

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
APRIL 20, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 2:15 P. M. on Monday, April 20, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

- Senator Norman Glaser, Chairman
- Senator Wilbur Faiss, Vice Chairman
- Senator James H. Bilbray
- Senator Lawrence E. Jacobsen
- Senator Joe Neal

COMMITTEE MEMBER ABSENT:

- Senator Floyd D. Lamb

GUEST LEGISLATORS:

- Senator Virgil Getto
- Assemblyman Joseph E. Dini, Jr.

STAFF MEMBERS PRESENT:

- Robert E. Erickson, Senior Research Analyst
- Carolyn L. Freeland, Committee Secretary

SENATE BILL NO. 504

There was a great deal of testimony on this bill both pro and con. Mr. Bill Barrons, Nevada Junior Livestock Show Board, was the first speaker, saying the purpose of this bill is to establish a trust to protect the original giver of the land to the State of Nevada. He said this would be accomplished by establishing a board and further, the purpose of the original grant was to ensure that certain groups would always be able to use the fairground for its shows. He is concerned such groups might be pushed out.

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Mr. Barrons pointed out some errors in the language of the bill: on line 3, page 1, it should read state fair "advisory" board; on line 12 it should read "California-Nevada Hereford Association." Also, line 9, page 1, should read "Nevada Cattlemen's Association." Senator Getto spoke in favor of the bill, saying the advisory board requested is not to participate in operating of the fairgrounds but is merely to serve as an ad hoc group, in an advisory capacity.

Mr. Drake of the Junior Livestock Show Board, testified one of the purposes of this bill is to ensure the fairgrounds continue to be used for agricultural purposes.

Mr. Jim Thornton, Nevada State Fair Board, spoke against the bill, and reviewed the various ways in which the state fair board has improved the fairgrounds, its policies, and the membership of both the board and an advisory board which has been established.

Mr. Mike Melner, attorney representing the Nevada State Fair Board, analyzed the bill with the conclusion that it does not really achieve any particular purpose.

Chairman Glaser summarized the testimony by saying the language of the bill is faulty and he established a subcommittee to work on it. The members of the subcommittee are: Mike Melner; Senator Jacobsen; Senator Getto, chairman; Jim Thornton; Clint Wells; Bill Barrons; and Dave Drew. The subcommittee is to report back to the committee on Monday, April 27, 1981, with its recommendations.

ASSEMBLY BILL NO. 175

Mr. Jac Shaw, Division of State Lands, reviewed the history of the bill and discussed the amendments which had been made to it by the Assembly. He said it is a good bill and he supports it. The Chairman called for the wishes of the committee.

Senator Neal Moved Do Pass
Assembly Bill No. 175 (Exhibit C).

Senator Bilbray seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

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ASSEMBLY BILL NO. 16

Mr. Fred Welden, Senior Research Analyst, said this bill came primarily from an interim study on water in the state, and that Assemblyman Dini had asked him to go through it before the committee section by section.

Mr. Welden explained each section, enumerating the changes in the fee structure. He also spoke in detail on other sections of the bill.

Assemblyman Dini then spoke, saying there had been a great deal of testimony on the subject during the interim study which preceded it. It was felt the fees should be increased as they had not been for a number of years, and the department should be able to pay for itself. Mr. Dini does not feel there is anything too controversial in this version of the bill.

Senator Bilbray asked Mr. Dini if he had seen the committee's amendments to this bill, saying the main thrust of the amendments concerns registration of wells. Mr. Dini said he was in opposition of registration of domestic wells. There was discussion on the subject of permits versus registration in regard to wells. Mr. Dini said registration of domestic wells is unacceptable at this time. Mr. Pete Morros of the Water Department presented a picture of the well and water situation in the Las Vegas area, saying the quality of water is rapidly deteriorating there. He feels the law is already adequate to close wells down which affect ground water status. Mr. Dini continued that it might be wise to draft a new bill relative to domestic well registration and let it stand on its own merit; Assembly Bill No. 16 might be lost if any registration clause was contained within it.

Mr. Bill Newman, State Water Engineer, generally is not opposed to this bill as it is written in the first reprint. He distributed to the committee a Proposed Fee Schedule showing revenue, as it is shown in the first reprint, of Assembly Bill 16. (Exhibit D). He feels this schedule would make his office more self-supporting.

Mr. Newman reviewed the amendments, voicing his agreements or objections and making recommendations for minor changes

Mrs. Diane Campbell, Nevada Miners and Prospectors Association, said her organization generally supports this bill, but had questions regarding water provisions for wildlife at mine sites. Senator Bilbray replied there was no present problem but one might develop in this area in the future.

