

## Amendment No. 616

Senate Amendment to Senate Bill No. 468

(BDR 48-1155)

**Proposed by:** Senator Goicoechea**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 468 (§§ 1, 3, 4).

| 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.

EGO/BJE



Date: 5/15/2013

S.B. No. 468—Revises certain fees collected by the State Engineer. (BDR 48-1155)



SENATE BILL NO. 468—COMMITTEE ON FINANCE  
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 25, 2013

Referred to Committee on Natural Resources

SUMMARY—Revises certain fees collected by the State Engineer.  
(BDR 48-1155)

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; ~~increasing certain~~ *revising provisions governing* fees collected by the State Engineer; 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. (NRS 533.135, 533.435, 533.4373) This bill adds several additional fees and increases various existing fees collected by the State Engineer.

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

**Section 1.** NRS 533.135 is hereby amended to read as follows:

533.135 1. At the time of submission of proofs of appropriation, where the necessary maps are prepared by the State Engineer, the fee collected from any claimants must be the actual cost of the survey and the preparation of maps.

2. The State Engineer shall collect a fee of ~~\$50~~ *\$60* for a proof of water used for watering livestock or wildlife purposes. The State Engineer shall collect a fee of ~~\$100~~ *\$120* for any other character of claim to water.

3. All fees collected as provided in this section must be accounted for in detail and deposited with the State Treasurer ~~+~~ *into the Water Distribution Revolving Account created pursuant to NRS 532.210.*

**Sec. 2.** *NRS 533.340 is hereby amended to read as follows:*

533.340 In addition to the requirements of NRS 533.335, the application shall contain:

1. If for irrigation purposes, except in case of an application for a permit to store water, the number of acres to be irrigated and a description by legal subdivisions, where possible, of the lands to be irrigated.

2. If for power purposes, the vertical head under which the water will be applied, the location of the proposed powerhouse, and, as near as may be, the use to which the power is to be applied.

3. If for municipal supply or for domestic use, the approximate number of persons to be served, and the approximate future requirement.

4. If for mining purposes, the proposed method of applying and utilizing the water.

5. If for stock-watering purposes, the approximate number and character of animals to be watered.

6. If for any purpose contemplating the storage of waters, in addition to the information required in applications naming the purpose, the dimensions and location of the proposed dam, the capacity of the proposed reservoir, and a description of the land to be submerged by the impounded waters.

7. If for additional rate of diversion where no additional volume of water is granted, sufficient information demonstrating the need for the additional rate of diversion.

~~Sec. 2.~~ **Sec. 3.** 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..... ~~1300.00~~ **1360.00**

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 **water right** permit ~~to appropriate~~  
~~water~~..... 100.00

For examining and acting upon plans and  
specifications for construction of a dam..... ~~1,000.00~~ **1,200.00**

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~~ **240.00**

This fee includes the cost of ~~the~~  
publication, ~~of the application,~~  
which is \$50.

**For examining and filing an application for  
a temporary permit to change the point  
of diversion, manner of use or place of  
use of an existing right**..... **180.00**

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 ~~for watering livestock~~ or wildlife  
purposes..... ~~300.00~~ **360.00**

plus \$3 per acre-foot approved or  
fraction thereof.

