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MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 22, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman D. Glaser, at 1:35 p.m., on Wednesday, April 22, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Attendance Roster. Exhibit B is the Senate Agenda.

COMMITTEE MEMBERS PRESENT:

Senator Norman D. Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator James H. Bilbray
Senator Lawrence E. Jacobsen

COMMITTEE MEMBERS ABSENT:

Senator Joe Neal
Senator Floyd R. Lamb

STAFF MEMBERS PRESENT:

Robert E. Erickson, Senior Research Analyst
Azalea Reynolds, Committee Secretary

Chairman Glaser stated that *BDR 50-1926 had been given to him for committee introduction. This measure would transfer duty of recording brands of sheep and goats from the County recorder to the State Department of Agriculture. It was now an obsolete task for the County recorder and more rightfully under the above-mentioned Department.

Senator Bilbray moved that the bill be entered.

Senator Jacobsen seconded the motion.

BDR 50-1926 was moved and seconded and passed unanimously for committee introduction.

*(S.B. 599)

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ASSEMBLY BILL NO. 220

Chairman Glaser said this bill "Revises certain fees charged by the Department of Wildlife".

Mr. Joe Greenley, Director of the Department of Wildlife, explained that Assembly Bill No. 220 was a modification of a bill proposed by the commission as a result of some budget modifications by the Department whereby they would not be requesting the amount of general fund money during this year. The amount of general fund money required was equivalent to the first half of the biennium amount, and this amount had been carried forward to this year.

In addition, Mr. Greenley said additional demands had been placed on the Department by the transfer of capital improvement projects, rather than being carried on the budget of the Public Works.

The original proposal of the commission was a rather moderate increase in both hunting and fishing licenses for both juniors and adults, but did not cover the full spectrum of licenses. Assembly Bill No. 220 was, therefore, modifications proposed and passed by the Assembly Economic Development and Natural Resources which would reflect an across-the-board increase for both hunting and fishing licenses.

Mr. Greenley then read out the modifications in the first reprint of the Bill. (See Exhibit C). The Bill would reinstate a combination license covering hunting and fishing licenses, a type which had been in effect many years ago. Fishing licenses presently were issued for a calendar year and hunting licenses for a fiscal year. The Bill would now change the term of the license for both types from March 1 to February 28, thus allowing all purchasers to hunt through the entire season, with the exception of mountain lion.

Mr. Greenley suggested the following amendments:

On page 3, line 45, the word 'resident' to be placed before the words "special season for deer".

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On Page 3, Sec. 7, line 47 - Omit the final period and insert additional wording so that this section reads:

"Sec. 7. This act shall become effective upon passage and approval except the increased fees for fishing licenses and the combined hunting and fishing license shall not become effective until March 1, 1982."

Mr. Greenley referred to Page 3, Sec. 2, paragraph 5:

"The commission may accept sealed bids for or auction one bighorn sheep tag each year. The money received from the bid or auction must be deposited with the state treasurer for credit to the wildlife account in the state general fund."

He said this was completely new and was patterned what was being done in Utah and in Montana. Tags for bighorn sheep were auctioned off by a sealed bid - in Utah one of these tags went for \$20,000 and a Montana tag went for \$29,000; the individual who purchased the Utah tag wanted to buy another for \$20,000, but it was limited to one tag only. The suggestion to include this in Assembly Bill No. 220 came from an organization known as 'Big Horns Unlimited' out of Fallon, and this group are raising money themselves basically for transporting bighorns to the area, and last year donated \$4,000 to the Commission. They suggested that we follow the lead of these other two states and that money be earmarked specifically for the purpose of transplanting bighorn sheep, and the above-stated paragraph would be the intent of the commission.

Senator Bilbray enquired how many tags were given out a year and Mr. Greenley stated about eighty.

Regarding the question of poaching, Mr. Greenley said this was a serious problem, as there was high demand for bighorn sheep heads and there had been cases involving interstate shipment. However, the maximum penalty was \$500.00 and six months which amounted to a misdemeanor. He further explained that there was presently a Bill in the Assembly which would provide stiffer penalties, which also included a payment to the State of \$1,000 and it was hoped this would curtail poaching, but would not eliminate it entirely.

