

ASSEMBLY BILL NO. 265—ASSEMBLYMEMBERS
GURR, DELONG; AND KASAMA

FEBRUARY 20, 2025

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-887)

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; requiring the Division of Water Resources of the State Department of Conservation and Water Resources to notify an applicant if a committee is assigned to review certain applications for a permit; providing certain deadlines for the State Engineer to approve or deny certain applications and extensions, review reports of conveyance and issue certain permits; requiring the State Engineer to provide certain notices relating to the cancellation of a permit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the State Engineer is charged with managing the appropriation of water in this State. (Title 48 of NRS) **Section 1** of this bill requires the Division of Water Resources of the State Department of Conservation and Natural Resources to notify an applicant for a permit to appropriate water or change the place of diversion, manner of use or place of use if the State Engineer assigns a committee within the Division to review the application to appropriate water. **Section 1** further requires the committee to complete its review of an application within certain periods of time after the final date for filing a protest.

Existing law authorizes the State Engineer, upon application, to grant an extension time for an applicant for a permit to appropriate water to: (1) file certain instruments required to be filed with an application to appropriate water; (2) complete construction of the works of diversion or apply water to a beneficial use; (3) file proof of the completion of the works of diversion; and (4) file proof of application of water to beneficial use. (NRS 533.355, 533.380, 533.390, 533.410) **Sections 2, 4, 6 and 8** of this bill require the State Engineer to approve or deny such an extension not later than 30 days after the date the application for an extension is received by the State Engineer.



18 Existing law requires, with certain exceptions, the State Engineer to approve or
19 reject each application to appropriate water within 2 years after the final date for
20 filing a protest. (NRS 533.370) **Section 3** of this bill requires the State Engineer to
21 approve or reject an application to appropriate water that results in a
22 nonconsumptive use not later than 30 days after the final date for filing a protest if
23 no protests were filed during the period for filing a protest.

24 **Section 9** of this bill requires the State Engineer to issue a permit not later than
25 14 days after receiving the applicable fees for the issuance and recording of the
26 permit.

27 Existing law requires a person who is conveyed an application or permit to
28 appropriate water, a certificate of appropriation, an adjudicated or unadjudicated
29 water right or an application or permit to change the place of diversion, manner of
30 use or place of use of water to file a report of conveyance with the State Engineer.
31 (NRS 533.384) Existing law also requires the State Engineer to review the report of
32 conveyance and make certain determinations to confirm or reject the report of
33 conveyance. (NRS 533.386) **Section 5** of this bill requires that the review of a
34 report of conveyance be completed not later than 14 days after the report of
35 conveyance is filed with the State Engineer.

36 Existing law requires: (1) a person who holds a permit to appropriate water or
37 change the place of diversion or manner of use to file proof of completion of the
38 work and proof of application of water to beneficial use, which consists of a
39 statement describing the works actually constructed, a statement that includes
40 certain information relating to the application of water to beneficial use and an
41 accompanying map under certain circumstances by the date set for completion of
42 the work and the date set for application of water to beneficial use, respectively;
43 and (2) the State Engineer to hold the permit for cancellation if these proofs are not
44 filed by these dates. (NRS 533.390, 533.400, 533.405, 533.410) **Sections 6 and 7**
45 of this bill require the State Engineer to notify the holder of a permit not later than
46 30 days before the date set for the completion of such work and the date set for the
47 application of water to beneficial use that the permit will be held for cancellation if
48 the proof of completion of the work or proof of application of water to beneficial
49 use is not filed by such date.

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 *1. If the State Engineer assigns a committee within the*
4 *Division of Water Resources of the State Department of*
5 *Conservation and Natural Resources to review an application for*
6 *a permit to appropriate water or to change the place of diversion,*
7 *manner of use or place of use, the Division shall notify the*
8 *applicant of the assignment and the date on which the application*
9 *will be reviewed by the committee.*

10 *2. The review of an application pursuant to subsection 1 must*
11 *be completed not later than:*

12 *(a) Thirty days after the final date for filing a protest pursuant*
13 *to NRS 533.365, if no protests were filed during the period for*
14 *filing a protest; or*



1 ***(b) Sixty days after the final date for filing a protest pursuant***
2 ***to NRS 533.365, if a protest was filed during the period for filing a***
3 ***protest.***

4 **Sec. 2.** NRS 533.355 is hereby amended to read as follows:

5 533.355 1. Upon receipt of an application, the State Engineer
6 shall make an endorsement thereon of the date of its receipt and
7 shall keep a record of the date. The State Engineer shall provide the
8 application forms at no cost to the applicants.

