



# Legislative Update

**BDR** = Bill Draft Requests  
**NELIS**: Resource for Everything  
 Happening in the Legislature



**Water Strategy Group**  
 Nevada Natural Resource Policy Experts

**SB** = [Senate Bill](#) | **AB** = [Assembly Bill](#)  
[Legislative Committees](#)  
 ➤ [Assembly Natural Resources](#)  
 ➤ [Senate Natural Resources](#)

## About the Legislative Update

This report, compiled by the Water Strategy Group (WSG) and Meridian Nevada, is regularly updated with current and forthcoming legislative proposals in the 2025 Nevada Legislative Session which may impact the businesses and industries we engage with daily.

## Overall Legislative Schedule

Date	Day	Key Legislative Task
24-Mar	Mon	Joint Standing Rule No. 14 and Other Remaining Bill Introductions
27-Mar	Thu	<a href="#">NvMA Mining Day at the Legislature</a>
1-Apr	Tue	Start Closing Budgets
11-Apr	Fri	Committee Passage (First House)
22-Apr	Tue	First House Passage
1-May	Thu	Economic Forum Report Due
5-May	Mon	Start Resolving Budget Differences
16-May	Fri	Committee Passage (Second House)
17-May	Sat	Finish Budget Differences
23-May	Fri	Second House Passage
28-May	Wed	Budget Bills Introduced and Exempt Bills from Committee

## Select Bill Summaries

This section **covers** bills of primary interest, as of the date of this report, with a more comprehensive tracking table **included in Exhibit 1**.

### [AB419](#)

This bill would **among other things**, require State Engineer comply with Administrative Procedures Act for adopting regulations. **Other proposals** in this bill include would require new regulations to establish a pre-application review process, reductions in the amount of time allowed for approving or rejecting certain applications, and a requirement for the State Engineer to issue preliminary determinations on certain applications. Another proposed change in this bill would revise provisions relating to judicial review decisions by the State Engineer. A major change proposed in this bill would remove a statutory requirement in [NRS 533.450](#) that orders and decisions of the State Engineer are prima facie correct. **WSG was recently provided with a courtesy amendment (Exhibit 3) of this bill with a note indicating a likely hearing on April 9<sup>th</sup>. If true, this could be a contentious hearing. While well intentioned, the bill as introduced and (pending) amended, would place a substantially expanded regulatory burden on the State Engineer's Office**

### [SB342](#)

This bill proposes statutory changes in authorizing the State Engineer to coordinate with persons seeking to retire relinquished water rights. It also proposes to eliminate the requirement to vacate (i.e. reset) the priority date when rescinding the cancellation of water right permit.

### [AB385](#)

This bill focuses on Clark County and would prevent the governing body from taking action to prohibit or limit the use of a cooling tower system for certain projects for which the governing body must issue a permit and authorizes the establishment of an exemption in the building code for such projects.

### [AB9](#)

Under [NRS 533.0243](#), a person is already allowed to temporarily convert agricultural water rights for wildlife purposes or to improve the flow quality of water for up to 3 years, which may be extended in increments of up to 3 years at a time. This bill would allow for temporary conversions of up to 10 years with 5-year extensions.

### [AB109](#)

This bill proposes to eliminate the geothermal production exemption (for non-consumptive use water rights) in [NRS 534A](#), shifting the exemption to geothermal exploration only. It would require the State Engineer to review dissolved mineral exploration projects submitted through NDOM.

### [SB31](#)

In 2017, [NRS 533.087](#) was adopted to require a date of December 31, 2027 in which a claimant of any vested water right must file proof, otherwise such claim would be considered abandoned. SB31 was proposed by the State Engineer to exempt the Federal Government from the deadline for filing reserved or vested claims before the 2027 cutoff.

### [AB134](#)

This bill would allow the holder of a perfected water right to file a water conservation plan and establish provisions relating to water conservation plans. It prohibits a person holding a perfected right that is subject to a conservation plan from changing the place of diversion, the manner and place of use of the perfected right during the term of the plan. Lastly, it prohibits abandonment and forfeiture procedures on perfected rights subject to conservation plan.

