

Amendment No. 71

Senate Amendment to Senate Bill No. 74	(BDR 48-178)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EMR/HAC



Date: 4/3/2017

S.B. No. 74—Revises provisions relating to water. (BDR 48-178)



SENATE BILL NO. 74—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-178)

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

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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 for the collection of rainwater under certain circumstances; authorizing the State Engineer to consider a declaration of drought when determining whether to grant certain extensions; authorizing the State Engineer to create the Advisory Committee on Water ~~Planning~~ Conservation and Drought; setting forth the membership and responsibilities of the Advisory Committee; authorizing the State Engineer to impose an administrative fine for the violation of certain provisions relating to water planning and development; authorizing the State Engineer to seek injunctive relief under certain circumstances; revising certain provisions relating to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources; revising provisions relating to a plan of water conservation; revising the membership of the Western Regional Water Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that precipitation may be collected without a water right from the rooftop of a single-family residence for nonpotable domestic use or under certain circumstances, in a guzzler ~~by certain agencies~~ to provide water to wildlife.

Existing law authorizes the State Engineer to grant an extension of time to: (1) an applicant for a water right to complete construction and put water to beneficial use; or (2) the holder of any water right to work a forfeiture of the right. (NRS 533.380, 534.090) **Sections 2 and 3** of this bill provide that in determining whether to grant or deny such an extension, the State Engineer may consider whether the place of diversion of the water right is located in a ~~basin~~ county that has been officially designated as being in a drought.

Section 5 of this bill authorizes the establishment by the State Engineer of the Advisory Committee on Water ~~Planning~~ Conservation and Drought to advise the State Engineer on

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12 matters relating to water ~~planning~~ conservation, near- and long-term drought and drought
 13 resiliency.

14 **Sections 6 and 7** of this bill authorize the State Engineer to, after notice and the
 15 opportunity for a hearing, impose administrative fines, order the payment of certain costs for
 16 an administrative proceeding and seek injunctive relief on a person who violates the
 17 provisions of chapter 540 of NRS.

18 Existing law creates the Water Planning Section of the Division. (NRS 540.031) **Section**
 19 **8** of this bill renames this Section as the Water ~~Planning~~ Conservation and Drought
 20 Resiliency Section. **Section 11** of this bill revises the duties of the Section. **Sections 9, 10 and**
 21 **15** of this bill make conforming changes.

22 Existing law requires each supplier of water to prepare and adopt a plan of water
 23 conservation, which the Section is charged with reviewing within 30 days. (NRS 540.131,
 24 540.141) **Section 12** of this bill revises the period from 30 days to 120 days. **Section 13** of this
 25 bill revises the provisions which must be included in a plan or a joint plan of water
 26 conservation.

27 **Section 14** of this bill eliminates the member of the Western Regional Water Commission
 28 who is appointed by the Chief of the Water Planning Section of the Division of Water
 29 Resources of the State Department of Conservation and Natural Resources.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 533.030 is hereby amended to read as follows:

2 533.030 1. Subject to existing rights, and except as otherwise provided in
 3 this section, all water may be appropriated for beneficial use as provided in this
 4 chapter and not otherwise.

5 2. The use of water, from any stream system as provided in this chapter and
 6 from underground water as provided in NRS 534.080, for any recreational purpose,
 7 or the use of water from the Muddy River or the Virgin River to create any
 8 developed shortage supply or intentionally created surplus, is hereby declared to be
 9 a beneficial use. As used in this subsection:

10 (a) "Developed shortage supply" has the meaning ascribed to it in Volume 73
 11 of the Federal Register at page 19,884, April 11, 2008, and any subsequent
 12 amendment thereto.

13 (b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73
 14 of the Federal Register at page 19,884, April 11, 2008, and any subsequent
 15 amendment thereto.

16 3. Except as otherwise provided in subsection 4, in any county whose
 17 population is 700,000 or more:

18 (a) The board of county commissioners may prohibit or restrict by ordinance
 19 the use of water and effluent for recreational purposes in any artificially created
 20 lake or stream located within the unincorporated areas of the county.

21 (b) The governing body of a city may prohibit or restrict by ordinance the use
 22 of water and effluent for recreational purposes in any artificially created lake or
 23 stream located within the boundaries of the city.