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Mr. Greenley explained that under the bill one tag would be auctioned over and above the normal quota, and the amount received would go into the wildlife account in the state general fund and the monies thus collected would be specifically for bighorn sheep.

Chairman Glaser inquired whether or not a smaller number of licenses could be issued and the balance of the quota be auctioned off. However, Mr. Greenley replied this could not be done as there had already been opposition to auctioning off the one tag and the opponents would undoubtedly accuse the Department of raising money to keep itself in funds. The idea of only one tag being issued and the monies collected for that specific animal was generally well accepted.

Referring to line 44, page 3, Mr. Greenley suggested an amendment, and believed it had the concurrence of the Assembly people who were involved, whereby the department of wildlife may charge a fee of not more than \$9.00 per tag issued pursuant to sub-section 2 of NRS 502.254. The principal reason that the amount of \$9.00 was inserted was because the Assembly Committee did not want to authorize a fee increase and then make it possible for the commission to then also raise the deer tag fee.

Mr. Greenley also explained that the reason for the fishing, and the combined hunting and fishing licenses should not become effective until March 1, 1982, was because fishing licenses are currently out to all the agents the cost of which is \$10.00. If the fee becomes effective prior to this date, there would be a problem in marking the licenses with the new fees (\$25.00). It was therefore preferable to have the current licenses valid up to April 28, and the new licenses effective March 1, 1982.

Mr. Dick Serdoc, President Clear Creek Bowman then spoke. His organization consisting of over 100 families, at one of their meetings had discussed the Bill and unanimously supported the measure. He mentioned that they were enthusiastic over the programs of the department of wildlife had presented and wished to advise the committee of their full support of Assembly Bill No. 220, including the increased fees.

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Mr. Thomas Cates, Representing Nevada Organization for Wildlife - a Northern Nevada sportsman group then testified that his organization supported Assembly Bill No. 220 since it was introduced in the Assembly. Disappointment was expressed over the fact that a lot of hard work had gone into this measure during the last Session, in particular the efforts to get the department into the general fund, and then only to find that very little funding money was allowed. Rather than have a cutback in the programs and services provided, the organization supported the increase in the proposed fees. In reply to a question by the Chairman Mr. Cates said they had approximately 360 members and did provide some benefits and programs for their members. Further efforts were underway to increase the programs and some new equipment, particularly for bighorn sheep.

Mr. Don Quilicy, Northern Vice-President of the Nevada Wildlife Federation testified that in February, 1981 the group had voted to support the general fee increases proposed under the Assembly Bill No. 220, and would like to go on record their wholehearted support.

Senator Jacobsen inquired if Mr. Quilicy had any feelings as regards issuing of free licenses to certain people, such as Indians, or senior citizens.

Mr. Quilicy said that in his opinion, everyone should be required to pay at least the minimal cost for processing a particular license and did not think free licenses should be issued, as it only resulted in an added expense to the issuing agency without any returns.

Mr. Fred E. Wright, of Nevada Wildlife Federation and Chairman of the Legislative Committee wished to go on record that his group opposed Assembly Bill No. 106, which was a Bill to provide free licenses for senior citizens. The position at a recent meeting was that there should be no increase in free licenses and that senior citizens should at least pay a minimum of \$2.00. His organization was also concerned over the rapid growth in Nevada of newly arrived seniors, as in the past the privilege of so-called free licenses had been granted to those who had lived in Nevada over a number of years and had paid and supported such licenses, but when these citizens subsequently had to live on fixed incomes consideration for their past support was in the form of 'free' licenses. However, with the influx of seniors

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arriving in Nevada were a group who had not contributed over the past. Each year there was a special interest group, such as the handicapped, and although there was no opposition it was a difficult matter to impose special licensing.

Senator Jacobsen asked if his organization could monitor this problem over the next two years to ascertain whether these special privileges were being abused in any way. Mr. Wright agreed that his organization would do this and come up with some results at the next Legislative Session during 1983.