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Mr. Gene Milligan, speaking for the Nevada Association of Realtors, supports the bill with Mr. Dini's suggestions.

SENATE BILL NO. 178

This bill, which had been heard at a previous meeting of the committee, was reconsidered along with the testimony above on Assembly Bill No. 16.

SENATE BILL NO. 381

Mr. Roy Neighbors, Nye County Commissioner, expressed the concern of the commissioners with original Senate Bill No. 381, especially the language in Section 3, saying Nye County would have the largest negative impact from the MX system of any county in the state, and if block grants came to the state for mitigation, it would take legislative authorization for the county to obtain funds.

Senator Glaser said the committee had moved Do Pass on this bill and asked Mr. Erickson to further explain this matter.

Mr. Erickson said at the last meeting of the committee, there had been suggestions for additional language to the amendments; these suggestions were to go to the bill drafter and then back to the committee. The bill drafter, through Mr. Daykin, Legislative Counsel Bureau counsel, recommended against those amendments as they would be confusing with state law (Exhibit E).

Senator Bilbray pointed out that this view was inconsistent with previous testimony, especially regarding deduction of administrative costs for disbursement of mitigation funds, which had been occurring in other sections of state law. Chairman Glaser noted generally it is in law the state may retain a certain percent to administer funds. Senator Bilbray stated it should be very clear in the minutes of the meeting, and provide every local entity in the state with a copy, the fact legislative counsel says there cannot be deductions for administrative costs and the committee did not put a provision in the law the state could not charge an administrative cost due to this ruling.

Chairman Glaser ruled that legislative intent be clear in the minutes, and to let the amendments stand. The committee concurred.

Mr. Neighbors then said the bill as amended would be acceptable to the commissioners.

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Mr. Steve Bradhurst, MX Project Director, then spoke of the needs of the state in regard to monies for state roads as a result of MX impact. He added the full impact of the MX is still not known in the state, making it difficult for local entities to develop plans to handle impact. Senator Bilbray added the local areas do not want to wait a year to find out what they need; they need to have planning information immediately. Mr. Bradhurst said pressure must be exerted on those responsible for developing a management plan, and Senator Bilbray stressed the state must know at this point what local entity needs are.

Mr. Bradhurst said the way the bill is amended now is the proper way to go and he has no problems with it. He said the only concern he might have is with Amendment No. 581, Section 3, regarding "block grants;" he stated the money may come in some other form than block grants, and the language might read better if it said, "...the money ...received may be..." eliminating the words "in block grants."

Senator Neal moved Amend and Do Pass
Senate Bill No. 381 (Exhibit F)
with latest amendments, including
the recommendation to remove the
words, "in block grants."

Senator Bilbray seconded the motion.

The motion carried unanimously. (Senator Lamb
and Senator Jacobsen were absent for the vote).

SENATE BILL NO. 241

Mr. Erickson said this bill was being held only to combine with Senate Bill No. 381, so both could go to the Senate Floor at the same time. Chairman Glaser said this plan would be followed.

Chairman Glaser recommended holding Assembly Bill No. 16 for the time being, and sending Senate Bill No. 178 to the Assembly in an amended form. Senator Neal and Senator Bilbray recommended putting the amendment to Senate Bill No. 178 in Assembly Bill No. 16 and let the matter go to conference. It was suggested by Senator Bilbray changing the five years to one year (requirement for hookup to domestic water supply). Chairman Glaser said if such was the will of the committee, he would entertain a motion to that effect.

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Senator Bilbray moved putting the amendments to Senate Bill No. 178 into Assembly Bill No. 16 and placing an amendment therein changing the language to "one year" from "five years, and so Amend and Do Pass Assembly Bill No. 16, (Exhibit G).

Senator Neal seconded the motion.

The motion carried unanimously. (Senator Lamb and Senator Jacobsen were absent for the vote).

SENATE BILL NO. 175

Chairman Glaser said Assembly amendments had been made to this bill which the committee had previously passed out, and it was wished to be known if the committee concurred with such amendments. Mr. Erickson briefly explained the amendments. Mr. Bradhurst expressed a problem with the language, saying the words "or local governments" should be included in the section referring to surplus disposition.

Senator Neal suggested the committee not concur in the amendments and go to conference on the matter. Mr. Erickson asked Mr. Bradhurst to transmit a letter incorporating that language to the committee for use in conference. Chairman Glaser asked Mr. Bradhurst to prepare a statement to that effect. The committee concurred in going to conference on Senate Bill No. 175.