24 4. In any county whose population is 700,000 or more, the provisions of
 25 subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

26 (a) Water stored in an artificially created reservoir for use in flood control, in
 27 meeting peak water demands or for purposes relating to the treatment of sewage;

28 (b) Water used in a mining reclamation project; or

29 (c) A body of water located in a recreational facility that is open to the public
 30 and owned or operated by the United States or the State of Nevada.

31 **5. *Precipitation may be collected without a water right:***

1 (a) From the rooftop of a single-family dwelling for nonpotable domestic
2 use; or

3 (b) ~~Hot~~ If the collection does not conflict with any existing water rights as
4 determined by the State Engineer, in a guzzler to provide water for use by wildlife
5 by the Department of Wildlife, the Bureau of Land Management of the United
6 States Department of the Interior or the Forest Service of the United States
7 Department of Agriculture if the precipitation collection does not conflict with
8 any existing water rights. The guzzler must:

9 (1) Have a capacity of 20,000 gallons or less;

10 (2) Have a capture area of 1 acre or less;

11 (3) Have a pipe length of 1/4 mile or less;

12 (4) Be developed by a state or federal agency responsible for wildlife
13 management or by any other person in consultation with the Department of
14 Wildlife; and

15 (5) Be approved for use by the Department of Wildlife.

16 6. As used in subsection 5:

17 (a) "Domestic use" has the meaning ascribed to it in NRS 534.013; and

18 (b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

19 Sec. 2. NRS 533.380 is hereby amended to read as follows:

20 533.380 1. Except as otherwise provided in subsection 5, in an endorsement
21 of approval upon any application, the State Engineer shall:

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

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

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

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

33 (3) On any land for which a plan for the development of a planned unit
34 development has been recorded pursuant to chapter 278A of NRS,
35 must not be less than 5 years.

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

40 3. Except as otherwise provided in subsection 4 and NRS 533.395 and
41 533.4377, the State Engineer may, for good cause shown, including, without
42 limitation, that the place of diversion of the water right is located in a basin
43 county that has been officially designated as being in a drought, grant any number
44 of extensions of time within which construction work must be completed, or water
45 must be applied to a beneficial use under any permit therefor issued by the State
46 Engineer, but a single extension of time for a municipal or quasi-municipal use for
47 a public water system, as defined in NRS 445A.235, must not exceed 5 years, and
48 any other single extension of time must not exceed 1 year. An application for the
49 extension must in all cases be:

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

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

1 ↪ The State Engineer shall not grant an extension of time unless the State Engineer
2 determines from the proof and evidence so submitted that the applicant is
3 proceeding in good faith and with reasonable diligence to perfect the application.
4 The failure to provide the proof and evidence required pursuant to this subsection is
5 prima facie evidence that the holder is not proceeding in good faith and with
6 reasonable diligence to perfect the application.

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

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

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

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

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

24 (e) *Whether the place of diversion of the water right is located in a ~~basin~~
25 county that has been officially designated as being in a drought; and*

26 (f) The period contemplated in the:

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

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

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

32 5. The provisions of subsections 1 and 4 do not apply to an environmental
33 permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

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

40 **Sec. 3.** NRS 534.090 is hereby amended to read as follows:

41 534.090 1. Except as otherwise provided in this section, failure for 5
42 successive years after April 15, 1967, on the part of the holder of any right, whether
43 it is an adjudicated right, an unadjudicated right or a right for which a certificate has
44 been issued pursuant to NRS 533.425, and further whether the right is initiated after
45 or before March 25, 1939, to use beneficially all or any part of the underground
46 water for the purpose for which the right is acquired or claimed, works a forfeiture
47 of both undetermined rights and determined rights to the use of that water to the
48 extent of the nonuse. If the records of the State Engineer or any other documents
49 specified by the State Engineer indicate at least 4 consecutive years, but less than 5
50 consecutive years, of nonuse of all or any part of a water right which is governed by
51 this chapter, the State Engineer shall notify the owner of the water right, as
52 determined in the records of the Office of the State Engineer, by registered or
53 certified mail that the owner has 1 year after the date of the notice in which to use

