

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; requiring the Department of Wildlife to maintain certain fences; requiring the Department to submit an application to the State Engineer before placing a guzzler; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the water of all sources of water supply in this State
2 belongs to the public and, subject to existing rights, may be appropriated for a
3 beneficial use in accordance with chapter 533 of NRS. (NRS 533.025, 533.030)
4 Existing law also specifically declares that the use of water for watering livestock is
5 a beneficial use and that the right to use water for that purpose may be acquired in
6 the same manner as the right to use water for any other beneficial use. (NRS
7 533.490) **Section 1** of this bill defines the term “water” to include snow for the
8 purpose of watering livestock. **Section 5** of this bill specifies that, on application
9 to the State Engineer for a right to use water for that purpose or to establish that
10 right, the terms “point of diversion” or “place of diversion” mean the place from
11 which the water is physically diverted from its source or the place at which the
12 livestock consume water in situ without a mechanical method of diverting the
13 water.

14 Existing law creates the Department of Wildlife and requires the Department to
15 administer the wildlife laws of this State. (NRS 501.331) **Section 7** of this bill
16 requires the Department, whenever the Department constructs or causes to be
17 constructed a fence in carrying out its duties, to ensure that the fence is constructed



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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. **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.

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.

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.

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.

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,



1 also, in all proceedings either before the State Engineer or the courts
2 relating to the proof or establishment of a vested right to use water
3 for watering livestock, it shall be a sufficient measure of the
4 quantity of the water to specify the number and kind of animals to
5 be watered or which have been watered, as the case may be. This
6 subsection is not intended to imply that ~~prior to~~ before April 1,
7 1925, it was necessary to specify, prove or determine the quantity of
8 water in cubic feet per second, but is meant only to remove for the
9 future any uncertainty that may have existed as to such necessity.

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

14 *(a) The place from which the water is physically diverted from*
15 *its source; or*

16 *(b) The place at which the water is consumed by the livestock,*
17 *including, without limitation, the place at which the livestock*
18 *consume water in situ and without the use of a mechanical*
19 *method of diverting the water.*

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

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

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

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

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

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

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



- 1 **Sec. 9.** The amendatory provisions of this act do not apply to
- 2 any guzzler specified in section 8 of this act which is placed by the
- 3 Department of Wildlife before October 1, 2013.