### [AB104](#) / [SB36](#)

These are related bills that propose the creation of a 'Nevada Water Buy-Back Initiative' and Advisory Committee for retiring water rights with the program sunset in 2035. As written, these bills would require the State Engineer to reject groundwater right applications if the groundwater has been retired, which may apply to the entire basin. See below for more details on AB104.

### [AB190](#)

This bill seeks to create a fund for Hydrologic Studies in rural counties when the State Engineer determines that such a study is required to support their review of certain water

right applications. It would require the State Engineer to make a grant to 'Account for Studies Concerning Water' under [NRS 533.369](#). The applicant may pay the remaining cost of the study or withdraw their application and receive a refund.



## Weekly Highlights

The 83<sup>rd</sup> Nevada Legislative Session began on Monday, February 3, 2025. Each week, WSG will use this section to describe certain developments within and interpretations of select bills that will help each client assess potential implications to their business and to help determine if any WSG client should plan on taking a public position in support of or against a bill and/or proposed amendment.

WSG and Meridian would like to thank Kim Summers (on behalf of the Flying M Ranch) for joining us at the Nevada Farm Bureau Agriculture Day at the Legislature this past Tuesday. Kim's agricultural expertise and rangeland experience came in handy during our meetings with Legislators. Our focus during these meetings this week was SB31 concerning vested water rights and SB 242 concerning proposed regulatory changes to the sage grouse mitigation credit system. Details on these and other bills are included below

### [Tracking Table](#)

A detailed (hyperlinked) tracking table is attached to this report ([see Exhibit 1](#)). One of the main objectives for this report is to inform on BDRs initially targeted for review and consideration as to how they may affect WSG clients. As details emerge and hearings are completed, some of these bills will be removed from the tracking table unless a client requests them to remain or be added back. Each week the Exhibit 1 tracking table is highlighted with red text when updates, additions or changes are made. Last week saw a handful of new bills drop due to the introduction deadline that has now passed.

### [AB363 Background](#)

This is the third session in a row that a bill has been introduced attempting to create/modify statutes pertaining to the creation of local groundwater boards. Last week we included a comparison between the current bill and SB180

from the 2023 Session. This bill had a hearing this past week; see Exhibit 2 for notes from that hearing.

### AB9 Background

WSG has no problem with special statutory measures to help protect wildlife in certain circumstances. However, temporary conversions are not defined in statute and the State Engineer is supposed to follow applicable statutes. This bill creates uncertainty in terms of how these conversions are to be processed and what happens at the end of the undefined 'conversion' process, among other things. This bill highlights the need for a simple and minor change to [NRS 533.345](#) that would allow for temporary changes to existing water rights for ALL MANNERS OF USE for up to 5 years. This is precisely the change that was being pursued in a proposed amended version of AB90 from the 2023 Legislative Session.

### AB134 Background

This bill allows holders of perfected (i.e. certificated) rights to not use their water for up to 10 years if they submit and receive approval for a 'water conservation plan.' Even worse, those perfected rights not being used under a 'conservation plan' can't file change applications. Typically, when working in basins for a project that needs to acquire existing water rights, one of the first things we examine are perfected rights not being used. If this bill passes as written, WSG is concerned that people can use this 'conservation plan' concept to hold certain areas (with no options to obtain new water rights) hostage in the name of 'conservation.' Again, this is counter to what we believe should be the number one priority of the State Engineer, which is maximizing beneficial use.

### AB104 / SB36 Background

During WSG's participation in a legislative stakeholder group that developed the language for this bill, we expressed concern with language in Section 2 that essentially ties the hands of the State Engineer when considering applications in basins where water rights have been retired. Naturally, the Environmental NGOs in this group love the language, but those of us who advocate for maximizing beneficial use see a problem. In our opinion, if a previously over-pumped basin is brought back into balance by retirements and water resources are available for appropriation (i.e. due to new science supporting higher water availability), then the State Engineer should be able to process those applications in accordance with [NRS 533.370](#).

