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SENATE BILL NO. 153—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF CALIENTE)

FEBRUARY 16, 2011

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the appropriation of water by municipalities. (BDR 48-821)

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.

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AN ACT relating to water; revising the period for which the State Engineer may grant an extension of time to complete an application of water for a municipal or quasi-municipal use; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State Engineer, when endorsing an application for a  
2 permit to appropriate water for a municipal or quasi-municipal use on certain land,  
3 to establish a period of not less than 5 years within which the complete application  
4 of water to that use must be made. Existing law also authorizes the State Engineer  
5 to grant any number of extensions of time to complete that application but limits  
6 each single extension of time to 5 years or less. (NRS 533.380) This bill revises the  
7 period for which the State Engineer may grant an extension of time to complete that  
8 application from 5 years to 10 years.

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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.** (Deleted by amendment.)  
3 **Sec. 3.** (Deleted by amendment.)  
4 **Sec. 4.** (Deleted by amendment.)



\* S B 1 5 3 R 1 \*

1 **Sec. 5.** NRS 533.380 is hereby amended to read as follows:

2 533.380 1. Except as otherwise provided in subsection 5, in  
3 an endorsement of approval upon any application, the State  
4 Engineer shall:

5 (a) Set a time before which the construction of the work must be  
6 completed, which must be within 5 years after the date of approval.

7 (b) Except as otherwise provided in this paragraph, set a time  
8 before which the complete application of water to a beneficial use  
9 must be made, which must not exceed 10 years after the date of the  
10 approval. The time set under this paragraph respecting an  
11 application for a permit to apply water to a municipal or quasi-  
12 municipal use on any land:

13 (1) For which a final subdivision map has been recorded  
14 pursuant to chapter 278 of NRS;

15 (2) For which a plan for the development of a project has  
16 been approved by the local government pursuant to NRS 278.010 to  
17 278.460, inclusive; or

18 (3) On any land for which a plan for the development of a  
19 planned unit development has been recorded pursuant to chapter  
20 278A of NRS,

21 ↪ must not be less than ~~5~~ 10 years.

22 2. The State Engineer may limit the applicant to a smaller  
23 quantity of water, to a shorter time for the completion of work, and,  
24 except as otherwise provided in paragraph (b) of subsection 1, to a  
25 shorter time for the perfecting of the application than named in the  
26 application.

27 3. Except as otherwise provided in subsection 4 and NRS  
28 533.395 and 533.4377, the State Engineer may, for good cause  
29 shown, grant any number of extensions of time within which  
30 construction work must be completed, or water must be applied to a  
31 beneficial use under any permit therefor issued by the State  
32 Engineer, but a single extension of time for a municipal or quasi-  
33 municipal use for a public water system, as defined in NRS  
34 445A.235, must not exceed ~~5~~ 10 years, and any other single  
35 extension of time must not exceed 1 year. An application for the  
36 extension must in all cases be:

37 (a) Made within 30 days following notice by registered or  
38 certified mail that proof of the work is due as provided for in NRS  
39 533.390 and 533.410; and

40 (b) Accompanied by proof and evidence of the reasonable  
41 diligence with which the applicant is pursuing the perfection of the  
42 application.

43 ↪ The State Engineer shall not grant an extension of time unless the  
44 State Engineer determines from the proof and evidence so submitted  
45 that the applicant is proceeding in good faith and with reasonable



1 diligence to perfect the application. The failure to provide the proof  
2 and evidence required pursuant to this subsection is prima facie  
3 evidence that the holder is not proceeding in good faith and with  
4 reasonable diligence to perfect the application.

5 4. Except as otherwise provided in subsection 5 and NRS  
6 533.395, whenever the holder of a permit issued for any municipal  
7 or quasi-municipal use of water on any land referred to in paragraph  
8 (b) of subsection 1, or for any use which may be served by a county,  
9 city, town, public water district or public water company, requests  
10 an extension of time to apply the water to a beneficial use, the State  
11 Engineer shall, in determining whether to grant or deny the  
12 extension, consider, among other factors:

13 (a) Whether the holder has shown good cause for not having  
14 made a complete application of the water to a beneficial use;

15 (b) The number of parcels and commercial or residential units  
16 which are contained in or planned for the land being developed or  
17 the area being served by the county, city, town, public water district  
18 or public water company;

19 (c) Any economic conditions which affect the ability of the  
20 holder to make a complete application of the water to a beneficial  
21 use;

22 (d) Any delays in the development of the land or the area being  
23 served by the county, city, town, public water district or public  
24 water company which were caused by unanticipated natural  
25 conditions; and

26 (e) The period contemplated in the:

27 (1) Plan for the development of a project approved by the  
28 local government pursuant to NRS 278.010 to 278.460, inclusive; or

29 (2) Plan for the development of a planned unit development  
30 recorded pursuant to chapter 278A of NRS,

31 ▶ if any, for completing the development of the land.

32 5. The provisions of subsections 1 and 4 do not apply to an  
33 environmental permit.

34 6. For the purposes of this section, the measure of reasonable  
35 diligence is the steady application of effort to perfect the application  
36 in a reasonably expedient and efficient manner under all the facts  
37 and circumstances. When a project or integrated system is  
38 composed of several features, work on one feature of the project or  
39 system may be considered in finding that reasonable diligence has  
40 been shown in the development of water rights for all features of the  
41 entire project or system.

42 **Sec. 6.** (Deleted by amendment.)

43 **Sec. 7.** (Deleted by amendment.)

44 **Sec. 8.** (Deleted by amendment.)

45 **Sec. 9.** (Deleted by amendment.)



- 1     **Sec. 10.** (Deleted by amendment.)
- 2     **Sec. 11.** (Deleted by amendment.)
- 3     **Sec. 12.** (Deleted by amendment.)
- 4     **Sec. 13.** This act becomes effective on July 1, 2011.

