

SENATE BILL NO. 74—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-178)

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; providing for the collection of rainwater under certain circumstances; authorizing the State Engineer to consider a declaration of drought when determining whether to grant certain extensions; authorizing the State Engineer to create the Advisory Committee on Water Conservation and Drought; setting forth the membership and responsibilities of the Advisory Committee; authorizing the State Engineer to impose an administrative fine for the violation of certain provisions relating to water planning and development; authorizing the State Engineer to seek injunctive relief under certain circumstances; revising certain provisions relating to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources; revising provisions relating to a plan of water conservation; revising the membership of the Western Regional Water Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that precipitation may be collected without a water right from the rooftop of a single-family residence for nonpotable domestic use or, under certain circumstances, in a guzzler to provide water to wildlife.

Existing law authorizes the State Engineer to grant an extension of time to: (1) an applicant for a water right to complete construction and put water to beneficial



use; or (2) the holder of any water right to work a forfeiture of the right. (NRS 533.380, 534.090) **Sections 2 and 3** of this bill provide that in determining whether to grant or deny such an extension, the State Engineer may consider whether the place of diversion of the water right is located in a county that has been officially designated as being in a drought.

Section 5 of this bill authorizes the establishment by the State Engineer of the Advisory Committee on Water Conservation and Drought to advise the State Engineer on matters relating to water conservation, near- and long-term drought and drought resiliency.

Sections 6 and 7 of this bill authorize the State Engineer to, after notice and the opportunity for a hearing, impose administrative fines, order the payment of certain costs for an administrative proceeding and seek injunctive relief on a person who violates the provisions of chapter 540 of NRS.

Existing law creates the Water Planning Section of the Division. (NRS 540.031) **Section 8** of this bill renames this Section as the Water Conservation and Drought Resiliency Section. **Section 11** of this bill revises the duties of the Section. **Sections 9, 10 and 15** of this bill make conforming changes.

Existing law requires each supplier of water to prepare and adopt a plan of water conservation, which the Section is charged with reviewing within 30 days. (NRS 540.131, 540.141) **Section 12** of this bill revises the period from 30 days to 120 days. **Section 13** of this bill revises the provisions which must be included in a plan or a joint plan of water conservation.

Section 14 of this bill eliminates the member of the Western Regional Water Commission who is appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources.

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

Section 1. NRS 533.030 is hereby amended to read as follows:
533.030 1. Subject to existing rights, and except as otherwise provided in this section, all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19,884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19,884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:



(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

5. Precipitation may be collected without a water right:

(a) From the rooftop of a single-family dwelling for nonpotable domestic use; or

(b) If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

(1) Have a capacity of 20,000 gallons or less;

(2) Have a capture area of 1 acre or less;

(3) Have a pipe length of 1/4 mile or less;

(4) Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

(5) Be approved for use by the Department of Wildlife.

6. As used in subsection 5:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013; and

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

Sec. 2. NRS 533.380 is hereby amended to read as follows:

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

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

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an



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1 application for a permit to apply water to a municipal or quasi-
2 municipal use on any land:

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

5 (2) For which a plan for the development of a project has
6 been approved by the local government pursuant to NRS 278.010 to
7 278.460, inclusive; or

8 (3) On any land for which a plan for the development of a
9 planned unit development has been recorded pursuant to chapter
10 278A of NRS,

11 ➤ must not be less than 5 years.

