

ASSEMBLY BILL NO. 6—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing an application for a temporary change relating to appropriated water. (BDR 48-309)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising provisions governing an application for a temporary change relating to water already appropriated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 With certain exceptions, existing law requires a person who wishes to change
2 the place of diversion, manner of use or place of use of water already appropriated
3 to apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law
4 requires the State Engineer to hold a hearing on an application for a temporary
5 change to the place of diversion, manner of use or place of use of water already
6 appropriated if the State Engineer determines that such a change may not be in the
7 public interest or may impair the water rights of others. (NRS 533.345) This bill
8 clarifies that a person may file a written protest against the granting of an
9 application for a temporary change and provides that the State Engineer may hold a
10 hearing in accordance with the procedures set forth in existing law.

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

1 **Section 1.** NRS 533.345 is hereby amended to read as follows:
2 533.345 1. Every application for a permit to change the place
3 of diversion, manner of use or place of use of water already



1 appropriated must contain such information as may be necessary to
2 a full understanding of the proposed change, as may be required by
3 the State Engineer.

4 2. If an applicant is seeking a temporary change of place of
5 diversion, manner of use or place of use of water already
6 appropriated, the State Engineer shall approve the application if:

7 (a) The application is accompanied by the prescribed fees;

8 (b) The temporary change is in the public interest; and

9 (c) The temporary change does not impair the water rights held
10 by other persons.

11 3. If the State Engineer determines that the temporary change
12 may not be in the public interest, or may impair the water rights held
13 by other persons, the State Engineer shall give notice of the
14 application as provided in NRS 533.360 . ~~and hold a hearing and~~
15 ~~render a decision as provided in this chapter.~~ *Any person interested*
16 *may file a written protest to the application and the State Engineer*
17 *may hold a hearing before rendering a decision in accordance*
18 *with the provisions of NRS 533.365.*

19 4. A temporary change may be granted for any period not to
20 exceed 1 year.

21 **Sec. 2.** This act becomes effective on July 1, 2021.

