

SENATE BILL NO. 76—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF LEGISLATIVE COMMITTEE ON PUBLIC LANDS (NRS 218.5363))

FEBRUARY 11, 2003

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing acquisition of water rights on public grazing lands for purposes of watering livestock. (BDR 48-670)

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; revising the restrictions on the issuance of permits to appropriate water for the purpose of watering livestock on public grazing lands and certificates of appropriation based upon such permits; 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 533.503 is hereby amended to read as follows:
- 2 533.503 1. The State Engineer shall not issue ~~f~~:
- 3 ~~—(a) A] a~~ permit to appropriate water for the purpose of watering
- 4 livestock on public *grazing* lands unless ~~the~~ :
- 5 (a) *The* applicant for the permit , *or if the application is for a*
- 6 *joint permit at least one of the applicants for the permit*, is legally
- 7 entitled to place the livestock on the public *grazing* lands for which
- 8 the permit is sought ~~f~~:
- 9 ~~—(b) A]~~ , *and:*
- 10 (1) *Owens, leases or otherwise possesses a legal or*
- 11 *proprietary interest in the livestock on or to be placed on the*
- 12 *public grazing lands for which the permit is sought; or*



1 (2) *Has received from a person described in subparagraph*
2 *(1), authorization to have physical custody of the livestock on or to*
3 *be placed on the public grazing lands for which the permit is*
4 *sought, and authorization to care for, control and maintain such*
5 *livestock;*
6 (b) *If the application is for a joint permit, each applicant for*
7 *the permit, to the extent authorized by law, agrees to contribute to:*
8 (1) *The means for putting to beneficial use the water for*
9 *which the permit is sought; and*
10 (2) *The development, using the procedures administered by*
11 *the State Engineer, of the water rights for which the permit is*
12 *sought;*
13 (c) *The forage serving the beneficial use of the water to be*
14 *appropriated is not encumbered by an adjudicated grazing*
15 *preference recognized pursuant to federal law for the benefit of a*
16 *person who is not listed as an applicant on the application for the*
17 *permit; and*
18 (d) *The lack of encumbrance required by paragraph (c) is*
19 *demonstrated by reasonable means, including, without limitation,*
20 *evidence of a valid grazing permit, other than a temporary grazing*
21 *permit, that is issued by the appropriate governmental entity to the*
22 *applicant, or if the application is for a joint permit to at least one*
23 *of the applicants for the permit.*
24 2. *The State Engineer shall not issue a* certificate of
25 appropriation based upon a permit to appropriate water for the
26 purpose of watering livestock on public *grazing* lands unless ~~the~~
27 ~~person~~ :
28 (a) *The applicant for the certificate, or if the application is for*
29 *a joint certificate at least one of the applicants for the certificate,*
30 *who makes satisfactory proof that the water has been beneficially*
31 *used is legally entitled to place on the ~~land~~ public grazing lands*
32 *the livestock which have been watered pursuant to the permit ~~f-~~*
33 ~~—2.]~~, *and:*
34 (1) *Owns, leases or otherwise possesses a legal or*
35 *proprietary interest in the livestock which have been watered*
36 *pursuant to the permit; or*
37 (2) *Has received from a person described in subparagraph*
38 *(1), authorization to have physical custody of the livestock which*
39 *have been watered pursuant to the permit, and authorization to*
40 *care for, control and maintain such livestock;*
41 (b) *If the application is for a joint certificate, each applicant*
42 *for the certificate, to the extent authorized by law, has contributed*
43 *to:*
44 (1) *The means for putting to beneficial use the water for*
45 *which the certificate is sought; and*



1 (2) *The development, using procedures administered by the*
2 *State Engineer, of the water rights for which the certificate is*
3 *sought;*

4 (c) *The forage serving the beneficial use of the water that has*
5 *been beneficially used is not encumbered by an adjudicated*
6 *grazing preference recognized pursuant to federal law for the*
7 *benefit of a person who is not listed as an applicant on the*
8 *application for the certificate; and*

9 (d) *The lack of encumbrance required by paragraph (c) is*
10 *demonstrated by reasonable means, including, without limitation,*
11 *evidence of a valid grazing permit, other than a temporary grazing*
12 *permit, that is issued by the appropriate governmental entity to the*
13 *applicant, or if the application is for a joint certificate to at least*
14 *one of the applicants for the certificate.*

15 3. This section must not be construed to impair the vested right
16 of any person to the use of water for the purpose of watering
17 livestock or to prevent any transfer of ownership of a water right for
18 the purpose of watering livestock.

19 4. *As used in this section:*

20 (a) *“Grazing preference” means a priority position in the*
21 *issuance of a permit to graze livestock on public grazing lands.*

22 (b) *“Public grazing lands” means lands managed by a federal*
23 *governmental agency on which livestock are authorized to graze,*
24 *including, without limitation, lands set apart as national forests*
25 *and lands reserved for other purposes. The term does not include*
26 *private lands or lands that are held in trust for Indian purposes or*
27 *that are Indian reservations.*

28 **Sec. 2.** The provisions of this act do not apply to a permit to
29 appropriate water for purposes of watering livestock on public
30 grazing lands or a certificate of appropriation based upon such a
31 permit that is issued by the State Engineer before October 1, 2003,
32 regardless of whether such a permit or certificate is transferred after
33 that date.

