

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

FEBRUARY 27, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to a change in the place
of diversion of water. (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 water already
appropriated; providing a penalty; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires a person to submit an application for a permit to change
2 the place of diversion of water already appropriated. (NRS 533.325-533.345)
3 **Section 1** of this bill creates an exception from this requirement where: (1) both the
4 original place of diversion and new place of diversion are located on the same
5 property for which water has already been appropriated; and (2) the new place of
6 diversion is located not more than 300 feet from the original place of diversion.

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

1 **Section 1.** Chapter 533 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

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

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

8 *(b) The new place of diversion is located not more than 300*
9 *feet from the original place of diversion,*



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

3 2. If a change to the place of diversion meets the
4 requirements of subsection 1, the new place of diversion must be
5 located anywhere on that same property for which the water has
6 already been appropriated that is not more than 300 feet from the
7 original place of diversion.

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

9 533.325 Except as otherwise provided in NRS 533.027 ~~§~~ and
10 section 1 of this act, any person who wishes to appropriate any of
11 the public waters, or to change the place of diversion, manner of use
12 or place of use of water already appropriated, shall, before
13 performing any work in connection with such appropriation, change
14 in place of diversion or change in manner or place of use, apply to
15 the State Engineer for a permit to do so.

16 **Sec. 3.** NRS 533.475 is hereby amended to read as follows:

17 533.475 The State Engineer and the assistants of the State
18 Engineer shall have power to arrest any person violating any of the
19 provisions of NRS 533.005 to 533.470, inclusive, and section 1 of
20 this act, and to turn that person over to the sheriff or other
21 competent police officer within the county. Immediately on
22 delivering any such person so arrested into the custody of the
23 sheriff, the State Engineer or assistant making such arrest shall
24 immediately, in writing, and upon oath, make a complaint before the
25 justice of the peace against the person so arrested.

26 **Sec. 4.** NRS 533.480 is hereby amended to read as follows:

27 533.480 Any person violating any of the provisions of NRS
28 533.005 to 533.475, inclusive, and section 1 of this act shall be
29 guilty of a misdemeanor.

