
SENATE BILL NO. 369—SENATOR RHOADS

MARCH 17, 2003

Referred to Committee on Natural Resources

SUMMARY—Makes various changes concerning use of water for watering livestock. (BDR 48-938)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to water; providing that the term “water” includes snow for the purposes of adjudicating vested water rights for watering livestock and appropriating public waters for watering livestock; setting forth the meaning of point or place of diversion for the use of water for watering livestock; 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.** Chapter 533 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *As used in this chapter, for the purpose of watering livestock*
4 *the term “water” includes snow.*
5 **Sec. 2.** NRS 533.475 is hereby amended to read as follows:
6 533.475 The State Engineer and his assistants shall have power
7 to arrest any person violating any of the provisions of NRS 533.010
8 to 533.470, inclusive, *and section 1 of this act* and to turn him
9 over to the sheriff or other competent police officer within the
10 county. Immediately on delivering any such person so arrested into
11 the custody of the sheriff, the State Engineer or his assistant making
12 such arrest shall immediately, in writing, and upon oath, make a
13 complaint before the justice of the peace against the person so
14 arrested.



1 **Sec. 3.** NRS 533.480 is hereby amended to read as follows:
2 533.480 Any person violating any of the provisions of NRS
3 533.010 to 533.475, inclusive, *and section 1 of this act* shall be
4 guilty of a misdemeanor.

5 **Sec. 4.** NRS 533.490 is hereby amended to read as follows:
6 533.490 1. The use of water for watering livestock is hereby
7 declared to be a beneficial use except as *otherwise* provided in NRS
8 533.495. Subject to such exception, the right to use water for that
9 purpose may be acquired in the same manner as the right to use
10 water for any other beneficial purpose.

11 2. On application to the State Engineer for any such right, it
12 shall not be necessary for the applicant to state or prove or for the
13 State Engineer to determine in cubic feet per second of time the
14 quantity of water the use of which is applied for or granted, but in
15 all such applications and in all proceedings connected therewith and,
16 also, in all proceedings either before the State Engineer or the courts
17 relating to the proof or establishment of a vested right to use water
18 for watering livestock, it shall be a sufficient measure of the
19 quantity of the water to specify the number and kind of animals to
20 be watered or which have been watered, as the case may be. This
21 subsection is not intended to imply that ~~prior to~~ *before* April 1,
22 1925, it was necessary to specify, prove or determine the quantity of
23 water in cubic feet per second, but is meant only to remove for the
24 future any uncertainty that may have existed as to such necessity.

25 3. *On application to the State Engineer for any such right*
26 *and in establishing any such right, "point of diversion" or "place*
27 *of diversion" means a substantially specific and accurate*
28 *description of the location of:*

29 (a) *The place from which the water is physically diverted from*
30 *its source; or*

31 (b) *The place at which the water is consumed by the livestock,*
32 *including, without limitation, the place at which the livestock*
33 *consume water in situ and without the use of a mechanical*
34 *method of diverting the water.*