9 2. Except as provided in subsection 3, if upon examination, the
10 application is found to be defective, it must be returned for
11 correction or completion with advice of the reasons therefor, and the
12 date of the return must be endorsed upon the application and a
13 record made of it in the Office of the State Engineer. An application
14 does not lose its priority of filing on account of defects if the
15 application, properly corrected and accompanied by such maps and
16 drawings as may be required, is filed in the Office of the State
17 Engineer within 60 days after the date of the return to applicant.
18 Any application returned for correction or completion, not refiled in
19 proper form within the 60 days, must be cancelled. For good cause
20 shown, upon application made prior to the expiration of the 60-day
21 period, the State Engineer may, in his or her discretion, grant an
22 extension of time not to exceed 60 days in which to file the
23 instruments. ***The State Engineer shall approve or deny an***
24 ***application for an extension of time not later than 30 days after***
25 ***the date the application is received by the State Engineer.***

26 3. If it appears to the State Engineer that an application, which
27 contains information of sufficient accuracy to determine the manner
28 of use and the location from which the water is to be diverted, must
29 be rejected, the State Engineer may reject it without returning it for
30 correction.

31 4. All applications which comply with the provisions of this
32 chapter must be recorded in a suitable book kept for that purpose.

33 **Sec. 3.** NRS 533.370 is hereby amended to read as follows:

34 533.370 1. Except as otherwise provided in this section and
35 NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State
36 Engineer shall approve an application submitted in proper form
37 which contemplates the application of water to beneficial use if:

38 (a) The application is accompanied by the prescribed fees;

39 (b) The proposed use or change, if within an irrigation district,
40 does not adversely affect the cost of water for other holders of water
41 rights in the district or lessen the efficiency of the district in its
42 delivery or use of water; and

43 (c) The applicant provides proof satisfactory to the State
44 Engineer of the applicant's:



1 (1) Intention in good faith to construct any work necessary to
2 apply the water to the intended beneficial use with reasonable
3 diligence; and

4 (2) Financial ability and reasonable expectation actually to
5 construct the work and apply the water to the intended beneficial use
6 with reasonable diligence.

7 2. Except as otherwise provided in subsection ~~H0~~ *II*, where
8 there is no unappropriated water in the proposed source of supply,
9 where the groundwater that has not been committed for use has been
10 reserved pursuant to NRS 533.0241 or where its proposed use or
11 change conflicts with existing rights or with protectable interests in
12 existing domestic wells as set forth in NRS 533.024, or threatens to
13 prove detrimental to the public interest, the State Engineer shall
14 reject the application and refuse to issue the requested permit. If a
15 previous application for a similar use of water within the same basin
16 has been rejected on those grounds, the new application may be
17 denied without publication.

18 3. In addition to the criteria set forth in subsections 1 and 2, in
19 determining whether an application for an interbasin transfer of
20 groundwater must be rejected pursuant to this section, the State
21 Engineer shall consider:

22 (a) Whether the applicant has justified the need to import the
23 water from another basin;

24 (b) If the State Engineer determines that a plan for conservation
25 of water is advisable for the basin into which the water is to be
26 imported, whether the applicant has demonstrated that such a plan
27 has been adopted and is being effectively carried out;

28 (c) Whether the proposed action is environmentally sound as it
29 relates to the basin from which the water is exported;

30 (d) Whether the proposed action is an appropriate long-term use
31 which will not unduly limit the future growth and development in
32 the basin from which the water is exported; and

33 (e) Any other factor the State Engineer determines to be
34 relevant.

35 4. Except as otherwise provided in this subsection and
36 subsections 6, 7 and ~~H0~~ *II* and NRS 533.365, the State Engineer
37 shall approve or reject each application within 2 years after the final
38 date for filing a protest. The State Engineer may postpone action:

39 (a) Upon written authorization to do so by the applicant.

40 (b) If an application is protested.

41 (c) If the purpose for which the application was made is
42 municipal use.

43 (d) In areas where studies of water supplies have been
44 determined to be necessary by the State Engineer pursuant to
45 NRS 533.368.