In reply to Senator Jacobsen's questions - Mr. Wright said he did not believe that the licenses issued to 12-year olds were abused and that the hunting safety programs were excellent, and he himself was attending these classes, as well as his son; in fact everyone should take these classes for information and for safety reasons.

Senator Jacobsen said that there was one point he wished to make and that was that he had never seen any bill which stated it was effective upon passage and approval, except usually such a measure was spelled out in some other part of a bill and that if it were done on the bill being heard it would set a precedent that passage and approval does not mean anything.

Chairman Glaser said that this would be checked out with the legal department and the exception would be put into the proper context, and have it put into a different part of the bill.

This concluded the testimony on Assembly Bill No. 220.

Senator Bilbray moved that Assembly Bill No. 220 be passed as amended. (See Exhibit C)

Senator Jacobsen seconded the motion.

The motion carried. (Senator Neal and Senator Lamb absent).

Senator Jacobsen asked Mr. Greenley if he would be kind enough to give a brief background on the non-game program for the benefit of the committee members.

Mr. Greenley said that the non-game program as it is known today was initiated after Senate Bill No. 333 was passed and money was appropriated for a program for the management of those species

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which are un hunted or un fished, many of which are un protected species and on the endangered species list. The funds so appropriated are matched by Federal funds.

There has been increasing concern by the public the State wildlife agencies have not taken care of these un hunted/un fished species. Many of the wildlife and protectionists societies and organizations have commented that the department is not really a hunting organization although it is named as such. This has resulted in the Federal government passing certain legislation whereby they control the management and regulation of wildlife species which, in fact, is the State's responsibility and there have been some bad regulations.

The Endangered Specie Act was basically by many in the State, but in watching how it was administered concern grew because the State was not being asked for input for the classifying of these species, endangered and otherwise. Once they are classified then they delineate the habitat that specie inhabits, and particularly on Federal lands they will initiate some regulations over the use of those lands. One experience quoted was the Lahontan cut throat trout which was classified as an endangered specie without any reference to the State, resulting in certain actions being taken re the watershed. The State had never considered these trout as endangered.

Our non-hunting program is to get as complete an inventory as possible of the major species - which ones they are, where they are located, whether the population is increasing or decreasing, thus giving us an idea of what would be required in the maintenance of these species in the form of vegetation, water, cover, etc. and then emphasize priorities for their survival. Basically, what is the present intent is to give protection for these species where needed and to avoid unwise or unpopular land regulations, which we feel the State can best handle, without further interference by the Federal government. Recently there has been a growing National interest in the non-hunted species.

Chairman Glaser if there was any way in which funds might be generated out of non-game species as the most common complaint was that they were getting a free ride at the expense of the hunters and fishermen.

Mr. Greenley replied the only input was through the general fund; other states had special funding systems for non-game programs.

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Chairman Glaser thanked Mr. Greenley for his informative comments on non-hunted species.

Mr. Tom Cates said that his organization, Nevada Federation of Wildlife, wholeheartedly supported the reconsideration of the non-game species and that the value of their habitat must also be managed for survival.

ASSEMBLY BILL NO. 9:

Mr. Erickson said this amendment came back from the Assembly - it provided for the use of real property as security by livestock dealers in lieu of surety bonds.

Chairman Glaser ascertained the committee did not wish to rescind the amendment, and it was agreed to have a conference committee.

Chairman Glaser appointed Senator Bilbray as Chairman of the conference committee and this would also include Senator Don Ashworth and Senator Close.

SENATE BILL NO. 14

Mr. Erickson said this had to do with irrigation districts. The bill had been sent back from the Assembly with two amendments. (See Exhibit D).

As the Committee did not concur with the amendments, the Chairman decided to have a Conference.

ASSEMBLY BILL NO. 16

Chairman Glaser reported that the amendments had been returned, and suggested holding the bill, and to run the same amendments through on Senate Bill No. 178, then the amendments to Assembly Bill No. 16 can be rescinded and passed quickly.

Senator Bilbray made the motion that previous action in passing Assembly Bill No. 16, as amended, be rescinded and help for further action.

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Senator Jacobsen seconded the motion.

