

ASSEMBLY BILL NO. 90—ASSEMBLYMAN GURR

PREFILED JANUARY 30, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-717)

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; revising provisions governing an application for a temporary change relating to water already appropriated; revising certain fees collected by the State Engineer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer may grant a permit for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 1 year. Before granting such a permit, if the State Engineer determines that a temporary change may not be in the public interest, or may impair the water rights held by other persons, existing law: (1) requires the State Engineer to give notice of the application; (2) authorizes any interested person to file a written protest to the application; and (3) if a protest is filed, provides that the State Engineer may hold a hearing. (NRS 533.345) **Section 1** of this bill authorizes the State Engineer to grant an application for a temporary change for a period not to exceed 10 years. If an application for a temporary change is filed for a period of more than 1 year, **section 1** requires the State Engineer to give notice of the application.

Existing law sets forth a schedule of fees that the State Engineer is required to collect for providing various services relating to the appropriation of water, including fees for: (1) examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing water right; and (2) with certain exceptions, issuing and recording each permit to change an existing water right, whether temporary or permanent. (NRS 533.435) **Section 2** of this bill instead establishes fees for: (1) examining and filing an application for a temporary permit to change an existing water right for a period of 1 year or less; (2) examining and filing an application for a temporary permit to change an existing water right for a period of more than 1 year; (3) with certain exceptions, issuing and recording each permit for a permanent change to an existing water right for any purpose; and (4) with certain exceptions, issuing and recording each permit for a temporary change to an existing water right for any purpose.



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

Section 1. NRS 533.345 is hereby amended to read as follows:

533.345 1. Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.

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

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

~~If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the~~ The State Engineer shall give notice of the application as provided in NRS 533.360 ~~[Any]~~ if:

(a) The State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons; or

(b) The temporary change is for a period of more than 1 year.

4. If the State Engineer gives notice of the application in accordance with subsection 3, any person interested may file a written protest to the application and the State Engineer may hold a hearing before rendering a decision in accordance with the provisions of NRS 533.365.

~~[4.]~~ 5. A temporary change may be granted for any period not to exceed ~~[1 year.]~~ 10 years.

Sec. 2. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water \$360.00

This fee includes the cost of publication, which is \$50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit..... 100.00

For examining and acting upon plans and specifications for construction of a dam..... 1,200.00



For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right	\$240.00
This fee includes the cost of publication, which is \$50.	
For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing <i>water</i> right <i>for a period of 1 year or less</i>	180.00
<i>For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing water right for a period of more than 1 year</i>	240.00
For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes	360.00
plus \$3 per acre-foot approved or fraction thereof.	
Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to <i>for a permanent</i> change <i>to</i> an existing water right {whether temporary or permanent} for any purpose	300.00
plus \$3 per acre-foot approved or fraction thereof.	
<i>Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit for a temporary change to an existing water right for any purpose</i>	300.00
<i>plus \$2 per acre-foot approved multiplied by the number of years approved or fraction thereof.</i>	
For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted	1,000.00



For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of	\$750.00
For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes	240.00
plus \$50 for each cubic foot of water per second approved or fraction thereof.	
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water.....	480.00
plus \$50 for each cubic foot per second of water approved or fraction thereof.	
For filing and examining a request for a waiver in connection with an application to drill a well.....	120.00
For filing and examining a notice of intent to drill a well	25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells	300.00
For filing a secondary application under a reservoir permit	300.00
For approving and recording a secondary permit under a reservoir permit	540.00
For reviewing each tentative subdivision map	180.00
plus \$1 per lot.	
For reviewing and approving each final subdivision map	120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet	480.00
plus \$1.25 per acre-foot storage capacity.	
This fee includes the cost of inspection and must be paid annually.	
For flood control detention basins.....	480.00
plus \$1.25 per acre-foot storage capacity.	
This fee includes the cost of inspection and must be paid annually.	



1	For filing proof of completion of work	\$60.00
2	For filing proof of beneficial use.....	60.00
3	For issuing and recording a certificate upon	
4	approval of the proof of beneficial use.....	350.00
5	For filing proof of resumption of a water right	360.00
6	For filing any protest	30.00
7	For filing any application for extension of time	
8	within which to file proofs, of completion or	
9	beneficial use, for each year for which the	
10	extension of time is sought.....	120.00
11	For filing any application for extension of time	
12	to prevent a forfeiture, for each year for	
13	which the extension of time is sought	120.00
14	For reviewing a cancellation of a water right	
15	pursuant to a petition for review	360.00
16	For examining and filing a report of conveyance	
17	filed pursuant to paragraph (a) of subsection	
18	1 of NRS 533.384.....	120.00
19	plus \$20 per conveyance document.	
20	For filing any other instrument.....	10.00
21	For making a copy of any document recorded or	
22	filed in the Office of the State Engineer, for	
23	the first page	1.00
24	For each additional page.....	.20
25	For certifying to copies of documents, records or	
26	maps, for each certificate	6.00
27	For each copy of any full size drawing or map	6.00
28	For each color copy of any full size drawing or	
29	map (2' x 3')	12.00
30	For colored mylar plots	10.00

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32 2. When fees are not specified in subsection 1 for work
33 required of the Office of the State Engineer, the State Engineer shall
34 collect the actual cost of the work.

35 3. Except as otherwise provided in this subsection, all
36 fees collected by the State Engineer under the provisions of this
37 section must be deposited in the State Treasury for credit to the
38 State General Fund. All fees received for copies of any drawing or
39 map must be kept by the State Engineer and used only to pay the
40 costs of printing, replacement and maintenance of printing
41 equipment. Any publication fees received which are not used by
42 the State Engineer for publication expenses must be returned to the
43 persons who paid the fees. If, after exercising due diligence, the
44 State Engineer is unable to make the refunds, the State Engineer



- 1 shall deposit the fees in the State Treasury for credit to the State
- 2 General Fund.

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