1 (e) Where court actions or adjudications are pending, which may
2 affect the outcome of the application.

3 (f) In areas in which adjudication of vested water rights is
4 deemed necessary by the State Engineer.

5 (g) On an application for a permit to change a vested water right
6 in a basin where vested water rights have not been adjudicated.

7 (h) Where authorized entry to any land needed to use the water
8 for which the application is submitted is required from a
9 governmental agency.

10 (i) On an application for which the State Engineer has required
11 additional information pursuant to NRS 533.375.

12 5. If the State Engineer does not act upon an application in
13 accordance with subsections 4 and 6, the application remains active
14 until approved or rejected by the State Engineer.

15 6. Except as otherwise provided in this subsection and
16 subsection ~~H0~~ 11, the State Engineer shall approve or reject,
17 within 6 months after the final date for filing a protest, an
18 application filed to change the point of diversion of water already
19 appropriated when the existing and proposed points of diversion are
20 on the same property for which the water has already been
21 appropriated under the existing water right or the proposed point of
22 diversion is on real property that is proven to be owned by the
23 applicant and is contiguous to the place of use of the existing water
24 right. The State Engineer may postpone action on the application
25 pursuant to subsection 4.

26 7. *Not later than 30 days after the final date for filing a*
27 *protest pursuant to NRS 533.365, if no protests were filed during*
28 *the period for filing a protest, the State Engineer shall approve or*
29 *reject an application to appropriate water that results in a*
30 *nonconsumptive use.*

31 8. If the State Engineer has not approved, rejected or held a
32 hearing on an application within 7 years after the final date for filing
33 a protest, the State Engineer shall cause notice of the application to
34 be republished and reposted pursuant to NRS 533.360 immediately
35 preceding the time at which the State Engineer is ready to approve
36 or reject the application. The cost of the republication must be paid
37 by the applicant. After such republication and reposting, a protest
38 may be filed in accordance with NRS 533.365.

39 ~~18~~ 9. If a hearing is held regarding an application, the
40 decision of the State Engineer must be in writing and include
41 findings of fact, conclusions of law and a statement of the
42 underlying facts supporting the findings of fact. The written
43 decision may take the form of a transcription of an oral ruling. The
44 rejection or approval of an application must be endorsed on a copy
45 of the original application, and a record must be made of the



1 endorsement in the records of the State Engineer. The copy of the
2 application so endorsed must be returned to the applicant. Except as
3 otherwise provided in subsection ~~11.1~~ 12, if the application is
4 approved, the applicant may, on receipt thereof, proceed with the
5 construction of the necessary works and take all steps required to
6 apply the water to beneficial use and to perfect the proposed
7 appropriation. If the application is rejected, the applicant may take
8 no steps toward the prosecution of the proposed work or the
9 diversion and use of the public water while the rejection continues
10 in force.

11 ~~9.1~~ 10. If a person is the successor in interest of an owner of a
12 water right or an owner of real property upon which a domestic well
13 is located and if the former owner of the water right or real property
14 on which a domestic well is located had previously filed a written
15 protest against the granting of an application, the successor in
16 interest must be allowed to pursue that protest in the same manner
17 as if the successor in interest were the former owner whose interest
18 he or she succeeded. If the successor in interest wishes to pursue the
19 protest, the successor in interest must notify the State Engineer in a
20 timely manner on a form provided by the State Engineer.

21 ~~10.1~~ 11. The provisions of subsections 1 to ~~9.1~~ 10, inclusive,
22 do not apply to an application for an environmental permit or a
23 temporary permit issued pursuant to NRS 533.436 or 533.504.

24 ~~11.1~~ 12. The provisions of subsection ~~8.1~~ 9 do not authorize
25 the recipient of an approved application to use any state land
26 administered by the Division of State Lands of the State Department
27 of Conservation and Natural Resources without the appropriate
28 authorization for that use from the State Land Registrar.

29 ~~12.1~~ 13. As used in this section, "domestic well" has the
30 meaning ascribed to it in NRS 534.350.

31 **Sec. 4.** NRS 533.380 is hereby amended to read as follows:

32 533.380 1. Except as otherwise provided in subsection ~~5.1~~ 6,
33 in an endorsement of approval upon any application, the State
34 Engineer shall:

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

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

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



1 (2) For which a plan for the development of a project has
2 been approved by the local government pursuant to NRS 278.010 to
3 278.460, inclusive; or

4 (3) On any land for which a plan for the development of a
5 planned unit development has been recorded pursuant to chapter
6 278A of NRS,

7 ↪ must not be less than 5 years.