There being no further business, the meeting was adjourned at 4:50 P. M.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED:


Senator Norman Glaser, Chairman

DATE: April 25, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Natural Resources , Room 323 .

Day Monday , Date April 20, 1981 , Time 1:30 P. M.

Senate Bill No. 504--Creates state fair board.

Assembly Bill No. 175--Adds provision for administration of public lands so as to preserve lands of archeological significance. Amendment No. 273 from Assembly.

Assembly Bill No. 16--Provides for extension of time for use of appropriated water and for registration of certain wells.

Amendment No. 584.
FURTHER DISCUSSION

Senate Bill No. 178--Requires permits for domestic wells within designated basins. Report of the subcommittee presented by Senator James H. Bilbray, Chairman.

FINAL DISCUSSION

Senate Bill No. 381--Directs governor to contract with Federal Government for money to ameliorate financial effects of "MX missile project. (Do passed as amended in Committee 4/13).
Amendment No. 581

Senate Bill No. 241--Provides for temporary water permits for construction purposes, grants additional powers to political subdivisions and municipal corporations. (Do pass as amended in Committee 4/13).

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 175

**ASSEMBLY BILL NO. 175—ASSEMBLYMEN HAYES,
RHOADS AND MARVEL**

FEBRUARY 17, 1981

Referred to Committee on Economic Development
and Natural Resources

SUMMARY—Adds provision for administration of public lands so as to
preserve lands of archeological significance. (BDR 26-744)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to state control of public lands; adding a provision for the preservation of lands of archeological significance in the administration of public lands; adding members to the board of review; requiring the department of conservation and natural resources to submit its management plan to the board; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 321.5967 is hereby amended to read as follows:
2 321.5967 1. There is hereby created a board of review composed of
3 the:
4 (a) Director of the state department of conservation and natural
5 resources;
6 (b) Administrator of the division of environmental protection of the
7 state department of conservation and natural resources;
8 (c) Administrator of the division of mineral resources of the state
9 department of conservation and natural resources;
10 (d) Administrator of the division of state parks of the state depart-
11 ment of conservation and natural resources;
12 (e) State engineer;
13 (f) State forester firewarden;
14 (g) Chairman of the state environmental commission;
15 (h) Director of the department of energy; [and]
16 (i) Executive director of the state department of agriculture [.] ;
17 (j) *The chairman of the board of wildlife commissioners; and*
18 (k) *Administrator of the division of historic preservation and archeol-*
19 *ogy of the state department of conservation and natural resources.*

1 2. The chairman of the state environmental commission shall serve
2 as chairman of the board.

3 3. The board shall meet at such times and places as are specified by
4 a call of the chairman. ~~Five~~ Six members of the board constitute a
5 quorum. The affirmative vote of a majority of the board members present
6 is sufficient for any action of the board.

7 4. Except as provided in this subsection, the members of the board
8 serve without compensation. The chairman of the state environmental
9 commission ~~is~~ and the chairman of the board of wildlife commissioners
10 are entitled to receive a salary of \$40 for each day's attendance at a
11 meeting of the board and the travel expenses and subsistence allowances
12 provided by law for state officers.

13 5. The board:

14 (a) Shall review and approve or disapprove all regulations proposed
15 by the state land registrar under NRS 321.597.

16 (b) May review any decision of the state land registrar made pursuant
17 to NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to
18 NRS 321.5987, and affirm, modify or reverse the decision.

19 SEC. 2. NRS 321.5977 is hereby amended to read as follows:

20 321.5977 The public lands of Nevada must be administered in such
21 a manner as to conserve and preserve natural resources, wildlife habitat,
22 wilderness areas, historical sites and artifacts, *prehistoric sites and arti-*
23 *facts, paleontological resources* and to permit the development of com-
24 patible public uses for recreation, agriculture, ranching, mining and
25 timber production and the development, production and transmission of
26 energy and other public utility services under principles of multiple use
27 which provide the greatest benefit to the people of Nevada.

28 SEC. 3. Section 10 of chapter 633, Statutes of Nevada 1979, at page
29 1367, is hereby amended to read as follows:

30 Sec. 10. 1. The department of conservation and natural
31 resources shall conduct an inventory and a study of the public lands
32 of Nevada to determine, in conjunction with the respective boards
33 of county commissioners and the planning commissions of the sev-
34 eral counties, the methods of management that will best satisfy the
35 requirements of section 6 of this act and establish a basis for deter-
36 mining the best uses of the land and shall submit its proposed
37 methods of management to the board for its recommendations.

