.490) **Section 1** of this bill ~~defines the term “water” to include snow for the purpose of watering livestock. Section 5 of this bill specifies that, on application to the State Engineer for a right to use water for that purpose or to establish that right, the terms “point of diversion” or “place of diversion” mean the place from which the water is physically diverted from its source or the place at which the livestock consume water in situ without a mechanical method of diverting the water.~~ authorizes a person to apply for a temporary permit to appropriate groundwater to water livestock if the point of diversion is located within a county under a declaration of drought, or within a county that is contiguous to a county under such a declaration, by the Governor, the United States Secretary of Agriculture or the President of the United States.

Sections 2.1-2.5 of this bill exempt an application for such a temporary permit from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper and authorization for the filing of protests against the granting of the application. This

expedited process is similar to the process for the issuance by the State Engineer of temporary permits to appropriate water to establish vegetative cover that is resistant to fire and environmental permits. (NRS 533.436-533.4377)

Existing law creates the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331) **Section 7** of this bill requires the Department, whenever the Department constructs or causes to be constructed a fence in carrying out its duties, to ensure that the fence is constructed and maintained in such a manner as to prevent livestock from becoming trapped in the fence. **Section 8** of this bill requires ~~the Department to submit an application to the State Engineer before placing a guzzler with a capacity of 1,000 gallons or more. The application must include an accurate description of the location and site of the proposed guzzler.~~ each guzzler that is placed to have a notice posted on it which provides the telephone number and any other contact information which may be used to notify the person or agency that placed the guzzler if the guzzler is in disrepair. **Section 8** defines the term "guzzler" as any artificial basin that collects or is designed and constructed to collect precipitation specifically for use by any wildlife.

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

**Section 1.** Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

~~For the purpose of watering livestock, the term "water" includes snow.~~

1. Except as otherwise provided in NRS 533.495 and 533.503, a person may apply for a temporary permit to appropriate groundwater to water livestock if the point of diversion is located within a county under a declaration of drought, or within a county contiguous to a county under such a declaration, by the:

(a) Governor;

(b) United States Secretary of Agriculture; or

(c) President of the United States.

2. In addition to the information required by NRS 533.335 and 533.340, an applicant for a temporary permit to appropriate groundwater pursuant to this section shall submit to the State Engineer:

(a) An affidavit stating that, if the temporary permit is for a well, the holder of the temporary permit will plug and seal the well pursuant to chapter 534 of NRS upon the expiration of the temporary permit; and

(b) Any other information required by the State Engineer to determine the necessity of the temporary appropriation.

3. The State Engineer shall approve an application for a temporary permit to appropriate groundwater pursuant to this section if:

(a) The application is accompanied by the fee prescribed by this chapter;

(b) The temporary appropriation is in the public interest; and

(c) The temporary appropriation does not impair water rights held by other persons.

4. A temporary permit to appropriate groundwater issued pursuant to this section must not exceed 1 year in duration.

**Sec. 2.** ~~NRS 533.005 is hereby amended to read as follows:~~

~~533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, and section 1 of this act have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

**Sec. 2.1.** 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 2 of NRS 533.370, when an application is filed in compliance with this

chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

- (a) That the application has been filed.
- (b) The date of the filing.
- (c) The name and address of the applicant.
- (d) The name of the source from which the appropriation is to be made.
- (e) 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) The purpose for which the water is to be appropriated.

➤ The publisher shall add thereto the date of the first publication and the date of the last publication.

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 the owner's 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 the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436. or section 1 of this act.

**Sec. 2.2. NRS 533.363 is hereby amended to read as follows:**

533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and

(b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit or a temporary permit issued pursuant to NRS 533.436. or section 1 of this act.

(b) If:

- (1) The water is to be appropriated and used; or
- (2) Both the current and requested place of diversion or use of the water

are,

➤ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3 consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

**Sec. 2.3. NRS 533.370 is hereby amended to read as follows:**

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

- 1 (a) Upon written authorization to do so by the applicant.
- 2 (b) If an application is protested.
- 3 (c) If the purpose for which the application was made is municipal use.
- 4 (d) In areas where studies of water supplies have been determined to be
- 5 necessary by the State Engineer pursuant to NRS 533.368.
- 6 (e) Where court actions or adjudications are pending, which may affect the
- 7 outcome of the application.
- 8 (f) In areas in which adjudication of vested water rights is deemed necessary
- 9 by the State Engineer.
- 10 (g) On an application for a permit to change a vested water right in a basin
- 11 where vested water rights have not been adjudicated.
- 12 (h) Where authorized entry to any land needed to use the water for which the
- 13 application is submitted is required from a governmental agency.
- 14 (i) On an application for which the State Engineer has required additional
- 15 information pursuant to NRS 533.375.