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

13 3. Except as otherwise provided in subsection ~~4~~ 5 and NRS
14 533.395 and 533.4377, the State Engineer may, for good cause
15 shown, grant any number of extensions of time within which
16 construction work must be completed, or water must be applied to a
17 beneficial use under any permit therefor issued by the State
18 Engineer, but a single extension of time must not exceed 5 years.
19 *The State Engineer shall approve or deny an application for an*
20 *extension of time not later than 30 days after the date the*
21 *application is received by the State Engineer.*

22 4. An application for ~~the~~ *an extension of time submitted*
23 *pursuant to subsection 3* must in all cases be:

24 (a) Made within 30 days following notice by registered or
25 certified mail that proof of the work is due as provided for in NRS
26 533.390 and 533.410; and

27 (b) Accompanied by proof and evidence of the good faith and
28 reasonable diligence with which the applicant is pursuing the
29 perfection of the application.

30 ↪ The State Engineer shall not grant an extension of time unless the
31 State Engineer determines from the proof and evidence so submitted
32 that the applicant is proceeding in good faith and with reasonable
33 diligence to perfect the application. The failure to provide the proof
34 and evidence required pursuant to this subsection is prima facie
35 evidence that the holder is not proceeding in good faith and with
36 reasonable diligence to perfect the application.

37 ~~4~~ 5. Except as otherwise provided in subsection ~~5~~ 6 and
38 NRS 533.395, whenever the holder of a permit issued for any
39 municipal or quasi-municipal use of water on any land referred to in
40 paragraph (b) of subsection 1, or for any use which may be served
41 by a county, city, town, public water district or public water
42 company, requests an extension of time to apply the water to a
43 beneficial use, the State Engineer shall, in determining whether to
44 grant or deny the extension, consider, among other factors:



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

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

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

10 (d) Any delays in the development of the land or the area being
11 served by the county, city, town, public water district or public
12 water company which were caused by unanticipated natural
13 conditions; and

14 (e) The period contemplated in the:

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

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

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

20 ~~[5.]~~ 6. The provisions of subsections 1 and ~~[4]~~ 5 do not apply
21 to an environmental permit or a temporary permit issued pursuant to
22 NRS 533.436 or 533.504.

23 ~~[6.]~~ 7. For the purposes of this section, the measure of
24 reasonable diligence is the steady application of effort to perfect the
25 application in a reasonably expedient and efficient manner under all
26 the facts and circumstances. When a project or integrated system is
27 composed of several features, work on one feature of the project or
28 system may be considered in finding that reasonable diligence has
29 been shown in the development of water rights for all features of the
30 entire project or system.

31 ~~[7.]~~ 8. The State Engineer shall:

32 (a) Adopt any regulation necessary to carry out the provisions of
33 this section; and

34 (b) Provide a copy of such regulations to any person upon
35 request.

36 **Sec. 5.** NRS 533.386 is hereby amended to read as follows:

37 533.386 1. ~~[The]~~ *Not later than 14 days after the date a*
38 *report of conveyance required by paragraph (a) of subsection 1 of*
39 *NRS 533.384 is filed with the State Engineer, the State Engineer*
40 *shall review the report to confirm that the report* ~~[of conveyance~~
41 ~~required by paragraph (a) of subsection 1 of NRS 533.384]~~ *includes*
42 *all material required by that subsection and that:*

43 (a) The report is accompanied by the prescribed fee;



1 (b) No conflict exists in the chain of title that can be determined
2 by the State Engineer from the conveyance documents or other
3 information on file in the Office of the State Engineer; and

4 (c) The State Engineer is able to determine the rate of diversion
5 and the amount of water conveyed in acre-feet or million gallons
6 from the conveyance documents or other information on file in the
7 Office of the State Engineer.