38 2. The department of conservation and natural resources shall
39 submit a report of its findings and recommendations to the 61st ses-
40 sion of the legislature.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

201 South Fall Street, Carson City, Nevada 89710

April 16, 1981

EXHIBIT D

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 885-4380

In reply refer to
No.

MEMORANDUM

To: Bill Bible, Fiscal Analyst
From: Bill Newman, State Engineer
Subject: Estimated Revenue from Fee Schedule Proposed
Under A.B. 16 (1st reprint)

As you requested, I have estimated the revenue generated from the new fee schedule as proposed in A.B. 16.

Certain assumptions are made to arrive at this estimate:

1. Cost of publication of applications required by NRS 533.360 remains at \$25.00.
2. The number of applications received in the first three months of 1981 totals 412. For the purpose of this estimate the number of applications received in the first three months of 1981 will be extended for the full year and rounded to 1600.
3. A moratorium remains in any land applications under the Carey Act and the activity under the Desert Land Entry Act remains at the present level.
4. The number of applications cancelled for failure to submit a correct application, or withdrawn prior to publication, is estimated to be 35% of the applications filed and the number of applications denied because of overappropriation, concentrations, etc., is estimated to be 20% of all applications submitted. No permit fees or other fees will be received from this source.
5. Applications to change existing rights total about 20% of the total number of applications received. This percentage is expected to increase over the years as new applications are denied and existing rights are moved around. No permit fees can be assessed to applications to change under NRS 533.435.
6. Stockwatering applications total some 10% of the total number of applications received. This will reflect in the permit fees.

	<u>EXHIBIT D/3</u>
G. Transfer of Title	
100 @ \$10	\$ 1,000
H. Permits for dams	
10 @ \$100	\$ 1,000
I. Miscellaneous	
Copies of documents, etc.	\$ 200
	<hr/>
TOTAL	\$194,500
FY 1981-1982 Budget	\$1,134,800
FY 1979-1980 Revenue to General Fund	\$67,900

NOTE:

1. Increased fee schedule may result in a decline in the number of applications filed and a possible increase in the number of illegal uses.
2. There are presently many pending applications that fees must be assessed under the existing schedule according to a District Court decision that statutes apply as of the time the application was filed.

WJN/bc

To: Committee on Natural Resources

From: Senate Bill Printing, Alaska

Date: 4-18-81

Re: S.B. 381 -- Changes to Amendment No. 506

Subsec 2 of section 1: regarding the
deduction of administrative costs ① Such costs
may not be deducted from categorical grants of
the Fed. Gov. when the state is a mere conduit;
② There is no general authority for a state
agency to deduct administrative costs from
money it allocates, unless, perhaps, the
authority to allocate is without restriction
as to any person or thing (unlikely), and a
prohibition will not be added to the NRS
where it is not needed, because this prevents
agency from arguing in the future by negative
implication that, because of the absence of such
a prohibition with respect to it, it ought to be

such power. If the committee wishes to authorize the incurring of administrative costs, such a provision will be added. [The language of this subsec. is brought to the local to derive money from a block grant to the county for admin. costs if applicable.]

Subsec. 3 of Section 1: "money may be allocated... to pay for the costs of state and local governmental agencies" --

"or combinations thereof" etc. nothing, since the language of the subsec. does not prohibit such combinations and the Interlocal Cooperation Act authorizes them.

Subsec. 4 of Section 1 -- see the preceding paragraph. This provision is a standard limitation on the payment of claims and does not need amendment.

S. B. 381

**SENATE BILL NO. 381—SENATORS WILSON,
GIBSON AND GLASER**

MARCH 9, 1981

Referred to Committee on Natural Resources

SUMMARY—Directs governor to contract with Federal Government for money to ameliorate financial effects of "MX" missile project. (BDR S-1235)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT directing the governor to contract with the Federal Government for money to ameliorate the financial effects of the "MX" missile project on state and local government.

1 **WHEREAS**, The construction and operation of the "MX" missile system
2 in Nevada will have an adverse financial effect upon the state and its local
3 governments because of the increase in demand for public services; now,
4 therefore,

5
6 *The People of the State of Nevada, represented in Senate and Assembly,*
7 *do enact as follows:*

8
9 **SECTION 1.** The governor shall use his best efforts to enter into an
10 agreement with appropriate federal agencies to provide for an annual pay-
11 ment of money by the Federal Government to ameliorate the adverse
12 financial effects which the construction and operation of the "MX" missile
13 system in Nevada will have upon the state and its local governments. This
14 agreement is to be effective for 4 years and renewable upon expiration.

