

SENATE BILL NO. 258—SENATOR OHRENSCHALL

MARCH 13, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-889)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; 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:

1 Under existing law, the State Engineer may grant a permit for a temporary
2 change of the place of diversion, manner of use or place of use of water already
3 appropriated for a period not to exceed 1 year. Before granting such a permit, if the
4 State Engineer determines that a temporary change may not be in the public
5 interest, or may impair the water rights held by other persons, existing law: (1)
6 requires the State Engineer to give notice of the application; (2) authorizes any
7 interested person to file a written protest to the application; and (3) if a protest is
8 filed, provides that the State Engineer may hold a hearing. (NRS 533.345) **Section**
9 **4** of this bill authorizes the State Engineer to grant an application for such a
10 temporary change for a period not to exceed 3 years if the temporary change is for a
11 renewable energy generation project. If an application for a temporary change is
12 filed for a period of more than 1 year for such a renewable energy project, **section 4**
13 requires the State Engineer to give notice of the application.

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

- 1 **Section 1.** (Deleted by amendment.)
- 2 **Sec. 2.** (Deleted by amendment.)
- 3 **Sec. 3.** (Deleted by amendment.)



1 **Sec. 4.** NRS 533.345 is hereby amended to read as follows:
2 533.345 1. Every application for a permit to change the place
3 of diversion, manner of use or place of use of water already
4 appropriated must contain such information as may be necessary to
5 a full understanding of the proposed change, as may be required by
6 the State Engineer.

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

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

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

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

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

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

28 ~~[4.]~~ 5. *Except as otherwise provided in this subsection, a*
29 temporary change may be granted for any period not to exceed 1
30 year. *The State Engineer may grant a temporary change for a*
31 *period of more than 1 year, but not to exceed 3 years, if the*
32 *temporary change is for a renewable energy generation project.*

33 6. *As used in this section, “renewable energy generation*
34 *project” has the meaning ascribed to it in NRS 701.080.*

35 **Sec. 5.** (Deleted by amendment.)

36 **Sec. 6.** (Deleted by amendment.)

37 **Sec. 7.** (Deleted by amendment.)

38 **Sec. 8.** (Deleted by amendment.)

39 **Sec. 9.** (Deleted by amendment.)

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