8 2. If the State Engineer confirms a report of conveyance
9 pursuant to subsection 1, the State Engineer shall ~~in a timely~~
10 ~~manner~~ *within the time required pursuant to subsection 1* provide
11 a notice of the confirmation to the person who submitted the report
12 of conveyance. The notice must include, without limitation:

13 (a) A statement indicating that neither the confirmation of the
14 report of conveyance nor the report of conveyance, if the report sets
15 forth the amount of water conveyed, guarantees that:

16 (1) The water right is in good standing with the Office of the
17 State Engineer; or

18 (2) The amount of water referenced in the notice or in the
19 report of conveyance is the actual amount of water that a person is
20 entitled to use upon conveyance of the application or permit to
21 appropriate any of the public waters, the certificate of appropriation,
22 the adjudicated or unadjudicated water right, or the application or
23 permit to change the place of diversion, manner of use or place of
24 use of water.

25 (b) A statement that the confirmation of the report of
26 conveyance is not a determination of ownership and that only a
27 court of competent jurisdiction may adjudicate conflicting claims to
28 ownership of a water right.

29 3. If the State Engineer determines that the report of
30 conveyance is deficient, the State Engineer shall *within the time*
31 *required pursuant to subsection 1* reject the report of conveyance
32 and return it to the person who submitted it, together with:

33 (a) An explanation of the deficiency; and

34 (b) A notice stating that the State Engineer will not confirm a
35 report of conveyance that has been rejected unless the report is
36 resubmitted with the material required to cure the deficiency. The
37 notice must also include a statement of the provisions of
38 subsection 5.

39 4. If, from the conveyance documents or other information in
40 the Office of the State Engineer, it appears to the State Engineer that
41 there is a conflict in the chain of title, the State Engineer shall
42 *within the time required pursuant to subsection 1* reject the report of
43 conveyance and return it to the person who submitted it, together
44 with:



1 (a) An explanation that a conflict appears to exist in the chain of
2 title; and

3 (b) A notice stating that the State Engineer will not take further
4 action with respect to the report of conveyance until a court of
5 competent jurisdiction has determined the conflicting claims to
6 ownership of the water right and the determination has become final
7 or until a final resolution of the conflicting claims has otherwise
8 occurred. The notice must also include a statement of the provisions
9 of subsection 5.

10 5. The State Engineer shall not consider or treat the person to
11 whom:

12 (a) An application or permit to appropriate any of the public
13 waters;

14 (b) A certificate of appropriation;

15 (c) An adjudicated or unadjudicated water right; or

16 (d) An application or permit to change the place of diversion,
17 manner of use or place of use of water,

18 ↪ is conveyed as the owner or holder of the application, right,
19 certificate or permit for the purposes of this chapter, including,
20 without limitation, all advisements and other notices required of the
21 State Engineer and the granting of permits to change the place of
22 diversion, manner of use or place of use of water, until a report of
23 the conveyance is confirmed pursuant to subsection 1.

24 6. If the State Engineer is notified that a court of competent
25 jurisdiction has entered a judgment confirming ownership of a water
26 right or resolving a conflict in a chain of title, and that the judgment
27 has become final, the State Engineer shall take such administrative
28 action as is appropriate or necessary to conform the records of the
29 Office of the State Engineer with the judgment of the court,
30 including, without limitation, amending or withdrawing a permit or
31 certificate that was previously approved by the State Engineer.

32 **Sec. 6.** NRS 533.390 is hereby amended to read as follows:

33 533.390 1. Any person holding a permit from the State
34 Engineer shall, on or before the date set for the completion of the
35 work, file in detail a description of the work as actually constructed.
36 This statement must be verified by the affidavit of the applicant or
37 the applicant's agent or attorney. *The State Engineer shall notify
38 the holder of the permit not later than 30 days before the date set
39 for the completion of the work that the permit will be held for
40 cancellation if the statement is not filed by the date set for the
41 completion of the work.*

42 2. Should any person holding a permit from the State Engineer
43 fail to file with the State Engineer the proof of completion of work,
44 as provided in this chapter, the State Engineer shall advise the
45 holder of the permit, by registered or certified mail, that it is held for



1 cancellation, and should the holder, within 30 days after the mailing
2 of such advice, fail to file the required affidavit, the State Engineer
3 shall cancel the permit. For good cause shown, upon application
4 made prior to the expiration of the 30-day period, the State Engineer
5 may, in his or her discretion, grant an extension of time in which to
6 file the instruments. *The State Engineer shall approve or deny an*
7 *application for an extension of time not later than 30 days after*
8 *the date the application was received by the State Engineer.*

9 **Sec. 7.** NRS 533.400 is hereby amended to read as follows:

10 533.400 1. Except as otherwise provided in subsection ~~2~~ 3,
11 on or before the date set in the endorsement of a permit for the
12 application of water to beneficial use, or on the date set by the State
13 Engineer under a proper application for extension therefor, any
14 person holding a permit from the State Engineer to appropriate the
15 public waters of the State of Nevada, to change the place of
16 diversion or the manner or place of use, shall file with the State
17 Engineer a statement under oath, on a form prescribed by the State
18 Engineer. The statement must include:

19 (a) The name and post office address of the person making the
20 proof.