15 **SEC. 2.** 1. The terms of the agreement must direct that all payments
16 under its terms be made to the department of taxation.

17 2. The department of taxation shall deposit the money it receives
18 from the Federal Government into the state treasury to the credit of the
19 account to ameliorate the effects of the "MX" missile project which is
20 hereby created in the state general fund.

21 **SEC. 3.** Any money in the account may be used to offset the expenses
22 incurred by the state resulting from the construction and operation of the
23 "MX" missile system and may be distributed, upon proper legislative
24 authorization, to local governments for similar purposes.

25 **SEC. 4.** This act shall become effective upon passage and approval.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 16

ASSEMBLY BILL NO. 16—COMMITTEE ON ECONOMIC
DEVELOPMENT AND NATURAL RESOURCES

JANUARY 22, 1981

Referred to Committee on Economic Development and
Natural Resources

SUMMARY—Provides for extensions of time for use of appropriated water and
for registration of certain wells. (BDR 48-87)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to water; revising certain provisions of law relating to the time
within which appropriated water must be put to a beneficial use; clarifying
the date after which a period of nonuse of water works a forfeiture of rights;
requiring well drillers to furnish copies of certain records to the state engineer;
providing for the registration of certain wells; requiring access to water for
wildlife; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 533.135 is hereby amended to read as follows:
2 533.135 1. At the time of submission of proofs of appropriation,
3 where the necessary maps are prepared by the state engineer, the fee
4 collected from such claimants [shall] *must* be the actual cost of survey
5 and preparation of maps.
6 2. The state engineer shall collect a fee of [~~\$10~~] \$50 for a proof
7 of water used for domestic purposes or any other character of claim to
8 water.
9 3. All fees collected as provided in this section [shall] *must* be
10 accounted for in detail and deposited with the state treasurer once in
11 each month.
12 SEC. 2. NRS 533.380 is hereby amended to read as follows:
13 533.380 1. In his endorsement of approval upon any application,
14 the state engineer shall:
15 (a) Set a time [prior to] *before* which the construction of the work
16 must be completed, which must be within 5 years of the date of such
17 approval.
18 (b) [Set a time prior to] *Except as provided in this paragraph, set a*

1 *time before which the complete application of water to a beneficial use*
2 *must be made, which must not exceed 10 years [from] after the date of*
3 *the approval. The time set under this paragraph respecting an application*
4 *for a permit to apply water to a municipal or quasi-municipal use on any*
5 *land for which a final subdivision map has been recorded pursuant to*
6 *chapter 278 of NRS must not be less than 5 years.*

7 2. The state engineer may limit the applicant to a [less amount]
8 *smaller quantity of water, [than that applied for, to a less] to a shorter*
9 *period of time for the completion of work, and [a less], except as provided*
10 *in paragraph (b) of subsection 1, to a shorter period of time for*
11 *the perfecting of the application than named in the application.*

12 3. [The] *Except as provided in subsection 4, the state engineer may,*
13 *for good cause shown, extend the time within which construction work*
14 *[shall] must be completed, or water must be applied to a beneficial use*
15 *under any permit therefor issued by [the state engineer;] him; but an*
16 *application for the extension must in all cases be made within 30 days*
17 *following notice by registered or certified mail that proof of the work is*
18 *due as provided for in NRS 533.390 and 533.410.*

19 4. *Whenever the holder of a permit issued for any municipal or*
20 *quasi-municipal use of water on any land for which a final subdivision*
21 *map has been recorded pursuant to chapter 278 of NRS requests an*
22 *extension of time to apply the water to a beneficial use, the state engineer*
23 *shall, in determining whether to grant or deny the extension, consider,*
24 *among other reasons:*

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

27 (b) *The number of parcels of land and commercial or residential units*
28 *which are contained in or planned for the subdivision;*

29 (c) *Any economic conditions which affect the ability of the holder to*
30 *make a complete application of the water to a beneficial use; and*

31 (d) *Any delays in the development of the subdivision which were*
32 *caused by unanticipated natural conditions.*