Most of the testimony for AB104 and SB36 was in support of the bills as amended, with only one testimony in opposition for both. It is interesting to note that the 'buy-back' program contemplated in AB104 is being modeled after the [2024 Nevada Water Conservation and Infrastructure Initiative](#), where \$25 million in federal grants were used to fund

groundwater retirements from willing parties. However, as shown in a recent [DRI presentation](#) at the 2025 [NWRA Conference](#), only 47% of the groundwater retired as part of the 2024 program was actually 'wet water', which means that private entities were paid with federal tax dollars to retire water rights being utilized at less than 50%. This rather embarrassing fact was never mentioned during the AB104 hearing last week.

### AB109 Background

The Nevada Mining Association has been meeting with the bill sponsor who acknowledged that it was a mistake to include the dissolved mineral exploration language in this bill. WSG expected that the portion (requiring the State Engineer to review exemptions for 5 afa exploration projects) to get amended out. However, WSG **recently** obtained a preview of an amendment being considered by the bill sponsor, **which was included in (Exhibit 3) for the Week 6 report**. The portion dealing with State Engineer review of dissolved mineral (exploration) projects has been modified to reflect that the review would only be required for projects that seek to use more than 5 acre-ft for any water pumped within the project. Another change was to 'grandfather' existing geothermal production projects. While these proposed changes are improvements the bill is still problematic.

WSG has been reporting that it is our understanding that the Assembly Natural Resources Chair was apparently using AB9 to 'throw a bone' to the bill sponsor in exchange for consideration to push back on AB109 and AB134. It will be intriguing to observe whether this continues to hold true given the proposed amendment for AB109.



Dissolved mineral exploration drilling in Railroad Valley (Feb. 2023)

### SB31 Background

WSG commented extensively on this bill and our opposition in our March 9<sup>th</sup> (Week 5) report. Also in opposition was Eureka County, which presented an interesting amendment that clarified that all claims filed prior to 12/31/2027 could still be amended after that date. However, Eureka County's amendment still supported Federal Govt. exemption. WSG is still working with a group of stakeholders on possibly

eliminating the 2027 deadline in the existing statute for all claimants.

### Recent Meetings & Hearings

The following hyperlinked table can be used to quickly access meeting and hearing details from the prior week on the Nevada Legislative website. For a summary of each (tracked) bill hearing, summarized notes are provided in Exhibit 2.

DATE	BILL	BILL MEETING & HEARING NOTES (EXHIBIT 2)
19-Mar	<a href="#">AB363</a>	<a href="#">Hearing on AB363 - Provisions relating to Ground Water Boards</a>
20-Mar	<a href="#">SB276</a>	<a href="#">Hearing on SB276 - Provisions governing environmental justice</a>
20-Mar	<a href="#">SB286</a>	<a href="#">Hearing on SB286 - State Policy for tribal expertise and knowledge of public lands</a>

### Upcoming Meetings / Hearings

DATE	DAY	BILL HEARING LINK
24-Mar	Monday	<a href="#">Work Session on AB9 - Conversion of Agricultural Water</a>
24-Mar	Monday	<a href="#">Work Session on AB40 - Provisions Relating to Environmental Hazards</a>
26-Mar	Wednesday	<a href="#">Work Session on AB26 - Revises Provisions Related to Dams</a>
26-Mar	Wednesday	<a href="#">Work Session for AB132 - Wildlife Guzzlers</a>

### WSG Clients

WSG strives to avoid conflicts of interest, which requires transparent communications regarding our work in the Legislature and the clients we are representing. Below is a summary of each of the business entities associated with WSG’s lobbying activities during the Legislative Session.

[Gold Standard Ventures \(US\) Inc. \(Orla Mining\)](#)  
Gold Standard Ventures (US) Inc. (GSV) was acquired by Orla Mining in 2022. Orla Mining (Orla) is an emerging, growth-oriented, low-cost, mid-tier gold producer. GSV/Orla is in the feasibility and permitting stages of an open pit, heap leach project located on the prolific Carlin trend in Elko County Nevada. Specifically, the GSV/Orla team is pursuing development of the South Railroad Project, which is a low-complexity project with robust economics, situated on a highly prospective land package known as the South Carlin Complex that would support open pit mining and heap leach production from the Dark Star and Pinion deposits over an eight-year mine life.

