

REQUIRES TWO-THIRDS MAJORITY VOTE

(§ 5 + NRS 247.305)

(Reprinted with amendments adopted on May 22, 2019)

SECOND REPRINT

S.B. 236

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:**

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 5** of this bill creates an exception from this requirement to allow a person  
4 to sink or bore a replacement well without submitting such an application where:  
5 (1) both the original site of the well and the site of the replacement well are located  
6 on property owned by the same person for whom the water has already been  
7 appropriated; and (2) the site of the replacement well is located not more than 300  
8 feet from the original place of diversion described on the permit to appropriate  
9 water. **Section 5** requires the person to: (1) record the site of the replacement well  
10 with the county recorder; and (2) inform the State Engineer of the site of the  
11 replacement well.

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

1 **Section 1.** (Deleted by amendment.)

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

3 533.325 Except as otherwise provided in NRS 533.027 ~~§~~ and  
4 *section 5 of this act*, any person who wishes to appropriate any of



\* S B 2 3 6 R 2 \*

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.)

**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.*

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

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

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

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

**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.