33 SEC. 3. NRS 533.410 is hereby amended to read as follows:

34 533.410 [Should the] *If any holder of a permit from the state engi-*
35 *neer [fail, prior to] fails, before the date set for filing in his permit [,]*
36 *or the date set by any extension granted by the state engineer, to file with*
37 *the state engineer proof of application of water to beneficial use, and the*
38 *accompanying map, if a map is required, the state engineer shall advise*
39 *the holder of the permit, by registered or certified mail, that the permit is*
40 *held for cancellation. [Should] If the holder, within 30 days after the*
41 *mailing of this notice, [fail to file] fails to file with the state engineer the*
42 *required affidavit and map, if a map is required, or an application for an*
43 *extension of time to file the instruments, the state engineer shall cancel the*
44 *permit. For good cause shown, upon application made [prior to] before*
45 *the expiration of [such] the 30-day period, the state engineer may [, in*
46 *his discretion.] grant an extension of time in which to file the instruments.*

47 SEC. 4. NRS 533.435 is hereby amended to read as follows:

48 533.435 1. The [following fees shall be collected by the state engi-
49 *neer:] state engineer shall collect the following fees:*

1	For examining and filing an application for a permit	
2	to appropriate water.....	[\$35.00] \$100.00
3	[The \$35 fee shall include] <i>This fee</i>	
4	<i>includes the cost of publication [</i>	
5	<i>which publication fee] which is \$25.</i>	
6	<i>For examining and acting upon plans and specifica-</i>	
7	<i>tions for construction of a dam, in addition to</i>	
8	<i>the actual cost of inspection.....</i>	100.00
9	For examining and filing an application for <i>each</i> per-	
10	mit to change the point of diversion, manner of	
11	use, or place of use.....	40.00
12	[The \$40 fee shall include the cost of per-	
13	mit should the same issue thereunder,	
14	and the] <i>This fee includes the cost of</i>	
15	<i>the permit and the publication of</i>	
16	<i>such an application, which [publica-</i>	
17	<i>tion fee] is \$25.</i>	
18	[For issuing and recording permit to appropriate	
19	water for irrigation purposes, for each acre to	
20	be irrigated, up to and including 100 acres, per	
21	acre.....	.10
22	For each acre in excess of 100 acres up	
23	to and including 1,000 acres.....	.05
24	For each acre in excess of 1,000 acres.....	.03
25	For issuing and recording permit for power pur-	
26	poses, for each theoretical horsepower to be	
27	developed.....	.05
28	For issuing final certificate under permit for power	
29	purposes, for each theoretical horsepower to be	
30	developed up to and including 100 horsepower....	.25
31	For each horsepower in excess of 100	
32	horsepower up to and including 1,000	
33	horsepower.....	.20
34	For each horsepower in excess of 1,000	
35	horsepower.....	.15
36	For issuing and recording permit to store water.....	25.00
37	For issuing final certificate under permit to store	
38	water, for each acre-foot of water stored up to	
39	and including 1,000 acre-feet.....	.05
40	For each acre-foot in excess of 1,000	
41	acre-feet.....	.03]
42	For issuing and recording <i>each</i> permit to appropri-	
43	ate water for any [other] purpose, <i>except</i>	
44	<i>watering livestock</i> , for each second-foot of water	
45	applied for or fraction thereof..... [10.00]	100.00
46	<i>For issuing and recording each permit to appropriate</i>	
47	<i>water for watering livestock, for each second-</i>	
48	<i>foot of water applied for or fraction thereof.....</i>	50.00
49	For filing a secondary permit under a reservoir permit....	5.00

1	For approving and recording a permit under a res-	
2	ervoir permit.....	\$5.00
3	For filing proof of completion of work.....	[1.00] 10.00
4	For filing proof of beneficial use.....	[1.00] 10.00
5	For filing any protest.....	10.00
6	For filing any application for extension of time within	
7	which to file proofs.....	[5.00] 25.00
8	For filing any assignment or water right deed, for	
9	each water right assigned, <i>actual cost of the</i>	
10	<i>work up to</i>	[1.00] 10.00
11	For filing any other instrument.....	1.00
12	For making copy of any document recorded or filed	
13	in his office, for the first 100 words.....	1.00
14	For each additional 100 words or fraction	
15	thereof.....	.20
16	Where the amount exceeds \$5, then only	
17	the actual cost in excess of that	
18	amount [shall] <i>may</i> be charged.	
19	For certifying to copies of documents, records or	
20	maps, for each certificate.....	1.00
21	For <i>each</i> blueprint copy of any drawing or map, per	
22	square foot.....	.15
23	The minimum charge for a blueprint copy,	
24	per print.....	1.00

25 2. When fees are not specified in subsection 1 for [such other] work
 26 [as may be] required of his office, the state engineer shall collect the
 27 actual cost of the work.