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

SENATE BILL NO. 178

Chairman Glaser said it might be politically more expedient to
run Senate Bill No. 178, with the same amendments used for
Assembly Bill No. 16 .


Senator Bilbray made a motion to do pass Senate Bill
No. 178 as amended. (See Exhibit E).

Senator Jacobsen seconded the motion.

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

There being no further business, Chairman Glaser adjourned the
meeting at 2:35 p.m.

Respectfully submitted by:


Azalea Reynolds, Committee Secretary

APPROVED BY:


Senator Norman D. Glaser, Chairman

DATE: 5/1/81

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Natural Resources, Room 323 EXHIBIT

Day Wednesday, Date April 22, Time 1:30 P. M.

HEARING

Assembly Bill No. 220-Revises certain fees charged by department of wildlife.

WORK SESSION

**(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT A. B. 220**

**ASSEMBLY BILL NO. 220—COMMITTEE ON ECONOMIC
DEVELOPMENT AND NATURAL RESOURCES**

FEBRUARY 24, 1981

Referred to Committee on Economic Development and
Natural Resources

SUMMARY—Revises certain fees charged by department of wildlife.
(BDR 45-755)

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 wildlife; revising certain license, permit and tag fees; providing fees for certain licenses; 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 502.240 is hereby amended to read as follows:
2 502.240 The department shall issue annual licenses and limited per-
3 mits:
4 1. To any citizen of the United States who has attained his 12th
5 birthday but who has not attained his 16th birthday and who has been a
6 bona fide resident of the State of Nevada for 6 months immediately pre-
7 ceding his application for a license, upon the payment of **[\$2]** \$3 for an
8 annual fishing or hunting license.
9 2. Except as provided in NRS 502.245, to any citizen of the United
10 States who has attained his 16th birthday and who has been a bona fide
11 resident of the State of Nevada for 6 months immediately preceding his
12 application for a license, upon the payment of:
13 For a fishing license.....**[\$10.00]** \$14.00
14 For a 10-day permit to fish..... 7.50
15 For a 3-day permit to fish..... 5.00
16 For a hunting license.....**[10.00]** 13.00
17 *For a combined hunting and fishing license*..... 25.00
18 For a trapping license.....**[10.00]** 20.00
19 For a fur dealer's license.....**[5.00]** 50.00
20 For an annual master guide's license.....**[100.00]** 125.00
21 For an annual subguide's license.....**[50.00]** 60.00

3. To any alien or to any citizen of the United States who has attained his 12th birthday but who has not attained his 16th birthday, not a bona fide resident of the State of Nevada, upon the payment of **[\$5]** \$6.50 for an annual fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave, which annual license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$20).

4. Except as provided in subsection 3, to any alien or to any citizen of the United States, not a bona fide resident of the State of Nevada, upon the payment of:

For a fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave, which license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$20).....	[\$20.00]	\$30.00
For a 10-day permit to fish.....		10.00
For a 3-day permit to fish.....		7.50
For a hunting license.....	[50.00]	75.00
For an annual trapper's license.....	[50.00]	125.00
For a fur dealer's license.....	[35.00]	100.00
For an annual master guide's license.....	[200.00]	250.00
For an annual subguide's license.....	[100.00]	125.00

5. To any person, without regard to residence, upon the payment of:

For a noncommercial breeding ground.....		\$5.00
For a commercial or private shooting preserve.....		35.00
For a commercial breeding ground.....		35.00
For a commercial fish hatchery.....		35.00
For a private noncommercial fish hatchery.....	[5.00]	10.00
For a trained animal act license.....		10.00
For a live bait dealer's permit.....	[50.00]	60.00
For a competitive field trials permit.....		5.00
For a falconry license.....		15.00
For an importation permit.....	[2.00]	5.00
For an import eligibility permit.....		25.00
For an exportation permit.....		2.00
For a live bait seining and transporting permit.....		2.00

SEC. 2. NRS 502.250 is hereby amended to read as follows:

502.250 1. **[The]** Except as provided in subsection 5, the following fees **[are in effect:]** must be charged for tags:

Resident deer tag for regular season.....	[\$5.00]	\$15.00
Nonresident and alien deer tag for regular season.....	[50.00]	60.00
Resident antelope tag.....	[25.00]	30.00
Resident elk tag.....	[25.00]	75.00
Resident bighorn tag.....	[50.00]	75.00
Resident mountain lion tag.....		10.00
Nonresident bighorn tag.....	[250.00]	500.00
Nonresident mountain lion tag.....	[100.00]	125.00

1 2. Other resident big game tags for special seasons must not exceed
2 \$50. Other nonresident big game tags for special seasons must not exceed
3 \$250.