16 5. If the State Engineer does not act upon an application in accordance with  
17 subsections 4 and 6, the application remains active until approved or rejected by the  
18 State Engineer.

19 6. Except as otherwise provided in this subsection and subsection 10, the  
20 State Engineer shall approve or reject, within 6 months after the final date for filing  
21 a protest, an application filed to change the point of diversion of water already  
22 appropriated when the existing and proposed points of diversion are on the same  
23 property for which the water has already been appropriated under the existing water  
24 right or the proposed point of diversion is on real property that is proven to be  
25 owned by the applicant and is contiguous to the place of use of the existing water  
26 right. The State Engineer may postpone action on the application pursuant to  
27 subsection 4.

28 7. If the State Engineer has not approved, rejected or held a hearing on an  
29 application within 7 years after the final date for filing a protest, the State Engineer  
30 shall cause notice of the application to be republished pursuant to NRS 533.360  
31 immediately preceding the time at which the State Engineer is ready to approve or  
32 reject the application. The cost of the republication must be paid by the applicant.  
33 After such republication, a protest may be filed in accordance with NRS 533.365.

34 8. If a hearing is held regarding an application, the decision of the State  
35 Engineer must be in writing and include findings of fact, conclusions of law and a  
36 statement of the underlying facts supporting the findings of fact. The written  
37 decision may take the form of a transcription of an oral ruling. The rejection or  
38 approval of an application must be endorsed on a copy of the original application,  
39 and a record must be made of the endorsement in the records of the State Engineer.  
40 The copy of the application so endorsed must be returned to the applicant. Except  
41 as otherwise provided in subsection 11, if the application is approved, the applicant  
42 may, on receipt thereof, proceed with the construction of the necessary works and  
43 take all steps required to apply the water to beneficial use and to perfect the  
44 proposed appropriation. If the application is rejected, the applicant may take no  
45 steps toward the prosecution of the proposed work or the diversion and use of the  
46 public water while the rejection continues in force.

47 9. If a person is the successor in interest of an owner of a water right or an  
48 owner of real property upon which a domestic well is located and if the former  
49 owner of the water right or real property on which a domestic well is located had  
50 previously filed a written protest against the granting of an application, the  
51 successor in interest must be allowed to pursue that protest in the same manner as if  
52 the successor in interest were the former owner whose interest he or she succeeded.  
53 If the successor in interest wishes to pursue the protest, the successor in interest

1 must notify the State Engineer in a timely manner on a form provided by the State  
2 Engineer.

3 10. The provisions of subsections 1 to 9, inclusive, do not apply to an  
4 application for an environmental permit or a temporary permit issued pursuant to  
5 NRS 533.436. or section 1 of this act.

6 11. The provisions of subsection 8 do not authorize the recipient of an  
7 approved application to use any state land administered by the Division of State  
8 Lands of the State Department of Conservation and Natural Resources without the  
9 appropriate authorization for that use from the State Land Registrar.

10 12. As used in this section, "domestic well" has the meaning ascribed to it in  
11 NRS 534.350.

12 **Sec. 2.4. NRS 533.380 is hereby amended to read as follows:**

13 533.380 1. Except as otherwise provided in subsection 5, in an endorsement  
14 of approval upon any application, the State Engineer shall:

15 (a) Set a time before which the construction of the work must be completed,  
16 which must be within 5 years after the date of approval.

17 (b) Except as otherwise provided in this paragraph, set a time before which the  
18 complete application of water to a beneficial use must be made, which must not  
19 exceed 10 years after the date of the approval. The time set under this paragraph  
20 respecting an application for a permit to apply water to a municipal or quasi-  
21 municipal use on any land:

22 (1) For which a final subdivision map has been recorded pursuant to  
23 chapter 278 of NRS;

24 (2) For which a plan for the development of a project has been approved by  
25 the local government pursuant to NRS 278.010 to 278.460, inclusive; or

26 (3) On any land for which a plan for the development of a planned unit  
27 development has been recorded pursuant to chapter 278A of NRS,  
28 must not be less than 5 years.