28 3. The minimum fee for issuing and recording any permit is \$10.

29 4. Except as otherwise provided in this subsection, all fees collected
 30 by the state engineer under the provisions of this section must be depos-
 31 ited in the state treasury for credit to the general fund. All fees received
 32 for blueprint copies of any drawing or map must be kept by him and used
 33 only to pay cost of printing and maintenance of printing equipment. Any
 34 publication fees received which are not used by him for publication
 35 expenses must be returned to the persons who paid the fees. If, after
 36 exercising due diligence, the state engineer is unable to make the refunds,
 37 he shall deposit the fees in the state treasury for credit to the general
 38 fund. The state engineer may maintain, with the approval of the state
 39 board of examiners, a checking account in any bank qualified to handle
 40 state money to carry out the provisions of this subsection. The bank
 41 account [shall] *must* be secured by a depository bond satisfactory to the
 42 state board of examiners to the extent the account is not insured by the
 43 Federal Deposit Insurance Corporation.

44 SEC. 5. Chapter 533 of NRS is hereby amended by adding thereto a
 45 new section which shall read as follows:

46 *Before a person may obtain a right to the use of water from a spring*
 47 *or water which has seeped to the surface of the ground, he must ensure*
 48 *that wildlife which customarily uses the water will have access to it. The*
 49 *state engineer may waive this requirement for a domestic use of water.*

50 SEC. 6. NRS 534.090 is hereby amended to read as follows:

1 534.090 1. [Failure] *Except as provided in subsection 2, failure*
2 *for 5 successive years after April 15, 1967, on the part of the holder of*
3 *any right, whether it [be] is an adjudicated right, an unadjudicated right,*
4 *or permitted right, and further whether [such right be] the right is*
5 *initiated after or before March 25, 1939, to use beneficially all or any*
6 *part of the underground water for the purpose for which [such right*
7 *shall be] the right is acquired or claimed, [shall work] works a forfei-*
8 *ture of both undetermined rights and determined rights of the right to*
9 *the use of [such] that water to the extent of [such] the nonuse. Upon*
10 *the forfeiture of a right to the use of ground water, [such] the water*
11 *[shall revert] reverts to the public and [shall be] is available for further*
12 *appropriation, subject to existing rights. If, upon notice by registered or*
13 *certified mail to the person of record whose right has been declared*
14 *forfeited, [such] that person fails to appeal such ruling in the manner*
15 *provided for in NRS 533.450, and within the time provided for therein,*
16 *the forfeiture becomes final.*

17 2. *The state engineer may, upon the request of the holder of any*
18 *right described in subsection 1, extend the time necessary to work a*
19 *forfeiture under that subsection if the request is made before the expira-*
20 *tion of the time necessary to work a forfeiture. The state engineer may*
21 *grant any number of extensions, but no single extension may exceed 1*
22 *year. In determining whether to grant or deny a request, the state engineer*
23 *shall, among other reasons, consider:*

24 (a) *Whether the holder has shown good cause for his failure to use all*
25 *or any part of the water beneficially for the purpose for which his right*
26 *is acquired or claimed;*

27 (b) *The unavailability of water to put to a beneficial use which is*
28 *beyond the control of the holder; and*

29 (c) *Any economic conditions or natural disasters which made the*
30 *holder unable to put the water to that use.*

31 3. *A right to use underground water whether it [be] is vested or*
32 *otherwise may be lost by abandonment. If the state engineer, in investi-*
33 *gating a ground water source, upon which there has been a prior right,*
34 *for the purpose of acting upon an application to appropriate water from*
35 *the same source, is of the belief from his examination that an abandon-*
36 *ment has taken place, he shall so state in his ruling approving the appli-*
37 *cation. If, upon notice by registered or certified mail to the person of*
38 *record who had the prior right, [such] that person fails to appeal such*
39 *ruling in the manner provided for in NRS 533.450, and within the time*
40 *provided for therein, the alleged abandonment declaration as set forth*
41 *by the state engineer becomes final.*

42 SEC. 7. NRS 534.170 is hereby amended to read as follows:

43 534.170 1. The well driller shall keep:

44 (a) *A log of the depth, thickness and character of the different strata*
45 *penetrated and the location of water-bearing strata; and*

46 (b) *An accurate record of the work, including:*

47 (1) *A statement of the date of beginning work;*

48 (2) *The date of completion;*

1 (3) The length, size and weight of the casing and how [the same]
2 it is placed;

3 (4) The size of the drilled hole;

4 (5) Where sealed off and the type of seal;

5 (6) The name of the well driller and the type of drilling machine
6 used;

7 (7) The number of cubic feet per second or gallons per minute of
8 flow from such well when completed; and

9 (8) The pressure in pounds per square inch if it is a flowing well,
10 and, if nonflowing, the static water level, and the water temperature.