21 (b) The number and date of the permit for which proof is made.

22 (c) The source of the water supply.

23 (d) The name of the canal or other works by which the water is
24 conducted to the place of use.

25 (e) The name of the original person to whom the permit was
26 issued.

27 (f) The purpose for which the water is used.

28 (g) If for irrigation, the actual number of acres of land upon
29 which the water granted in the permit has been beneficially used,
30 giving the same by 40-acre legal subdivisions when possible.

31 (h) An actual measurement taken by a licensed state water right
32 surveyor or an official or employee of the Office of the State
33 Engineer of the water diverted for beneficial use.

34 (i) The capacity of the works of diversion.

35 (j) If for power, the dimensions and capacity of the flume, pipe,
36 ditch or other conduit.

37 (k) The average grade and difference in elevation between the
38 termini of any conduit.

39 (l) The number of months, naming them, in which water has
40 been beneficially used.

41 (m) The amount of water beneficially used, taken from actual
42 measurements, together with such other data as the State Engineer
43 may require to become acquainted with the amount of the
44 appropriation for which the proof is filed.



1 2. *The State Engineer shall notify the holder of the permit not*
2 *later than 30 days before the date set for filing in the permit or the*
3 *date set by an extension granted by the State Engineer that the*
4 *permit will be held for cancellation pursuant to NRS 533.410 if*
5 *the statement required pursuant to this section and accompanying*
6 *map, if a map is required pursuant to NRS 533.405, is not filed by*
7 *the date set for filing.*

8 3. The provisions of subsection 1 do not apply to a person
9 holding an environmental permit or a temporary permit issued
10 pursuant to NRS 533.436 or 533.504.

11 **Sec. 8.** NRS 533.410 is hereby amended to read as follows:

12 533.410 1. If any holder of a permit from the State Engineer
13 fails, before the date set for filing in the permit or the date set by any
14 extension granted by the State Engineer, to file with the State
15 Engineer proof of application of water to beneficial use, and the
16 accompanying map, if a map is required, the State Engineer shall
17 advise the holder of the permit, by registered or certified mail, that
18 the permit is held for cancellation. If the holder, within 30 days after
19 the mailing of this notice, fails to file with the State Engineer the
20 required affidavit and map, if a map is required, or an application
21 for an extension of time to file the instruments, the State Engineer
22 shall cancel the permit. For good cause shown, upon application
23 made before the expiration of the 30-day period, the State Engineer
24 may grant an extension of time in which to file the instruments. *The*
25 *State Engineer shall approve or deny an application for an*
26 *extension of time not later than 30 days after the date the*
27 *application was received by the State Engineer.*

28 **Sec. 9.** NRS 533.435 is hereby amended to read as follows:

29 533.435 1. The State Engineer shall collect the following
30 fees:

- 31
- 32 For examining and filing an application for a
- 33 permit to appropriate water \$360.00
- 34 This fee includes the cost of publication,
- 35 which is \$50.
- 36 For reviewing a corrected application or map, or
- 37 both, in connection with an application for a
- 38 water right permit..... 100.00
- 39 For examining and acting upon plans and
- 40 specifications for construction of a dam..... 1,200.00
- 41 For examining and filing an application for each
- 42 permit to change the point of diversion,
- 43 manner of use or place of use of an existing
- 44 right 240.00