1 the water right beneficially and to provide proof of such use to the State Engineer
2 or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If,
3 after 1 year after the date of the notice, proof of resumption of beneficial use is not
4 filed in the Office of the State Engineer, the State Engineer shall, unless the State
5 Engineer has granted a request to extend the time necessary to work a forfeiture of
6 the water right, declare the right forfeited within 30 days. Upon the forfeiture of a
7 right to the use of groundwater, the water reverts to the public and is available for
8 further appropriation, subject to existing rights. If, upon notice by registered or
9 certified mail to the owner of record whose right has been declared forfeited, the
10 owner of record fails to appeal the ruling in the manner provided for in NRS
11 533.450, and within the time provided for therein, the forfeiture becomes final. The
12 failure to receive a notice pursuant to this subsection does not nullify the forfeiture
13 or extend the time necessary to work the forfeiture of a water right.

14 2. The State Engineer may, upon the request of the holder of any right
15 described in subsection 1, extend the time necessary to work a forfeiture under that
16 subsection if the request is made before the expiration of the time necessary to work
17 a forfeiture. The State Engineer may grant, upon request and for good cause shown,
18 any number of extensions, but a single extension must not exceed 1 year. In
19 determining whether to grant or deny a request, the State Engineer shall, among
20 other reasons, consider:

21 (a) Whether the holder has shown good cause for the holder's failure to use all
22 or any part of the water beneficially for the purpose for which the holder's right is
23 acquired or claimed;

24 (b) The unavailability of water to put to a beneficial use which is beyond the
25 control of the holder;

26 (c) Any economic conditions or natural disasters which made the holder unable
27 to put the water to that use;

28 (d) ~~Any prolonged period in which precipitation in the basin where the water~~
29 ~~right is located is below the average for that basin or in which indexes that measure~~
30 ~~soil moisture show that a deficit in soil moisture has occurred in that basin;~~
31 *Whether the place of diversion of the water right is located in a ~~basin~~ county*
32 *that has been officially designated as being in a drought;*

33 (e) Whether a groundwater management plan has been approved for the basin
34 pursuant to NRS 534.037; ~~and~~

35 (f) Whether the holder has demonstrated efficient ways of using the water for
36 agricultural purposes, such as center-pivot irrigation ~~H~~; *or*

37 (g) *Whether the holder has demonstrated efforts to conserve water which*
38 *have resulted in a reduction in water consumption.*

39 The State Engineer shall notify, by registered or certified mail, the owner of the
40 water right, as determined in the records of the Office of the State Engineer, of
41 whether the State Engineer has granted or denied the holder's request for an
42 extension pursuant to this subsection. If the State Engineer grants an extension
43 pursuant to this subsection and, before the expiration of that extension, proof of
44 resumption of beneficial use or another request for an extension is not filed in the
45 Office of the State Engineer, the State Engineer shall declare the water right
46 forfeited within 30 days after the expiration of the extension granted pursuant to
47 this subsection.

48 3. If the failure to use the water pursuant to subsection 1 is because of the use
49 of center-pivot irrigation before July 1, 1983, and such use could result in a
50 forfeiture of a portion of a right, the State Engineer shall, by registered or certified
51 mail, send to the owner of record a notice of intent to declare a forfeiture. The
52 notice must provide that the owner has at least 1 year after the date of the notice to

1 use the water beneficially or apply for additional relief pursuant to subsection 2
2 before forfeiture of the owner's right is declared by the State Engineer.

3 4. A right to use underground water whether it is vested or otherwise may be
4 lost by abandonment. If the State Engineer, in investigating a groundwater source,
5 upon which there has been a prior right, for the purpose of acting upon an
6 application to appropriate water from the same source, is of the belief from his or
7 her examination that an abandonment has taken place, the State Engineer shall so
8 state in the ruling approving the application. If, upon notice by registered or
9 certified mail to the owner of record who had the prior right, the owner of record of
10 the prior right fails to appeal the ruling in the manner provided for in NRS 533.450,
11 and within the time provided for therein, the alleged abandonment declaration as set
12 forth by the State Engineer becomes final.

13 **Sec. 4.** Chapter 540 of NRS is hereby amended by adding thereto the
14 provisions set forth as sections 5, 6 and 7 of this act.

