

Amendment No. 810

Assembly Amendment to Senate Bill No. 236 First Reprint	(BDR 48-635)
Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining	
Amends: Summary: No Title: No 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. 236 R1 (§ 5 + NRS 247.305).

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.

ERS/HAC



Date: 5/19/2019

S.B. No. 236—Establishes provisions relating to a change in the place of diversion of water for certain wells. (BDR 48-635)



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

FEBRUARY 27, 2019

Referred to Committee on Natural Resources

SUMMARY—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 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 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 site of the well and the site of the replacement well are located on property owned by the same person for whom the water has already been appropriated; and (2) 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. **Section 5 requires the person to: (1) record the site of the replacement well with the county recorder; and (2) inform the State Engineer of the site of the replacement well.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**Section 1.** (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. (Deleted by amendment.)**Sec. 4.** (Deleted by amendment.)

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

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

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

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

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

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

17 3. *The person who holds the permit to appropriate water must:*

18 (a) *Record the site of the replacement well in the office of the county*
19 *recorder of each county in which the water is applied to beneficial use and in*
20 *each county in which the water is diverted from its natural source; and*

21 (b) *Inform the State Engineer of the site of the replacement well.*

22 ↪ *Compliance with the provisions of this subsection shall be deemed to impart*
23 *notice of the site of the replacement well to all persons.*

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

25 534.190 Any person violating any of the provisions of NRS 534.010 to
26 534.180, inclusive, *and section 5 of this act* shall be guilty of a misdemeanor.