1	This fee includes the cost of publication,	
2	which is \$50.	
3	For examining and filing an application for a	
4	temporary permit to change the point of	
5	diversion, manner of use or place of use of an	
6	existing right.....	\$180.00
7	For issuing and recording each permit to	
8	appropriate water for any purpose, except for	
9	generating hydroelectric power which results	
10	in nonconsumptive use of the water, watering	
11	livestock or wildlife purposes	360.00
12	plus \$3 per acre-foot approved or fraction	
13	thereof.	
14	Except for generating hydroelectric power,	
15	watering livestock or wildlife purposes, for	
16	issuing and recording each permit to change	
17	an existing water right whether temporary or	
18	permanent for any purpose.....	300.00
19	plus \$3 per acre-foot approved or fraction	
20	thereof.	
21	For issuing and recording each permit for	
22	additional rate of diversion from a well where	
23	no additional volume of water is granted.....	1,000.00
24	For issuing and recording each permit to change	
25	the point of diversion or place of use of an	
26	existing right whether temporary or	
27	permanent for irrigation purposes, a	
28	maximum fee of.....	750.00
29	For issuing and recording each permit to	
30	appropriate or change the point of diversion	
31	or place of use of an existing right whether	
32	temporary or permanent for watering	
33	livestock or wildlife purposes	240.00
34	plus \$50 for each cubic foot of water per	
35	second approved or fraction thereof.	
36	For issuing and recording each permit to	
37	appropriate or change an existing right	
38	whether temporary or permanent for water	
39	for generating hydroelectric power which	
40	results in nonconsumptive use of the water.....	480.00
41	plus \$50 for each cubic foot per second of	
42	water approved or fraction thereof.	
43	For filing and examining a request for a waiver	
44	in connection with an application to drill a	
45	well.....	120.00



1	For filing and examining a notice of intent to	
2	drill a well	\$25.00
3	For filing and examining an affidavit to	
4	relinquish water rights in favor of use of	
5	water for domestic wells	300.00
6	For filing a secondary application under a	
7	reservoir permit	300.00
8	For approving and recording a secondary permit	
9	under a reservoir permit	540.00
10	For reviewing each tentative subdivision map	180.00
11	plus \$1 per lot.	
12	For reviewing and approving each final	
13	subdivision map	120.00
14	For storage approved under a dam permit for	
15	privately owned nonagricultural dams which	
16	store more than 50 acre-feet	480.00
17	plus \$1.25 per acre-foot storage capacity.	
18	This fee includes the cost of inspection	
19	and must be paid annually.	
20	For flood control detention basins	480.00
21	plus \$1.25 per acre-foot storage capacity.	
22	This fee includes the cost of inspection	
23	and must be paid annually.	
24	For filing proof of completion of work	60.00
25	For filing proof of beneficial use	60.00
26	For issuing and recording a certificate upon	
27	approval of the proof of beneficial use	350.00
28	For filing proof of resumption of a water right	360.00
29	For filing any protest	30.00
30	For filing any application for extension of time	
31	within which to file proofs, of completion or	
32	beneficial use, for each year for which the	
33	extension of time is sought	120.00
34	For filing any application for extension of time	
35	to prevent a forfeiture, for each year for	
36	which the extension of time is sought	120.00
37	For reviewing a cancellation of a water right	
38	pursuant to a petition for review	360.00
39	For examining and filing a report of conveyance	
40	filed pursuant to paragraph (a) of subsection	
41	1 of NRS 533.384	120.00
42	plus \$20 per conveyance document.	
43	For filing any other instrument	10.00



1	For making a copy of any document recorded or	
2	filed in the Office of the State Engineer, for	
3	the first page.....	\$1.00
4	For each additional page.....	.20
5	For certifying to copies of documents, records or	
6	maps, for each certificate	6.00
7	For each copy of any full size drawing or map	6.00
8	For each color copy of any full size drawing or	
9	map (2' x 3')	12.00
10	For colored plots.....	10.00

11

12 2. When fees are not specified in subsection 1 for work
13 required of the Office of the State Engineer, the State Engineer shall
14 collect the actual cost of the work.

15 3. Except as otherwise provided in this subsection, all fees
16 collected by the State Engineer under the provisions of this section
17 must be deposited in the State Treasury for credit to the State
18 General Fund. All fees received for copies of any drawing or map
19 must be kept by the State Engineer and used only to pay the costs of
20 printing, replacement and maintenance of printing equipment. Any
21 publication fees received which are not used by the State Engineer
22 for publication expenses must be returned to the persons who paid
23 the fees. If, after exercising due diligence, the State Engineer is
24 unable to make the refunds, the State Engineer shall deposit the fees
25 in the State Treasury for credit to the State General Fund.

26 ***4. The State Engineer shall issue a permit not later than 14***
27 ***days after receiving the applicable fee for the issuance and***
28 ***recording of the permit required pursuant to subsection 1.***