[Mason Resources \(Hudbay Minerals Inc\)](#)  
The Mason project is a large greenfield copper deposit located in the historic Yerington District of Nevada and is one

of the largest undeveloped copper porphyry deposits in North America. The Mason deposit is a large tonnage, copper-molybdenum deposit and is planned to be a traditional open pit shovel/truck operation with a copper sulphide mineral processing plant producing commercial grade copper and molybdenum concentrate. The plant is designed to operate at a throughput rate of 120,000 tonnes per day.

[Singatse Peak Services \(Lion Copper and Gold\)](#)  
Singatse Peak Services (SPS) is a subsidiary of Lion Copper and Gold (LCG) and is in various stages of project exploration, evaluation and permitting a handful of projects within their larger Mason Valley project portfolio, which includes financial backing from Rio Tinto. Mason Valley is the site of a large, historic copper camp in a premier jurisdiction 50 miles southeast of Reno. The MacArthur Project represents the advancement of a large oxide copper deposit. The Yerington Project includes 11 square miles of patented claims and fee mineral properties centered on a former open pit copper mine.

[BTAZ Nevada LLC](#)  
BTAZ Nevada (BTAZ) is one of the largest agricultural producers in the state, operating within six Nevada counties. BTAZ owns approximately 32,500 acres of private land associated with its farming operations and possesses grazing permits on nearly 3.6 million acres of public (BLM and Forest Service) land. BTAZ manages up to 15,000 head of cattle and maintains nearly 300 active surface and groundwater rights in Nevada.

[Flying M Ranch \(dba The Rose of Snowville\)](#)  
The Flying M Ranch is situated in the Lower Humboldt River Region near Imlay. This large ranching operation includes three BLM Grazing Allotments spanning 881 mi<sup>2</sup> and nearly 23,000 acres of private land supporting up to 2,500 head of cattle. The livestock operation is supported by 68 surface water rights and 39 groundwater rights for stockwater. Additionally, the Flying M Ranch owns 3,527 acre-ft of decreed Humboldt River rights for irrigation on 2,410 acres of land, which includes 2,530 acre-ft of some of the most senior decreed rights on the river with 1863 and 1864 priority dates.



[Dixon Hydrologic, PLLC](#)

## Meridian Nevada

WSG works closely with [Meridian Nevada](#), which specializes in strategic consulting services for businesses, organizations, and agencies that are looking to thrive and make a lasting impact in the upcoming legislative session. Meridian provides robust experience in navigating the complex legislative process at the local, state, and federal levels. Their expertise in forming and maintaining legislative relationships is invaluable.

### Lobbying Approach

WSG was created to provide a unique option for water resource policy advocacy based on decades of actual technical experience in the application of Nevada water policy in the development and management of water resources throughout the State. WSG's positions are driven by science, not politics. Our overarching goal at WSG is to maximize the beneficial use of Nevada's water resources to maintain and grow Nevada's economy while protecting existing rights and environmental resources.

Water resources play a critical role in all the existing businesses and projects being associated with WSG's clients. Our clients generally share many common objectives, which will guide our lobbying efforts during this Legislative Session. These objectives can be summarized as follows:

1. Maintaining a fair and reliable regulatory framework in Nevada that is supportive of the extractive mineral, agricultural, and energy industries.
2. Help develop and support legislation that provides added efficiencies in Nevada's permitting and regulatory processes.
3. Monitor and participate in select legislative proposals and bills that support the companies' project objectives and help modify or eliminate bills that may conflict with those objectives.
4. Remain actively engaged in legislative processes in the promotion of bills that help ensure timely and reliable access to and beneficial use of Nevada's water resources in support of project exploration, development, and operational objectives.