4 3. Tags determined to be necessary by the commission for other
5 species under NRS 502.130, must not exceed \$10.

6 4. A fee not to exceed **[\$2]** \$3 may be charged for processing an
7 application for tags for special seasons.

8 5. *The commission may accept sealed bids for or auction one bighorn*
9 *sheep tag each year. The money received from the bid or auction must be*
10 *deposited with the state treasurer for credit to the wildlife account in the*
11 *state general fund.*

12 SEC. 3. NRS 502.090 is hereby amended to read as follows:

13 502.090 1. All licenses issued as provided in this chapter are valid,
14 and authorize the person to whom issued to hunt, to fish or to trap dur-
15 ing open seasons only on and from the date of issuance of the license until
16 the date of expiration printed thereon.

17 2. Each fishing license, *hunting license and combined hunting and*
18 *fishing license* is valid until **[December 31 of the year of]** *the last day of*
19 *February after its issuance.*

20 SEC. 4. NRS 503.425 is hereby amended to read as follows:

21 503.425 1. **[Prior to any person's using]** *Before a person may use*
22 *any vacuum or suction dredge equipment in any river, stream or lake of*
23 *this state, he [shall] must submit an application to the department.*
24 **[specifying]** *The application must be accompanied by a fee of \$5 and*
25 *must specify the type and size of equipment to be used and its location.*
26 *If the department determines that [such] the operations will not be*
27 *deleterious to fish it shall issue a permit to the applicant.*

28 2. It is unlawful for any person to:

29 (a) Conduct **[such]** dredging operations without securing a permit;

30 (b) Operate any equipment other than that specified in the permit; or

31 (c) Conduct **[such]** a dredging operation outside the area designated
32 on the permit.

33 SEC. 5. NRS 503.650 is hereby amended to read as follows:

34 503.650 Nothing in this Title **[shall]**:

35 1. Be so construed as to prohibit] :

36 1. *Prohibits* any person, upon the written permit of the department,
37 from taking, killing or possessing any species of wildlife, or collecting the
38 nest or eggs thereof, for strictly scientific purposes, the number and
39 species of wildlife to be limited by the department.

40 2. **[Prevent]** *Prevents* shipping into any other county or state, under
41 a written permit issued by the department, any wildlife for scientific pur-
42 poses.

43 3. *The fee for a permit to collect wildlife for scientific purposes is \$5.*

44 SEC. 6. 1. The department of wildlife may charge a fee of not more
45 than \$9 for a resident tag issued pursuant to subsection 2 of NRS 502.-
46 250 for a special season for deer.

47 2. This section expires by limitation on March 1, 1983.

48 SEC. 7. A fishing license or combined hunting and fishing license
49 issued at any time during 1981 remains in effect until February 28, 1982.

- 1 **SEC. 8. 1. Except as provided in subsection 2, this act shall become**
- 2 **effective upon passage and approval.**
- 3 **2. The increased fees for fishing licenses and combined hunting and**
- 4 **fishing licenses imposed by sections 1 and 2 of this act become effective**
- 5 **on March 1, 1982.**

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

S. B. 14

SENATE BILL NO. 14—SENATOR GETTO

JANUARY 20, 1981

Referred to Committee on Natural Resources

SUMMARY—Revises certain provisions relating to irrigation districts. (BDR 48-350)