15 **Sec. 5. 1.** *The State Engineer may create within the Division the Advisory*
16 *Committee on Water ~~Planning~~ Conservation and Drought, whose members are*
17 *appointed by the State Engineer for the purpose of advising him or her on*
18 *matters of statewide importance related to water ~~planning~~ conservation, near-*
19 *and long-term drought and drought resiliency.*

20 *2. The State Engineer may appoint to the Advisory Committee members*
21 *who have demonstrated an interest in water ~~planning~~ conservation and*
22 *drought-related matters, including, without limitation, members from local water*
23 *authorities, State Government, local governments, tribal governments, the science*
24 *and technology community, conservation groups, agriculture and industry.*
25 *Members of the Advisory Committee serve at the pleasure of the State Engineer.*
26 *The State Engineer has the discretion to determine the number of members to be*
27 *on the Advisory Committee and appoint a Chair.*

28 *3. The Advisory Committee may advise the State Engineer on matters*
29 *relating to water ~~planning~~ conservation, near- and long-term drought and*
30 *drought resiliency, including, without limitation:*

31 *(a) Amendments to statutes relating to water ~~planning~~ conservation;*

32 *(b) Additional management measures that may help to recharge and recover*
33 *impacted river, storage and groundwater systems;*

34 *(c) Changes in water policies and areas of emphasis for water ~~resource~~*
35 *planning conservation;*

36 *(d) Emerging science and technological advances, efficacy and cost*
37 *efficiencies, including, without limitation, desalination of brackish water, cloud*
38 *seeding and evaporative control;*

39 *(e) Topics for public outreach efforts on water conservation and drought*
40 *resiliency, even in nondrought conditions; and*

41 *(f) The coordination and dissemination of public information statewide on*
42 *water ~~planning~~ conservation and drought resiliency.*

43 **Sec. 6. 1.** *In addition to any other penalty provided by law, the State*
44 *Engineer may, after notice and opportunity for a hearing, require a person who*
45 *violates any provision of this chapter or any order or decision issued or*
46 *regulation adopted by the State Engineer pursuant to this chapter or NRS*
47 *532.120 to pay an administrative fine not to exceed \$10,000 per day for each*
48 *violation, as determined by the State Engineer.*

49 *2. If an administrative fine is imposed against a person pursuant to*
50 *subsection 1, the State Engineer may require the person to pay the costs of the*
51 *proceeding, including, without limitation, investigative costs and attorney's fees.*

1 3. *An order imposing an administrative fine or the payment of costs or fees*
 2 *pursuant to this section may be reviewed by a district court pursuant to NRS*
 3 *533.450.*

4 **Sec. 7. 1.** *The State Engineer may seek injunctive relief in the*
 5 *appropriate court to prevent the continuance or occurrence of any act or practice*
 6 *which violates any provision of this chapter, or any order or decision issued or*
 7 *regulation adopted by the State Engineer pursuant to this chapter or NRS*
 8 *532.120.*

9 2. *On a showing by the State Engineer that a person is engaged, or is about*
 10 *to engage, in any act or practice which violates or will violate any provision of*
 11 *this chapter, or any order or decision issued or regulation adopted by the State*
 12 *Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a*
 13 *bond, any prohibitory or mandatory injunction that the facts may warrant,*
 14 *including, without limitation, a temporary restraining order issued ex parte or,*
 15 *after notice and a hearing, a preliminary or permanent injunction.*

16 3. *Failure to establish lack of an adequate remedy at law or irreparable*
 17 *harm is not a ground for denying a request for a temporary restraining order or*
 18 *injunction.*

19 4. *The court may require the posting of a sufficient performance bond or*
 20 *other security to ensure compliance with the court order within the period*
 21 *prescribed.*

22 5. *Any proceeding conducted or injunction or order issued pursuant to this*
 23 *section is in addition to, and not in lieu of, any other penalty or remedy available*
 24 *for a violation of this chapter.*

25 **Sec. 8.** NRS 540.021 is hereby amended to read as follows:

26 540.021 As used in this chapter:

27 1. "Chief" means the **Program** Chief of the Section.

28 2. "Department" means the State Department of Conservation and Natural
 29 Resources.

30 3. "Division" means the Division of Water Resources of the Department.