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

17 3. Except as otherwise provided in subsection 4 and NRS
18 533.395 and 533.4377, the State Engineer may, for good cause
19 shown, *including, without limitation, that the place of diversion of*
20 *the water right is located in a county that has been officially*
21 *designated as being in a drought*, grant any number of extensions
22 of time within which construction work must be completed, or water
23 must be applied to a beneficial use under any permit therefor issued
24 by the State Engineer, but a single extension of time for a municipal
25 or quasi-municipal use for a public water system, as defined in NRS
26 445A.235, must not exceed 5 years, and any other single extension
27 of time must not exceed 1 year. An application for the extension
28 must in all cases be:

29 (a) Made within 30 days following notice by registered or
30 certified mail that proof of the work is due as provided for in NRS
31 533.390 and 533.410; and

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

35 ➤ The State Engineer shall not grant an extension of time unless the
36 State Engineer determines from the proof and evidence so submitted
37 that the applicant is proceeding in good faith and with reasonable
38 diligence to perfect the application. The failure to provide the proof
39 and evidence required pursuant to this subsection is prima facie
40 evidence that the holder is not proceeding in good faith and with
41 reasonable diligence to perfect the application.

42 4. Except as otherwise provided in subsection 5 and NRS
43 533.395, whenever the holder of a permit issued for any municipal
44 or quasi-municipal use of water on any land referred to in paragraph
45 (b) of subsection 1, or for any use which may be served by a county,



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

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

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

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

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

(e) *Whether the place of diversion of the water right is located in a county that has been officially designated as being in a drought; and*

(f) The period contemplated in the:

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

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

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

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

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

Sec. 3. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is



1 acquired or claimed, works a forfeiture of both undetermined rights
2 and determined rights to the use of that water to the extent of the
3 nonuse. If the records of the State Engineer or any other documents
4 specified by the State Engineer indicate at least 4 consecutive years,
5 but less than 5 consecutive years, of nonuse of all or any part of a
6 water right which is governed by this chapter, the State Engineer
7 shall notify the owner of the water right, as determined in the
8 records of the Office of the State Engineer, by registered or certified
9 mail that the owner has 1 year after the date of the notice in which
10 to use the water right beneficially and to provide proof of such use
11 to the State Engineer or apply for relief pursuant to subsection 2 to
12 avoid forfeiting the water right. If, after 1 year after the date of the
13 notice, proof of resumption of beneficial use is not filed in
14 the Office of the State Engineer, the State Engineer shall, unless the
15 State Engineer has granted a request to extend the time necessary to
16 work a forfeiture of the water right, declare the right forfeited within
17 30 days. Upon the forfeiture of a right to the use of groundwater, the
18 water reverts to the public and is available for further appropriation,
19 subject to existing rights. If, upon notice by registered or certified
20 mail to the owner of record whose right has been declared forfeited,
21 the owner of record fails to appeal the ruling in the manner provided
22 for in NRS 533.450, and within the time provided for therein, the
23 forfeiture becomes final. The failure to receive a notice pursuant to
24 this subsection does not nullify the forfeiture or extend the time
25 necessary to work the forfeiture of a water right.

26 2. The State Engineer may, upon the request of the holder of
27 any right described in subsection 1, extend the time necessary to
28 work a forfeiture under that subsection if the request is made before
29 the expiration of the time necessary to work a forfeiture. The State
30 Engineer may grant, upon request and for good cause shown, any
31 number of extensions, but a single extension must not exceed 1 year.
32 In determining whether to grant or deny a request, the State
33 Engineer shall, among other reasons, consider:

34 (a) Whether the holder has shown good cause for the holder's
35 failure to use all or any part of the water beneficially for the purpose
36 for which the holder's right is acquired or claimed;

37 (b) The unavailability of water to put to a beneficial use which is
38 beyond the control of the holder;

39 (c) Any economic conditions or natural disasters which made
40 the holder unable to put the water to that use;

41 (d) ~~Any prolonged period in which precipitation in the basin~~
42 ~~where the water right is located is below the average for that basin~~
43 ~~or in which indexes that measure soil moisture show that a deficit in~~
44 ~~soil moisture has occurred in that basin;~~ *Whether the place of*



diversion of the water right is located in a county that has been officially designated as being in a drought;

(e) Whether a groundwater management plan has been approved for the basin pursuant to NRS 534.037; ~~land~~

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation ~~H~~ ; or

(g) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption.