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 irrigation districts; revising certain provisions; 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 539.080 is hereby amended to read as follows:
2 539.080 1. [The members] *A member* of the board of directors
3 [shall each] *is entitled to* receive not more than [\$35] \$50 per day and
4 actual traveling expenses for each day spent attending meetings of the
5 board or while engaged in official business under the order of the board.
6 2. The board shall fix the compensation to be paid to the other
7 officers named in this chapter; but the board shall, upon the petition of
8 a majority of the electors within the district, submit to the electors at
9 any general election of the district a schedule of salaries and fees to be
10 paid the directors and officers thereof. [Such petition shall] *The petition*
11 *must be presented to the board 20 days [prior to such] before the gen-*
12 *eral election. [and a] The schedule of salaries and fees [submitted upon*
13 *a two-thirds vote therefor shall] must be put into effect upon the first*
14 *of the month [next ensuing.] after the election if it was approved by a*
15 *two-thirds vote.*
16 SEC. 2. NRS 539.125 is hereby amended to read as follows:
17 539.125 [Not less than 15 days nor more than 20 days before any
18 election under this chapter subsequent to the organization of the dis-
19 trict, the secretary shall cause notice specifying the polling places and
20 time of holding the election to be posted in three public places in each
21 election precinct and in the office of the board of directors.] *The secre-*
22 *tary shall publish a notice specifying the time and place of an election.*
23 *The notice must be published in a newspaper not less than 15 days nor*
24 *more than 22 days before the election.*

1 SEC. 3. NRS 539.145 is hereby amended to read as follows:

2 539.145 1. [Prior to the time for posting the notice designated in]
3 *Before publishing a notice pursuant to NRS 539.125, the board of*
4 *directors shall appoint three qualified electors to act as inspectors of*
5 *election in each election precinct, and shall also appoint two clerks*
6 *of election for each precinct.*

7 2. If the board of directors fails to appoint a board of election or
8 the members appointed do not attend the opening of the polls on the
9 morning of election, the electors of the precinct present at that hour
10 may appoint the board or supply the place of absent members thereof.

11 3. The board of directors shall, in its order appointing the board
12 of election, designate the hour and the place in each precinct where the
13 election [shall] *will* be held.

14 SEC. 4. NRS 539.480 is hereby amended to read as follows:

15 539.480 1. For the purpose of organization, or for any of the pur-
16 poses of this chapter, the board of directors may, at any time with the
17 approval of the irrigation district bond commission, incur an indebted-
18 ness not exceeding in the aggregate the sum of [\\$50,000,] *\\$100,000,*
19 nor in any event exceeding [\\$1] *\\$2* per acre, and may cause warrants of
20 the district to issue therefor, bearing interest [at] not to exceed [9] *12*
21 percent per annum. The directors [shall have the power to] *may* levy an
22 assessment of not to exceed [\\$1] *\\$2* per acre on all lands in the district
23 for the payment of such expenses.

24 2. Thereafter the directors [shall have the power to] *may* levy an
25 *annual* assessment, [annually,] in the absence of assessments therefor
26 under any of the other provisions of this chapter, of not to exceed
27 [\\$1.50] *\\$2* per acre on all lands in the district for the payment of the
28 ordinary and current expenses of the district, including the salaries of
29 officers and other incidental expenses. [Such assessments shall] *The*
30 *assessment must* be collected as provided in this chapter for the col-
31 lection of other assessments.

32 SEC. 5. NRS 539.515 is hereby amended to read as follows:

33 539.515 1. Subject to the limitations contained in subsection 2,
34 the board of directors [is empowered to expend moneys] *may expend*
35 *money* from the general fund and *the* operation and maintenance fund
36 for the development, operation and maintenance of recreational grounds.

37 2. In any irrigation district having a reservoir or reservoirs for the
38 storage of water with a capacity of:

39 (a) Less than 250,000 acre-feet, the expenditures authorized by
40 subsection 1 [shall] *may* not exceed the sum of \$1,000 in any 1 year.

41 (b) 250,000 acre-feet or more, the expenditures authorized by sub-
42 section 1 [shall] *may* not exceed the sum of [\\$5,000] *\\$25,000* in any
43 1 year.

(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 pro-
10 vided 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 each permit	
10	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 permit	
13	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 purposes,	
26	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 appropriate	
43	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.