29 2. The State Engineer may limit the applicant to a smaller quantity of water,  
30 to a shorter time for the completion of work, and, except as otherwise provided in  
31 paragraph (b) of subsection 1, to a shorter time for the perfecting of the application  
32 than named in the application.

33 3. Except as otherwise provided in subsection 4 and NRS 533.395 and  
34 533.4377, the State Engineer may, for good cause shown, grant any number of  
35 extensions of time within which construction work must be completed, or water  
36 must be applied to a beneficial use under any permit therefor issued by the State  
37 Engineer, but a single extension of time for a municipal or quasi-municipal use for  
38 a public water system, as defined in NRS 445A.235, must not exceed 5 years, and  
39 any other single extension of time must not exceed 1 year. An application for the  
40 extension must in all cases be:

41 (a) Made within 30 days following notice by registered or certified mail that  
42 proof of the work is due as provided for in NRS 533.390 and 533.410; and

43 (b) Accompanied by proof and evidence of the reasonable diligence with  
44 which the applicant is pursuing the perfection of the application.

45 must The State Engineer shall not grant an extension of time unless the State Engineer  
46 determines from the proof and evidence so submitted that the applicant is  
47 proceeding in good faith and with reasonable diligence to perfect the application.  
48 The failure to provide the proof and evidence required pursuant to this subsection is  
49 prima facie evidence that the holder is not proceeding in good faith and with  
50 reasonable diligence to perfect the application.

51 4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever  
52 the holder of a permit issued for any municipal or quasi-municipal use of water on  
53 any land referred to in paragraph (b) of subsection 1, or for any use which may be

1 served by a county, city, town, public water district or public water company,  
2 requests an extension of time to apply the water to a beneficial use, the State  
3 Engineer shall, in determining whether to grant or deny the extension, consider,  
4 among other factors:

5 (a) Whether the holder has shown good cause for not having made a complete  
6 application of the water to a beneficial use;

7 (b) The number of parcels and commercial or residential units which are  
8 contained in or planned for the land being developed or the area being served by the  
9 county, city, town, public water district or public water company;

10 (c) Any economic conditions which affect the ability of the holder to make a  
11 complete application of the water to a beneficial use;

12 (d) Any delays in the development of the land or the area being served by the  
13 county, city, town, public water district or public water company which were  
14 caused by unanticipated natural conditions; and

15 (e) The period contemplated in the:

16 (1) Plan for the development of a project approved by the local government  
17 pursuant to NRS 278.010 to 278.460, inclusive; or

18 (2) Plan for the development of a planned unit development recorded  
19 pursuant to chapter 278A of NRS,

20 if any, for completing the development of the land.

21 5. The provisions of subsections 1 and 4 do not apply to an environmental  
22 permit or a temporary permit issued pursuant to NRS 533.436 or section 1 of  
23 this act.

24 6. For the purposes of this section, the measure of reasonable diligence is the  
25 steady application of effort to perfect the application in a reasonably expedient and  
26 efficient manner under all the facts and circumstances. When a project or integrated  
27 system is composed of several features, work on one feature of the project or  
28 system may be considered in finding that reasonable diligence has been shown in  
29 the development of water rights for all features of the entire project or system.

30 **Sec. 2.5. NRS 533.400 is hereby amended to read as follows:**

31 533.400 1. Except as otherwise provided in subsection 2, on or before the  
32 date set in the endorsement of a permit for the application of water to beneficial  
33 use, or on the date set by the State Engineer under a proper application for  
34 extension thereof, any person holding a permit from the State Engineer to  
35 appropriate the public waters of the State of Nevada, to change the place of  
36 diversion or the manner or place of use, shall file with the State Engineer a  
37 statement under oath, on a form prescribed by the State Engineer. The statement  
38 must include:

39 (a) The name and post office address of the person making the proof.

40 (b) The number and date of the permit for which proof is made.

41 (c) The source of the water supply.

42 (d) The name of the canal or other works by which the water is conducted to  
43 the place of use.

44 (e) The name of the original person to whom the permit was issued.

45 (f) The purpose for which the water is used.

46 (g) If for irrigation, the actual number of acres of land upon which the water  
47 granted in the permit has been beneficially used, giving the same by 40-acre legal  
48 subdivisions when possible.

49 (h) An actual measurement taken by a licensed state water right surveyor or an  
50 official or employee of the Office of the State Engineer of the water diverted for  
51 beneficial use.

52 (i) The capacity of the works of diversion.



(j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.

(k) The average grade and difference in elevation between the termini of any conduit.