## WSG Background

While we are considered 'paid lobbyists', this is not our full-time job. Jay Dixon and his associates are Professional Engineers and Water Rights Specialists who make a living designing and permitting water infrastructure with a focus on the sustainable and beneficial use of Nevada's water resources for maximizing economic output.

### Industry Focused



Mining



Agriculture



Energy



Public Works | Municipal

**EXHIBIT 1 -**  
**Weekly Legislative Tracking Table**

**In-Session Tracking (Select Water Bills)**

Updated on 3/21/25

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Water Resources Bills</b>						
17-10	<a href="#">SB143</a>	Senator Nguyen	Provisions relating to water.	AN ACT relating to natural resources; authorizing the Joint Interim Standing Committee on Natural Resources to evaluate and review issues relating to water conservation; requiring the NDEP and DCNR to conduct an interim study on artificial turf and synthetic grass; and providing other matters properly relating thereto.	Will monitor and consider after first hearing.	Referred to Senate Legislative Operations and Election Committee -- NO HEARING SCHEDULED YET
48-391	<a href="#">AB9</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Revises provisions governing the temporary conversion of agricultural water.	Under existing law, a person or entity may apply to temporarily convert agricultural water rights for wildlife purposes or to improve the quality or flow of water for a duration not to exceed 3 years and a temporary conversion may be extended in increments not to exceed 3 years in duration each. (NRS 533.0243) This bill instead provides that a temporary conversion of agricultural water rights may not exceed 10 years in duration and may be extended in increments that may not exceed 5 years in duration each.	The bill sponsor, through the Great Basin Water Network, introduced a 'sloppy' amendment. WSG and the State Engineer testified in opposition. WSG recommended a simple alternative based on a proposed amendment to AB90 from the 2023 Session. <b>WSG will monitoring the work session closely and engage the sponsor on our proposed amenment if gets a hearing in the Senate.</b>	Referred to Assembly Natural Resources -- HEARD ON MONDAY, FEBRUARY 24, 2025 // <b>WORK SESSION SCHEDULED FOR MONDAY, MARCH 24, 2025</b>
22-407	<a href="#">AB10</a>	Assembly Committee on Government Affairs	Revises provisions relating to local improvement projects.	Related to local improvement projects; authorizing any county, city or town to repair a private water or sewer system that is owned by a common-interest community as part of a neighborhood improvement project; and providing other matters properly relating thereto.	Will continue monitoring; neutral.	Referred to Assembly Government Affairs -- HEARD ON TUESDAY, FEBRUARY 18, 2024
48-261	<a href="#">AB26</a>	Division of Water Resources	Revises various provisions relating to dams.	Proposes exemption from liability for certain damages, revises provisions relating to construction or alteration of certain dams, exempts certain works under certain Federal jurisdictions, requires certain dam applications be made available to NDOW, authorizes State Engineer to enter certain parcels, revises provisions relating to dam removal and removal of certain animals interfering with flow, provides certain penalties relating thereto.	WSG remains supportive of this bill.	Referred to Assembly Natural Resources -- HEARD ON WEDNESDAY, FEBRUARY 12, 2025 // <b>WORK SESSION SCHEDULED FOR WEDNESDAY, MARCH 26, 2025</b>