➤ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited within 30 days after the expiration of the extension granted pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 4. Chapter 540 of NRS is hereby amended by adding thereto the provisions set forth as sections 5, 6 and 7 of this act.

Sec. 5. 1. *The State Engineer may create within the Division the Advisory Committee on Water Conservation and Drought, whose members are appointed by the State Engineer for*



1 *the purpose of advising him or her on matters of statewide*
2 *importance related to water conservation, near- and long-term*
3 *drought and drought resiliency.*

4 *2. The State Engineer may appoint to the Advisory Committee*
5 *members who have demonstrated an interest in water conservation*
6 *and drought-related matters, including, without limitation,*
7 *members from local water authorities, State Government, local*
8 *governments, tribal governments, the science and technology*
9 *community, conservation groups, agriculture and industry.*
10 *Members of the Advisory Committee serve at the pleasure of the*
11 *State Engineer. The State Engineer has the discretion to*
12 *determine the number of members to be on the Advisory*
13 *Committee and appoint a Chair.*

14 *3. The Advisory Committee may advise the State Engineer on*
15 *matters relating to water conservation, near- and long-term*
16 *drought and drought resiliency, including, without limitation:*

17 *(a) Amendments to statutes relating to water conservation;*

18 *(b) Additional management measures that may help to*
19 *recharge and recover impacted river, storage and groundwater*
20 *systems;*

21 *(c) Changes in water policies and areas of emphasis for water*
22 *conservation;*

23 *(d) Emerging science and technological advances, efficacy and*
24 *cost efficiencies, including, without limitation, desalination of*
25 *brackish water, cloud seeding and evaporative control;*

26 *(e) Topics for public outreach efforts on water conservation*
27 *and drought resiliency, even in nondrought conditions; and*

28 *(f) The coordination and dissemination of public information*
29 *statewide on water conservation and drought resiliency.*

30 **Sec. 6. 1. In addition to any other penalty provided by law,**
31 **the State Engineer may, after notice and opportunity for a**
32 **hearing, require a person who violates any provision of this**
33 **chapter or any order or decision issued or regulation adopted by**
34 **the State Engineer pursuant to this chapter or NRS 532.120 to pay**
35 **an administrative fine not to exceed \$10,000 per day for each**
36 **violation, as determined by the State Engineer.**

37 **2. If an administrative fine is imposed against a person**
38 **pursuant to subsection 1, the State Engineer may require the**
39 **person to pay the costs of the proceeding, including, without**
40 **limitation, investigative costs and attorney's fees.**

41 **3. An order imposing an administrative fine or the payment**
42 **of costs or fees pursuant to this section may be reviewed by a**
43 **district court pursuant to NRS 533.450.**

44 **Sec. 7. 1. The State Engineer may seek injunctive relief in**
45 **the appropriate court to prevent the continuance or occurrence of**



1 *any act or practice which violates any provision of this chapter, or*
2 *any order or decision issued or regulation adopted by the State*
3 *Engineer pursuant to this chapter or NRS 532.120.*

4 2. *On a showing by the State Engineer that a person is*
5 *engaged, or is about to engage, in any act or practice which*
6 *violates or will violate any provision of this chapter, or any order*
7 *or decision issued or regulation adopted by the State Engineer*
8 *pursuant to this chapter or NRS 532.120, the court may issue,*
9 *without a bond, any prohibitory or mandatory injunction that the*
10 *facts may warrant, including, without limitation, a temporary*
11 *restraining order issued ex parte or, after notice and a hearing, a*
12 *preliminary or permanent injunction.*

13 3. *Failure to establish lack of an adequate remedy at law or*
14 *irreparable harm is not a ground for denying a request for a*
15 *temporary restraining order or injunction.*

16 4. *The court may require the posting of a sufficient*
17 *performance bond or other security to ensure compliance with the*
18 *court order within the period prescribed.*

19 5. *Any proceeding conducted or injunction or order issued*
20 *pursuant to this section is in addition to, and not in lieu of, any*
21 *other penalty or remedy available for a violation of this chapter.*

22 **Sec. 8.** NRS 540.021 is hereby amended to read as follows:
23 540.021 As used in this chapter:

24 1. "Chief" means the **Program** Chief of the Section.