31 4. "Section" means the Water ~~Planning~~ **Conservation and Drought**
 32 **Resiliency** Section of the Division.

33 **Sec. 9.** NRS 540.031 is hereby amended to read as follows:

34 540.031 The Water ~~Planning~~ **Conservation and Drought Resiliency** Section
 35 of the Division is hereby created.

36 **Sec. 10.** NRS 540.041 is hereby amended to read as follows:

37 540.041 1. The Chief:

38 (a) Must be selected with special reference to his or her training, experience,
 39 capability and interest in the ~~field~~ **fields** of water ~~resource planning~~ **and**
 40 **conservation and drought resiliency.**

41 (b) Shall coordinate the activities of the Section.

42 2. The Chief is responsible for the administration of all provisions of law
 43 relating to the functions of the Section.

44 3. The Chief, with the approval of the State Engineer, may employ, within the
 45 limits of legislative appropriations, such staff as is necessary to the performance of
 46 his or her duties.

47 **Sec. 11.** NRS 540.051 is hereby amended to read as follows:

48 540.051 ~~The~~ **Unless carried out by another section of the Division, the**
 49 Section shall:

50 1. ~~Include in its planning:~~

51 ~~—(a) Recognition~~ **Recognize** and ~~protection of~~ **protect** existing water rights
 52 consistent with chapters 533 and 534 of NRS ~~and~~ **and**

1 ~~[(b) Consideration of]~~ **consider** the factors relating to the quality of water in
 2 this State, ~~[and the importance of considering the issues of quantity and quality~~
 3 ~~simultaneously.]~~ but the State Environmental Commission and Division of
 4 Environmental Protection of the Department retain full responsibility for the
 5 management of water quality.

6 2. Suggest to the ~~[Legislature]~~ **State Engineer** changes in water policy which
 7 may be necessary to meet ~~[new]~~ **the** requirements of law. ~~[for of the people of the~~
 8 ~~State.]~~

9 3. ~~[Assist the State Engineer in dealings with the Federal Government and~~
 10 ~~other states, but the State Engineer is solely responsible for the allocation of water~~
 11 ~~resources and litigation.]~~ **Coordinate with federal, state, local or other entities on**
 12 **drought and federal management activities.**

13 4. Review local and federal documents regarding water ~~[planning]~~
 14 **conservation and drought resiliency** that are relevant to the use of water in Nevada
 15 . ~~[, including, without limitation, local water and resource plans. Reviews~~
 16 ~~conducted pursuant to this subsection must consider, without limitation:~~

17 ~~— (a) The accuracy of information relating to water use and water planning;~~

18 ~~— (b) Compliance with the water law of this State; and~~

19 ~~— (c) General advice relating to water planning.]~~

20 5. Compile and update summarized data relating to hydrographic basins to
 21 support decisions that the State Engineer makes regarding such basins, and provide
 22 summarized information regarding such basins to the public. The Section shall
 23 cause to be generated and updated a summary for each hydrographic basin to show
 24 critical information regarding that basin, including, without limitation:

25 (a) Whether the basin is designated;

26 (b) All appurtenant or associated studies related to the availability of water;

27 (c) Rulings and orders affecting new appropriations of water;

28 (d) The availability of crop and pumpage inventories;

29 (e) The availability of data regarding water levels; and

30 (f) Current commitments of water from the basin that are attributable to
 31 existing water rights.

32 ↪ The information described in this subsection must, insofar as practicable, be
 33 provided in an electronic format and made available on the website of the State
 34 Engineer on the Internet or its successor.

35 ~~6. [Upon request, provide technical assistance to the Board for Financing~~
 36 ~~Water Projects created by NRS 349.957, including, without limitation, the review~~
 37 ~~of letters of intent and applications for grants.~~

38 ~~7. 5.] Promote water conservation by [~~

39 ~~(a) Consulting] consulting with suppliers of water concerning [~~

40 ~~(1) Community] plans of water conservation [plans; and~~

41 ~~(2) The] required pursuant to NRS 540.131, including, without~~
 42 ~~limitation, the content and scope of [water] the plans [; and~~

43 ~~(b) Reviewing] of water conservation.~~

44 ~~6.] 7. Review plans of water conservation for compliance with the~~
 45 ~~applicable provisions of NRS 540.121 to 540.151, inclusive.~~