(l) The number of months, naming them, in which water has been beneficially used.

(m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.

2. The provisions of subsection 1 do not apply to a person holding an environmental permit or a temporary permit issued pursuant to NRS 533.436. ~~It~~ or section 1 of this act.

**Sec. 3.** ~~NRS 533.475 is hereby amended to read as follows:~~

~~533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, and section 1 of this act and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested. (Deleted by amendment.)~~

**Sec. 4.** ~~NRS 533.480 is hereby amended to read as follows:~~

~~533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, and section 1 of this act shall be guilty of a misdemeanor. (Deleted by amendment.)~~

**Sec. 4.5.** NRS 533.485 is hereby amended to read as follows:

533.485 As used in NRS 533.485 to 533.510, inclusive, ~~it~~, and section 1 of this act:

1. "Public range" means all lands belonging to the United States and to the State of Nevada on which livestock are permitted to graze, including lands set apart as national forests and lands reserved for other purposes.

2. "Range livestock" ~~shall mean~~ means livestock which during the general period or season when they are being or are proposed to be watered at the place involved ~~shall be~~ are subsisting chiefly or entirely by grazing on the public range.

**Sec. 5.** ~~NRS 533.490 is hereby amended to read as follows:~~

~~533.490 1. The use of water for watering livestock is hereby declared to be a beneficial use except as otherwise provided in NRS 533.495. Subject to such exception, the right to use water for that purpose may be acquired in the same manner as the right to use water for any other beneficial purpose.~~

~~2. On application to the State Engineer for any such right, it shall not be necessary for the applicant to state or prove or for the State Engineer to determine in cubic feet per second of time the quantity of water the use of which is applied for or granted, but in all such applications and in all proceedings connected therewith and, also, in all proceedings either before the State Engineer or the courts relating to the proof or establishment of a vested right to use water for watering livestock, it shall be a sufficient measure of the quantity of the water to specify the number and kind of animals to be watered or which have been watered, as the case may be. This subsection is not intended to imply that [prior to] before April 1, 1925, it was necessary to specify, prove or determine the quantity of water in cubic feet per second, but is meant only to remove for the future any uncertainty that may have existed as to such necessity.~~

~~3. On application to the State Engineer for any such right and in establishing any such right, "point of diversion" or "place of diversion" means a substantially specific and accurate description of the location of:~~

~~(a) The place from which the water is physically diverted from its source; or~~  
~~(b) The place at which the water is consumed by the livestock, including, without limitation, the place at which the livestock consume water in situ and without the use of a mechanical method of diverting the water.] (Deleted by amendment.)~~

Sec. 5.5. NRS 533.510 is hereby amended to read as follows:

533.510 NRS 533.485 to 533.510, inclusive, and section 1 of this act do not affect the validity of rights to the use of water for watering livestock or other purposes acquired under the previously existing laws of this state or by decree or impair any existing vested or decreed right to the use of water for that purpose.

Sec. 6. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. *If the Department constructs or causes to be constructed a fence in carrying out its duties, the Department shall, to the greatest extent practicable, ensure that the fence is constructed and maintained in such a manner as to prevent livestock from being trapped in the fence.*

Sec. 8. 1. ~~{Before placing a guzzler with a capacity of 1,000 gallons or more, the Department shall submit an application to the State Engineer. The application must include, without limitation, an accurate description of the proposed location and site upon which the Department intends to place the guzzler and any other information required by the State Engineer.~~

~~2. Within 30 days after receiving an application for a proposed guzzler submitted pursuant to subsection 1, the State Engineer shall approve or reject the application and notify the Department in writing of his or her determination.~~

~~3. The State Engineer shall reject the application if he or she determines that the proposed guzzler threatens to prove detrimental to the public interest.~~

~~4. The Department shall not place a guzzler unless the State Engineer has approved its proposed location and site.~~

~~5.} Each guzzler must have posted on it a notice providing the telephone number and any other contact information which may be used to notify the person or agency that placed the guzzler if the guzzler is in disrepair.~~

2. As used in this section, "guzzler" means any artificial basin that collects or is designed and constructed to collect precipitation specifically for use by any wildlife.

Sec. 9. ~~{The amendatory provisions of this act do not apply to any}~~ For each guzzler specified in section 8 of this act which is placed ~~{by the Department of Wildlife} before October 1, 2013, {, and which remains in use on that date, the person or agency that placed the guzzler shall comply with the provisions of section 8 of this act on or before October 1, 2014.~~