

Amendment No. 342

Senate Amendment to Senate Bill No. 250	(BDR 48-664)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No 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.

ERS/HAC



Date: 4/15/2019

S.B. No. 250—Revises provisions relating to the dedication of water rights.
(BDR 48-664)



SENATE BILL NO. 250—SENATORS SETTELMAYER, GOICOECHEA, HARDY; HANSEN
AND SEEVERS GANSERT

MARCH 5, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the dedication of water rights.
(BDR 48-664)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; ~~limiting the use of~~ **establishing certain requirements relating to the dedication of** certain rights to appropriate water **;** ~~which have been dedicated to certain public entities;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Engineer to require the dedication of a right to appropriate water in certain circumstances before approving a parcel map. (NRS 534.120) Existing law also authorizes the governing body of a county or city to adopt ordinances to regulate land, which may include an ordinance that requires the dedication of a right to appropriate water before approving the development, division or subdivision of a parcel of land. (NRS 278.020) **Sections 1 and 3** of this bill provide that ~~any~~ **before a supplier of water may require the dedication of a** right to appropriate water ~~that has been dedicated to a public entity~~ in order to ensure a sufficient supply of water to certain parcels ~~must remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for such parcels until the modification or redevelopment of such parcels;~~ **, the dedication requirement must be: (1) required pursuant to an ordinance, published rule or regulation adopted by the supplier of water; and (2) based on certain information and considerations. Sections 1 and 3 prohibit, with limited exception, a supplier of water from selling a right to appropriate water that has been dedicated pursuant to an ordinance, published rule or regulation adopted by the supplier of 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. ~~Any~~ Before a supplier of water may require the dedication of a right to appropriate water ~~that is dedicated to a county, city, public utility, water purveyor or other public entity~~ in order to ensure a sufficient supply of water to ~~one or more parcels and in connection with the approval of any parcel map or~~

~~permit must remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for the parcel or parcels, as applicable, until the modification or redevelopment of the parcel or parcels.~~

~~2. As used in this section, "the modification or redevelopment" of a parcel or parcels includes, without limitation, the further division or subdivision of the parcel, the reversion or merger of any parcels, the reclassification of the parcel by an enactment of an amendment to a zoning ordinance or any other change to the parcel that would require filing a new tentative or final map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act,] provide new or modified water service to one or more parcels, the dedication requirement must:~~

(a) Be required pursuant to an ordinance, published rule or regulation adopted by the supplier of water;

(b) Be based on reliable data and procedures estimating demand;

(c) Consider any requirements for a sustainable water supply; and

(d) Consider historic usage by similar existing water services.

2. Except as otherwise provided in this subsection, a supplier of water may not sell a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:

(a) Mergers and acquisitions of a water system owned or operated by a utility; or

(b) Transactions by the supplier of water in furtherance of developing or maintaining a sustainable water supply.

3. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 540.121.

Sec. 2. ~~[NRS 534.120 is hereby amended to read as follows:~~

~~534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.~~

~~2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:~~

~~—(a) Domestic, municipal, quasi municipal, industrial, irrigation, mining and stock watering uses; and~~

~~—(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.~~

~~3. Except as otherwise provided in subsection 5, the State Engineer may:~~

~~—(a) Issue temporary permits to appropriate groundwater which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~—(b) Deny applications to appropriate groundwater for any use in areas served by such an entity.~~

~~—(c) Limit the depth of domestic wells.~~

~~—(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.~~

~~(c) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance. If the State Engineer requires the dedication of a right to appropriate water, the right must remain dedicated pursuant to the requirements of section 1 of this act.~~

~~4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well drilling rig.~~

~~5. The State Engineer may, in an area in which have been issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The deepening or repair of the well would require the use of a well drilling rig.~~

~~6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.~~

~~7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.] (Deleted by amendment.)~~

Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Any] Before a supplier of water may require the dedication of a right to appropriate water [that is required to be dedicated to a county, city, public utility, water purveyor or other public entity] in order to ensure a sufficient supply of water to provide new or modified water service to one or more parcels that will be developed, divided or subdivided pursuant to the provisions of this section and NRS 278.010 to 278.630, inclusive, the dedication requirement must [remain so dedicated and must not be sold, leased or otherwise used for a purpose other than ensuring a sufficient water supply for the parcel or parcels, as applicable, until the modification or redevelopment of the parcel or parcels.

2. As used in this section, "the modification or redevelopment" of a parcel or parcels includes, without limitation, the further division or subdivision of the parcel, the reversion or merger of any parcels, the reclassification of the parcel by an enactment of an amendment to a zoning ordinance or any other change to the parcel that would require filing a new tentative or final map pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act].

(a) Be required pursuant to an ordinance, published rule or regulation adopted by the supplier of water;

(b) Be based on reliable data and procedures estimating demand;

(c) Consider any requirements for a sustainable water supply; and

(d) Consider historic usage by similar existing water services.

2. A supplier of water may not sell a right to appropriate water that has been dedicated pursuant to subsection 1. This subsection does not apply to:

(a) Mergers and acquisitions of a water system owned or operated by a utility; or

(b) Transactions by the supplier of water in furtherance of developing or maintaining a sustainable water supply.

3. As used in this section, "supplier of water" has the meaning ascribed to it in NRS 540.121.

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. ~~1. Except as otherwise provided in subsection 2, the amendatory provisions of~~

~~(a) Section 1 of this act apply to any right to appropriate water that, before the effective date of this act, has been dedicated to a county, city, public utility, water purveyor or other public entity in order to ensure a sufficient supply of water to one or more parcels and in connection with the approval of any parcel map or permit.~~

~~(b) Section 3 of this act apply to any right to appropriate water that, before the effective date of this act, has been dedicated to a county, city, public utility, water purveyor or other public entity in order to ensure a sufficient supply of water to one or more parcels that has been or will be developed, divided or subdivided pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and section 3 of this act.~~

~~2. The provisions of this section must not be applied in such a manner as to affect, impair or discharge any outstanding contracts or obligations of the State, any political subdivision of the State or other public entity that involve a dedicated right to appropriate water existing on the effective date of this bill.] (Deleted by amendment.)~~

Sec. 6. This act becomes effective upon passage and approval.