46 ~~7.] 8. Review any other state or local plans for the use of water.~~

47 ~~8.] 9. Assist federal, state and local governments and the general public in~~
 48 ~~obtaining information regarding water [planning, the availability of water and~~
 49 ~~issues relating to water rights.] conservation, drought conditions, drought~~
 50 ~~resiliency and the management of floodplains.~~

51 ~~9.] 10. Support activities in response to drought as provided for under the~~
 52 ~~drought plan established for the State [;], including, without limitation, by~~

1 *providing staff assistance to and coordinating with the Division of Emergency*
 2 *Management of the Department of Public Safety on drought-related activities.*

3 ~~10.~~ 11. Administer the statewide program established for the management
 4 of floodplains.

5 ~~11. Upon request, provide updates to local governments on water issues~~
 6 ~~relevant to this State, changes in policy and the availability of new information~~
 7 ~~concerning water resources.~~

8 12. *Provide staff assistance to the Advisory Committee on Water ~~Planning~~*
 9 *Conservation and Drought, if the Advisory Committee has been established*
 10 *pursuant to section 5 of this act.*

11 **Sec. 12.** NRS 540.131 is hereby amended to read as follows:

12 540.131 1. Except as otherwise provided in subsection 5, each supplier of
 13 water which supplies water for municipal, industrial or domestic purposes shall, on
 14 or before July 1, 1992, adopt a plan of water conservation based on the climate and
 15 the living conditions of its service area in accordance with the provisions of NRS
 16 540.141, and shall update the plan pursuant to paragraph (c) of subsection 4. The
 17 provisions of the plan must apply only to the supplier's property and its customers.
 18 The supplier of water shall submit the plan to the Section for review by the Section
 19 pursuant to subsection 3.

20 2. As part of the procedure of adopting a plan, the supplier of water shall
 21 provide an opportunity for any interested person, including, but not limited to, any
 22 private or public entity that supplies water for municipal, industrial or domestic
 23 purposes, to submit written views and recommendations on the plan.

24 3. The plan must be reviewed by the Section within ~~130~~ 120 days after its
 25 submission and approved for compliance with this section and NRS 540.141 before it
 26 is adopted by the supplier of water.

27 4. The plan:

28 (a) Must be available for inspection by members of the public during office
 29 hours at the offices of the supplier of water;

30 (b) May be revised from time to time to reflect the changing needs and
 31 conditions of the service area. Each such revision must be made available for
 32 inspection by members of the public; and

33 (c) Must be updated every 5 years and comply with the requirements of this
 34 section and NRS 540.141.

35 5. Suppliers of water:

36 (a) Who are required to adopt a plan of water conservation pursuant to this
 37 section; and

38 (b) Whose service areas are located in a common geographical area,
 39 may adopt joint plans of water conservation based on the climate and living
 40 conditions of that common geographical area. Such a plan must comply with the
 41 requirements of this section and NRS 540.141.

42 6. The board of county commissioners of a county, the governing body of a
 43 city and the town board or board of county commissioners having jurisdiction of
 44 the affairs of a town shall:

45 (a) Adopt any ordinances necessary to carry out a plan of *water* conservation
 46 adopted pursuant to this section which applies to property within its jurisdiction;

47 (b) Establish a schedule of fines for the violation of any ordinances adopted
 48 pursuant to this subsection; and

49 (c) Hire such employees as it deems necessary to enforce the provisions of any
 50 ordinances it adopts pursuant to this subsection.

51 **Sec. 13.** NRS 540.141 is hereby amended to read as follows:

52 540.141 1. A plan or joint plan of water conservation submitted to the
 53 Section for review must include provisions relating to:

- 1 (a) Methods of public education to:
2 (1) Increase public awareness of the limited supply of water in this State
3 and the need to conserve water.
4 (2) Encourage reduction in the size of lawns and encourage the use of
5 plants that are adapted to arid and semiarid climates.
- 6 (b) Specific conservation measures required to meet the needs of the service
7 area, including, but not limited to, any conservation measures required by law.
- 8 (c) The management of water to:
9 (1) Identify and reduce leakage in water supplies, inaccuracies in water
10 meters and high pressure in water supplies; and
11 (2) Where applicable, increase the reuse of effluent.
- 12 (d) A contingency plan for drought conditions that ensures a supply of potable
13 water.
- 14 (e) A schedule for carrying out the plan or joint plan.
- 15 (f) *A plan for how the supplier of water will progress towards the installation*
16 *of meters on all connections.*
- 17 (g) *Standards for water efficiency for new development.*
- 18 (h) *Tiered rate structures for the pricing of water to promote the*
19 *conservation of water, including, without limitation, an estimate of the manner in*
20 *which the tiered rate structure will impact the consumptive use of water.*
- 21 (i) *Watering restrictions based on the time of day and the day of the week.*
- 22 2. *In addition to the requirements of subsection 1, a plan or joint plan of*
23 *water conservation submitted to the Section for review by a supplier of water*
24 *providing service for 500 or more connections must include provisions relating*
25 *to:*
- 26 (a) Measures to evaluate the effectiveness of the plan or joint plan.
- 27 ~~(b)~~ (b) For each conservation measure specified in the plan or joint plan, an
28 estimate of the amount of water that will be conserved each year as a result of the
29 adoption of the plan or joint plan, stated in terms of gallons of water ~~per person per~~
30 ~~day.~~
- 31 ~~2. A plan or joint plan submitted for review must be accompanied by an~~
32 ~~analysis of:~~
- 33 ~~(a) The feasibility of charging variable rates for the use of water to encourage~~
34 ~~the conservation of water.~~
- 35 ~~(b) How the rates that are proposed to be charged for the use of water in the~~
36 ~~plan or joint plan will maximize water conservation, including, without limitation,~~
37 ~~an estimate of the manner in which the rates will affect consumption of water.]~~
38 saved annually.
- 39 3. The Section shall review any plan or joint plan submitted to it within ~~30]~~
40 120 days after its submission and approve the plan if it is based on the climate and
41 living conditions of the service area and complies with the requirements of this
42 section.
- 43 4. The Chief may exempt wholesale water purveyors from the provisions of
44 this section which do not reasonably apply to wholesale supply.
- 45 5. To the extent practicable, the State Engineer shall provide on the Internet
46 website of the State Engineer a link to the plans and joint plans that are submitted
47 for review. In carrying out the provisions of this subsection, the State Engineer is
48 not responsible for ensuring, and is not liable for failing to ensure, that the plans
49 and joint plans which are provided on the Internet website are accurate and current.

1 **Sec. 14.** Section 37 of the Western Regional Water Commission Act, being
2 chapter 531, Statutes of Nevada 2007, at page 3294, is hereby amended to read as
3 follows:

4 Sec. 37. In addition to the voting members, the Water Planning
5 Commission includes the following nonvoting members:

6 1. One member appointed by the Public Utilities Commission of
7 Nevada;

8 2. One member appointed by the Consumer's Advocate of the Bureau
9 of Consumer Protection in the Office of the Attorney General;

10 3. One member appointed by the Administrator of the Division;

11 4. One member appointed by the State Engineer;

12 5. ~~One member appointed by the Chief of the Water Planning~~
13 ~~Section of the Division of Water Resources of the State Department of~~
14 ~~Conservation and Natural Resources;~~

15 ~~—6—~~ One member appointed by the board of directors of the water
16 conservancy district which is largest in area in the planning area;

17 ~~†7-†~~ 6. One member appointed by the county or district board of
18 health;

19 ~~†8-†~~ 7. One member of the public at large appointed by the
20 affirmative vote of a majority of the voting members; and

21 ~~†9-†~~ 8. Additional members with expertise in an area that the majority
22 of the voting members determines is necessary, appointed by the
23 affirmative vote of a majority of the voting members.

24 **Sec. 15.** The Legislative Counsel shall, in preparing the Nevada Revised
25 Statutes or any supplements to the Nevada Administrative Code, use the authority
26 set forth in subsection 10 of NRS 220.120 to change appropriately the name of any
27 agency, officer or instrumentality of the State whose name is changed or whose
28 responsibilities are transferred pursuant to the provisions of this act to refer to the
29 appropriate agency, officer or instrumentality.

30 **Sec. 16.** This act becomes effective upon passage and approval.