|    |                                                           |                                       |
|----|-----------------------------------------------------------|---------------------------------------|
| 1  | Except for generating hydroelectric power                 |                                       |
| 2  | <del>{which results in nonconsumptive use of</del>        |                                       |
| 3  | <del>the water, for watering livestock}</del> or          |                                       |
| 4  | wildlife purposes , <del>{which change the</del>          |                                       |
| 5  | <del>point of diversion or place of use only or</del>     |                                       |
| 6  | <del>for irrigational purposes which change</del>         |                                       |
| 7  | <del>the point of diversion or place of use</del>         |                                       |
| 8  | <del>only.}</del> for issuing and recording each          |                                       |
| 9  | permit to change an existing <b>water</b> right           |                                       |
| 10 | whether temporary or permanent for any                    |                                       |
| 11 | purpose .....                                             | <del>[\$250.00]</del> <b>\$300.00</b> |
| 12 | plus \$3 per acre-foot approved or                        |                                       |
| 13 | fraction thereof.                                         |                                       |
| 14 | <b><u>For issuing and recording each permit for</u></b>   |                                       |
| 15 | <b><u>additional rate of diversion where no</u></b>       |                                       |
| 16 | <b><u>additional volume of water is granted</u>.....</b>  | <b>1,000.00</b>                       |
| 17 | For issuing and recording each permit to                  |                                       |
| 18 | change the point of diversion or place of                 |                                       |
| 19 | use only of an existing right whether                     |                                       |
| 20 | temporary or permanent for irrigational                   |                                       |
| 21 | purposes , <b><i>a maximum fee of</i></b> .....           | 750.00                                |
| 22 | For issuing and recording each permit to                  |                                       |
| 23 | appropriate or change the point of                        |                                       |
| 24 | diversion or place of use of an existing                  |                                       |
| 25 | right <del>{only}</del> whether temporary or              |                                       |
| 26 | permanent for watering livestock or                       |                                       |
| 27 | wildlife purposes .....                                   | <del>[\$200.00]</del> <b>240.00</b>   |
| 28 | plus \$50 for each <del>{second}</del> foot of            |                                       |
| 29 | water approved or fraction                                |                                       |
| 30 | thereof.                                                  |                                       |
| 31 | For issuing and recording each permit to                  |                                       |
| 32 | appropriate or change an existing right                   |                                       |
| 33 | whether temporary or permanent for                        |                                       |
| 34 | water for generating hydroelectric power                  |                                       |
| 35 | which results in nonconsumptive use of                    |                                       |
| 36 | the water .....                                           | <del>[\$400.00]</del> <b>480.00</b>   |
| 37 | plus \$50 for each second-foot of                         |                                       |
| 38 | water approved or fraction                                |                                       |
| 39 | thereof.                                                  |                                       |
| 40 | For issuing a waiver in connection with an                |                                       |
| 41 | application to drill a well .....                         | <del>[\$100.00]</del> <b>120.00</b>   |
| 42 | <b><i>For filing and examining a notice of intent</i></b> |                                       |
| 43 | <b><i>to drill a well</i>.....</b>                        | <b>25.00</b>                          |
| 44 | <b><i>For filing and examining an affidavit to</i></b>    |                                       |
| 45 | <b><i>relinquish water rights in favor of use of</i></b>  |                                       |
| 46 | <b><i>water for domestic wells</i>.....</b>               | <b>300.00</b>                         |
| 47 | For filing a secondary application under a                |                                       |
| 48 | reservoir permit .....                                    | <del>[\$250.00]</del> <b>\$300.00</b> |
| 49 | For approving and recording a secondary                   |                                       |
| 50 | permit under a reservoir permit .....                     | <del>[\$450.00]</del> <b>540.00</b>   |
| 51 | For reviewing each tentative subdivision map .....        | <del>[\$150.00]</del> <b>180.00</b>   |
| 52 | plus \$1 per lot.                                         |                                       |

|                                                                                                                                                                                      |                   |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------|
| For reviewing and approving each final subdivision map.....                                                                                                                          | <del>100.00</del> | 120.00 |
| For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet.....                                                             | <del>400.00</del> | 480.00 |
| plus <del>1.25</del> \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.                                                      |                   |        |
| <i>For flood control detention basins.....</i>                                                                                                                                       |                   | 480.00 |
| <i>plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.</i>                                                               |                   |        |
| For filing proof of completion of work .....                                                                                                                                         | <del>50.00</del>  | 60.00  |
| For filing proof of beneficial use .....                                                                                                                                             | <del>50.00</del>  | 60.00  |
| <i>For issuing and recording a certificate upon approval of the proof of beneficial use.....</i>                                                                                     |                   | 350.00 |
| For filing proof of resumption of a water right .....                                                                                                                                | <del>300.00</del> | 360.00 |
| For filing any protest.....                                                                                                                                                          | <del>25.00</del>  | 30.00  |
| For filing any application for extension of time within which to file proofs, <i>of completion or beneficial use</i> , for each year for which the extension of time is sought ..... | <del>100.00</del> | 120.00 |
| <i>For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought.....</i>                                        |                   | 120.00 |
| For reviewing a cancellation of a water right pursuant to a petition for review .....                                                                                                | <del>300.00</del> | 360.00 |
| For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384.....                                                                  | <del>100.00</del> | 120.00 |
| 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.....                                                                                                    | <del>5.00</del>   | 6.00   |
| For each <del>blueprint</del> copy of any <i>full size</i> drawing or map <del>1-per square foot</del> .....                                                                         | <del>5.00</del>   | 6.00   |
| <i>For each color copy of any full size drawing or map (2' x 3').....</i>                                                                                                            |                   | 12.00  |
| 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~~ *Water Distribution Revolving Account created pursuant to NRS 532.210*. 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.~~ *Water Distribution Revolving Account created pursuant to NRS 532.210.*

~~Sec. 3~~ *Sec. 4.* NRS 533.4373 is hereby amended to read as follows:  
533.4373 In addition to the information required by NRS 533.335, an applicant for an environmental permit shall submit to the State Engineer:

1. A copy of a letter or order issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources requiring the applicant to take steps to protect the environment;

2. Any other information which is necessary for a full understanding of the necessity of the appropriation; and

3. For examining and filing the application for the environmental permit, ~~\$150.~~ *\$180*. For issuing and recording the environmental permit, ~~\$150 plus \$1~~ *\$180 plus \$3* per acre-foot approved or fraction thereof.

~~Sec. 4~~ *Sec. 5.* This act becomes effective on July 1, 2013.