25 2. "Department" means the State Department of Conservation
26 and Natural Resources.

27 3. "Division" means the Division of Water Resources of the
28 Department.

29 4. "Section" means the Water ~~{Planning}~~ **Conservation and**
30 **Drought Resiliency** Section of the Division.

31 **Sec. 9.** NRS 540.031 is hereby amended to read as follows:

32 540.031 The Water ~~{Planning}~~ **Conservation and Drought**
33 **Resiliency** Section of the Division is hereby created.

34 **Sec. 10.** NRS 540.041 is hereby amended to read as follows:

35 540.041 1. The Chief:

36 (a) Must be selected with special reference to his or her training,
37 experience, capability and interest in the ~~{field}~~ **fields** of water
38 ~~{resource planning}~~ **conservation and drought resiliency.**

39 (b) Shall coordinate the activities of the Section.

40 2. The Chief is responsible for the administration of all
41 provisions of law relating to the functions of the Section.

42 3. The Chief, with the approval of the State Engineer, may
43 employ, within the limits of legislative appropriations, such staff as
44 is necessary to the performance of his or her duties.



Sec. 11. NRS 540.051 is hereby amended to read as follows:

540.051 ~~{The}~~ *Unless carried out by another section of the Division, the* Section shall:

1. ~~{Include in its planning:}~~

~~—(a) Recognition}~~ *Recognize* and ~~{protection of}~~ *protect* existing water rights consistent with chapters 533 and 534 of NRS ~~{;}~~ and ~~{(b) Consideration of}~~ *consider* the factors relating to the quality of water in this State, ~~{and the importance of considering the issues of quantity and quality simultaneously.}~~ but the State Environmental Commission and Division of Environmental Protection of the Department retain full responsibility for the management of water quality.

2. Suggest to the ~~{Legislature}~~ *State Engineer* changes in water policy which may be necessary to meet ~~{new}~~ *the* requirements of law. ~~{for of the people of the State.}~~

3. ~~{Assist the State Engineer in dealings with the Federal Government and other states, but the State Engineer is solely responsible for the allocation of water resources and litigation.}~~ *Coordinate with federal, state, local or other entities on drought and federal management activities.*

4. Review local and federal documents regarding water ~~{planning}~~ *conservation and drought resiliency* that are relevant to the use of water in Nevada. ~~{, including, without limitation, local water and resource plans. Reviews conducted pursuant to this subsection must consider, without limitation:}~~

~~—(a) The accuracy of information relating to water use and water planning;~~

~~—(b) Compliance with the water law of this State; and~~

~~—(c) General advice relating to water planning.}~~

5. Compile and update summarized data relating to hydrographic basins to support decisions that the State Engineer makes regarding such basins, and provide summarized information regarding such basins to the public. The Section shall cause to be generated and updated a summary for each hydrographic basin to show critical information regarding that basin, including, without limitation:

(a) Whether the basin is designated;

(b) All appurtenant or associated studies related to the availability of water;

(c) Rulings and orders affecting new appropriations of water;

(d) The availability of crop and pumpage inventories;

(e) The availability of data regarding water levels; and

(f) Current commitments of water from the basin that are attributable to existing water rights.



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1 ↪ The information described in this subsection must, insofar as
2 practicable, be provided in an electronic format and made available
3 on the website of the State Engineer on the Internet or its successor.