11 2. The well driller shall furnish a copy of the log and the record of
12 work for every well drilled to the state engineer within 30 days after the
13 well is completed.

14 3. If the well is to be tested by pumping by the [permittee, immedi-
15 ately following the completion of the test the report shall] holder of the
16 permit, the report of the test must include the drawdown with respect
17 to the amount of water pumped [,] and any additional information
18 requested by the state engineer. [, all of which shall be] This informa-
19 tion must be reported and verified on forms prescribed by the state
20 engineer. [and shall] The report must be returned [within] :

21 (a) Immediately following the completion of the test; or

22 (b) Within 30 days following the completion of the well [. Such record
23 and dates shall become] ,
24 whichever occurs later.

25 4. The log, record of the work and report of the test are a permanent
26 record in the state engineer's office.

27 SEC. 8. NRS 535.010 is hereby amended to read as follows:

28 535.010 1. Any person, firm, association or corporation proposing
29 to construct a dam [in any stream of water] in this state shall, before
30 beginning [the work of such] construction, obtain from the state engi-
31 neer [, or shall have theretofore obtained from him,] a permit to appro-
32 priate, store and use the water to be impounded by [and] or diverted by
33 [such dam.] the dam.

34 2. Any such person, firm, association or corporation obtaining or
35 possessing such a permit shall:

36 (a) Before constructing, reconstructing or altering in any way any
37 dam, notify the state engineer thereof; and

38 (b) Where the [proposed] dam [, or as the same may be recon-
39 structed,] is or will be 10 feet or more in height or is less than 10 feet in
40 height and will impound more than 10 acre-feet of water, submit to the
41 state engineer in triplicate plans and specifications thereof for his approval
42 30 days before construction [of such dam shall] is to begin.

43 3. The state engineer shall examine such plans and specifications
44 and if he approves [the same] them he shall return one copy with his
45 approval to the applicant. If the state engineer disapproves any part of
46 such plans and specifications he shall return [the same] them to the
47 applicant for correction or revision.

48 4. The construction and use of any dam is prohibited [prior to such
49 official] before approval of the plans and specifications [,] by the state
50 engineer.

1 5. The state engineer may at any time inspect or cause to be
2 inspected the construction work while it is in progress in order to deter-
3 mine that it is being done in accordance with the approved plans and
4 specifications.

5 6. This section [shall apply] *applies* to new construction, recon-
6 struction and alteration of old structures.

7 7. The provisions of this section relating to approval of plans and
8 specifications and inspection of dams [shall] *do not* apply to works con-
9 structed by the United States Bureau of Reclamation or the United States
10 Army Corps of Engineers; but such federal agencies shall file duplicate
11 plans and specifications with the state engineer.

12 8. Any person beginning the construction of any [such] dam before
13 approval of the plans and specifications by the state engineer, or without
14 having given the state engineer 30 days' advance notice of any proposed
15 change, reconstruction or alteration thereof, [shall be] *is* guilty of a mis-
16 demeanor. Each day of violation of this section [shall constitute] *consti-*
17 *tutes* a separate offense and [be] *is* separately punishable.

18 SEC. 9. NRS 535.040 is hereby amended to read as follows:

19 535.040 [1.] The provisions of NRS 535.010 to 535.030, inclu-
20 sive, [shall not be construed as creating any liability for damages against
21 the state or against its officers, agents and employees.

22 2. No action may be brought under the provisions of NRS 535.010
23 to 535.030, inclusive, which is based upon:

24 (a) Failure to inspect any dam or the construction of any dam to
25 determine any hazards, deficiencies or other matters, whether or not
26 there is a duty to inspect; or

27 (b) Failure to discover such hazard, deficiency or other matter,
28 whether or not an inspection is made.] *and the performance by the*
29 *state engineer of his duties under them do not constitute a warranty*
30 *in favor of anyone concerning the water to be impounded or diverted.*

31 SEC. 10. Sections 2, 3 and 4 of this act shall become effective at
32 12:01 a.m. on July 1, 1981.