

Amendment No. 115

Senate Amendment to Senate Bill No. 236	(BDR 48-635)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.





SENATE BILL NO. 236—SENATORS GOICOECHEA,  
BROOKS; AND HANSEN

FEBRUARY 27, 2019

Referred to Committee on Natural Resources

SUMMARY—~~[Revises]~~ **Establishes** provisions relating to a change in the place of diversion of water **for certain wells**. (BDR 48-635)

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; establishing requirements relating to ~~{certain changes in the place of diversion of}~~ **sinking or boring certain wells for** water already appropriated; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a person to submit an application for a permit to change the place of diversion of water already appropriated. (NRS 533.325-533.345) **Section ~~4~~ 5** of this bill creates an exception from this requirement **to allow a person to sink or bore a replacement well without submitting such an application** where: (1) both the original ~~{place of diversion}~~ **site of the well** and ~~{new place of diversion}~~ **the site of the replacement well** are located on ~~{the same}~~ property **owned by the same person** for ~~{which}~~ **whom** the water has already been appropriated; and (2) the ~~{new place of diversion}~~ **site of the replacement well** is located not more than 300 feet from the original place of diversion ~~{}~~ **described on the permit to appropriate water**.

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:~~

~~1. If a person is seeking to change the place of diversion of water already appropriated and:~~

~~(a) The original place of diversion and the new place of diversion are on the same property for which the water has already been appropriated; and~~

~~(b) The new place of diversion is located not more than 300 feet from the original place of diversion;~~

~~the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.~~

~~2. If a change to the place of diversion meets the requirements of subsection 1, the new place of diversion must be located anywhere on that same property for~~

~~which the water has already been appropriated that is not more than 300 feet from the original place of diversion.] (Deleted by amendment.)~~

**Sec. 2.** NRS 533.325 is hereby amended to read as follows:

533.325 Except as otherwise provided in NRS 533.027 ~~and section 5 of this act~~, any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

**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. 5.** Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is seeking to sink or bore a replacement well to divert groundwater already appropriated and:

(a) The original site of the well and the site of the replacement well are on property owned by the same person for whom the groundwater has already been appropriated; and

(b) The site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water;

the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.

2. If a change to the site of a replacement well meets the requirements of subsection 1, the site of the replacement well must be located anywhere on the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water.

**Sec. 6.** NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, and section 5 of this act shall be guilty of a misdemeanor.