

Senate Bill No. 258–Senator Ohrenschall

CHAPTER.....

AN ACT relating to water; revising provisions governing an application for a temporary change relating to water already appropriated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the State Engineer may grant a permit for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 1 year. Before granting such a permit, if the State Engineer determines that a temporary change may not be in the public interest, or may impair the water rights held by other persons, existing law: (1) requires the State Engineer to give notice of the application; (2) authorizes any interested person to file a written protest to the application; and (3) if a protest is filed, provides that the State Engineer may hold a hearing. (NRS 533.345) **Section 4** of this bill authorizes the State Engineer to grant an application for such a temporary change for a period not to exceed 3 years if the temporary change is for a renewable energy generation project. If an application for a temporary change is filed for a period of more than 1 year for such a renewable energy project, **section 4** requires the State Engineer to give notice of the application.

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

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

Sections 1-3. (Deleted by amendment.)

Sec. 4. NRS 533.345 is hereby amended to read as follows:

533.345 1. Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.

2. If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

3. ~~If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the~~ *The* State Engineer shall give notice of the application as provided in NRS 533.360 ~~[- Any] if:~~



(a) The State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons; or

(b) The temporary change is for a period of more than 1 year pursuant to subsection 5.

4. If the State Engineer gives notice of the application in accordance with subsection 3, any person interested may file a written protest to the application and the State Engineer may hold a hearing before rendering a decision in accordance with the provisions of NRS 533.365.

~~[4.]~~ *5. Except as otherwise provided in this subsection, a temporary change may be granted for any period not to exceed 1 year. The State Engineer may grant a temporary change for a period of more than 1 year, but not to exceed 3 years, if the temporary change is for a renewable energy generation project.*

6. As used in this section, "renewable energy generation project" has the meaning ascribed to it in NRS 701.080.

Secs. 5-9. (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2023.