4 6. ~~{Upon request, provide technical assistance to the Board for~~
5 ~~Financing Water Projects created by NRS 349.957, including,~~
6 ~~without limitation, the review of letters of intent and applications for~~
7 ~~grants.~~

8 ~~7.}~~ Promote water conservation by ~~†~~:

9 ~~(a) Consulting}~~ *consulting* with suppliers of water concerning ~~†~~:

10 ~~(1) Community}~~ *plans of* water conservation ~~†plans; and~~

11 ~~(2) The}~~ *required pursuant to NRS 540.131, including,*
12 *without limitation, the* content and scope of ~~†water} the~~ plans ~~†; and~~

13 ~~(b) Reviewing}~~ *of water conservation.*

14 7. *Review plans of water conservation* for compliance with the
15 applicable provisions of NRS 540.121 to 540.151, inclusive.

16 8. *Review any other state or local plans for the use of water.*

17 ~~†8.}~~ 9. Assist federal, state and local governments and the
18 general public in obtaining information regarding water ~~†planning,~~
19 ~~the availability of water and issues relating to water rights.†~~
20 *conservation, drought conditions, drought resiliency and the*
21 *management of floodplains.*

22 ~~†9.}~~ 10. Support activities in response to drought as provided
23 for under the drought plan established for the State ~~††~~, *including,*
24 *without limitation, by providing staff assistance to and*
25 *coordinating with the Division of Emergency Management of the*
26 *Department of Public Safety on drought-related activities.*

27 ~~†10.}~~ 11. Administer the statewide program established for the
28 management of floodplains.

29 ~~†11. Upon request, provide updates to local governments on~~
30 ~~water issues relevant to this State, changes in policy and the~~
31 ~~availability of new information concerning water resources.†~~

32 12. *Provide staff assistance to the Advisory Committee on*
33 *Water Conservation and Drought, if the Advisory Committee has*
34 *been established pursuant to section 5 of this act.*

35 Sec. 12. NRS 540.131 is hereby amended to read as follows:

36 540.131 1. Except as otherwise provided in subsection 5,
37 each supplier of water which supplies water for municipal, industrial
38 or domestic purposes shall, on or before July 1, 1992, adopt a plan
39 of water conservation based on the climate and the living conditions
40 of its service area in accordance with the provisions of NRS
41 540.141, and shall update the plan pursuant to paragraph (c) of
42 subsection 4. The provisions of the plan must apply only to the
43 supplier's property and its customers. The supplier of water shall
44 submit the plan to the Section for review by the Section pursuant to
45 subsection 3.



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2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the Section within ~~130~~ 120 days after its submission and approved for compliance with this section and NRS 540.141 before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water;

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public; and

(c) Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area,

may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of water conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 13. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.



(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) Where applicable, increase the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan or joint plan.

(f) *A plan for how the supplier of water will progress towards the installation of meters on all connections.*

(g) *Standards for water efficiency for new development.*

(h) *Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.*

(i) *Watering restrictions based on the time of day and the day of the week.*

2. *In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:*

(a) Measures to evaluate the effectiveness of the plan or joint plan.

~~(g)~~ (b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water ~~per person per day.~~

~~2. A plan or joint plan submitted for review must be accompanied by an analysis of:~~

~~(a) The feasibility of charging variable rates for the use of water to encourage the conservation of water.~~

~~(b) How the rates that are proposed to be charged for the use of water in the plan or joint plan will maximize water conservation, including, without limitation, an estimate of the manner in which the rates will affect consumption of water.~~ *saved annually.*

3. The Section shall review any plan or joint plan submitted to it within ~~30~~ 120 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.



5. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.

Sec. 14. Section 37 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3294, is hereby amended to read as follows:

Sec. 37. In addition to the voting members, the Water Planning Commission includes the following nonvoting members:

1. One member appointed by the Public Utilities Commission of Nevada;

2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

3. One member appointed by the Administrator of the Division;

4. One member appointed by the State Engineer;

~~5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;~~

~~6.~~ One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;

~~7.~~ 6. One member appointed by the county or district board of health;

~~8.~~ 7. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and

~~9.~~ 8. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 15. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.



* S B 7 4 R 1 *

1 **Sec. 16.** This act becomes effective upon passage and
2 approval.

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