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Water Resources Bills</b>						
48-383	<a href="#">AB104</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Revises provisions relating to water right retirements.	Would require the State Engineer to retire certain water rights; revising provisions relating temporary permits to appropriate groundwater; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program and the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program.	As explained in earlier reports, WSG was able to broker a major (fix) to this bill with the removal of certain language in Sections 2 and 3. As of right now this bill has a fiscal note so it's fate is uncertain.	Referred to Assembly Natural Resources -- HEARD MONDAY, FEBRUARY 24, 2025
48-212	<a href="#">AB109</a>	Assembly-woman La Rue Hatch	Provisions relating to water.	Relating to water; revising provisions governing the appropriation of water for geothermal wells or dissolved mineral resources; and providing other matters properly relating thereto.	<b>BAD BILL!</b> Proposes to eliminate geothermal <u>production</u> exemption (for non-consumptive use water rights) shifting exemption to geothermal <u>exploration</u> only. Requires State Engineer review of dissolved mineral exploration projects submitted through NDOM. WSG was provided with an amendment preview being considered by sponsor. THE AMENDMENT IS STILL UNWORKABLE. See Exhibit 3.	Referred to Assembly Natural Resources -- NO HEARING SCHEDULED YET *** <b>Bill already given an exemption meaning it is not subject to deadlines</b>
48-586	<a href="#">AB132</a>	Assemblyman Yurek	Revises provisions relating to water.	Proposes to update requirements for wildlife guzzlers to increase capacity (from 20k gal. to 40k gal. and max. allowable pipeline distance from 0.25 to 0.5 miles.	WSG testified in support of this bill (See Exhibit 3 for hearing notes)	Referred to Assembly Natural Resources -- HEARD ON WEDNESDAY, MARCH 12, 2025 // <b>WORK SESSION SCHEDULED FOR WEDNESDAY, MARCH 26, 2025</b>
48-379	<a href="#">AB134</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Makes certain changes relating to water conservation.	AN ACT relating to water; authorizing the holder of a perfected water right to file a water conservation plan and establishing provisions relating to water conservation plans. Prohibits a person holding a perfected right that is subject to a conservation plan from changing the place of diversion, manner and place of use of perfected right during term of the plan. Prohibits abandonment and forfeiture procedures on perfected rights subject to conversation plan.	<u>This will effect many WSG clients.</u> While WSG promotes maximizing beneficial, we are supportive of water conservation in certain cases. This bill creates concern that a water conservation plan could be leveraged to prevent other beneficial uses in an area where a holder of a perfected right could be subject to forfeiture (with appropriate notification). This creates potential for abuse of water law.	Referred to Assembly Natural Resources -- NO HEARING SCHEDULED YET

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Water Resources Bills</b>						
48-886	<a href="#">AB190</a>	Assemblyman Gurr	Revises provisions relating to water.	Seeks to create a fund for Hydrologic Studies in rural counties when the State Engineer determines that such a study is required to support their review of certain water right applications.	WSG is supportive of intent, but this will require a potentially large fiscal note. This bill may be viewed as a way for certain project proponents to gain access to public funds when they are seeking to obtain water rights for large prospective developments that would require hydrologic studies.	Referred to Assembly Natural Resources -- NO HEARING SCHEDULED YET
48-887	<a href="#">AB265</a>	Assemblyman Gurr	Revises provisions relating to water.	Proposes strict time limits on the State Engineer to process applications, extensions of time, proof of completion/beneficial use and processing of reports of conveyance.	WSG is supportive but this bill presents enormous challenges for the State Engineer (to comply) without significantly more resources	Referred to Assembly Natural Resources -- NO HEARING SCHEDULED YET
48-385	<a href="#">AB363</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Revises provisions relating to groundwater boards.	Being monitored by WSG via access to a Legislative Water Working Group. Similar bill that has failed in the prior two Sessions.	<b>WSG is neutral, but agrees with the opposition remarks by SNWA; see Exhibit 2 hearing notes</b>	Referred to Assembly Natural Resources -- HEARD ON WEDNESDAY, MARCH 19, 2025
22-851	<a href="#">AB385</a>	Assemblywoman Cole	Revises provisions relating to governmental administration.	AN ACT relating to governmental administration; prohibiting the governing body of certain counties and cities from taking certain actions to prohibit the use of cooling towers which use water for certain projects.	WSG is currently working on a plan to be fully engaged in this bill, which would provides an alternative to certain overreaching limits that SNWA has put in place in Clark County.	Referred to Committee on Government Affairs.
48-736	<a href="#">AB419</a>	Assemblyman DeLong	Revises provisions relating to applications concerning water rights.	Would require State Engineer to adopt regulations to establish a pre-application review process; requiring the State Engineer to issue a preliminary determination on certain applications and protests to such applications to appropriate water and for permits to operate projects for the recharge, storage and recovery of water; setting forth procedures to file an objection to a preliminary determination and requiring, with certain exceptions, a hearing to be held regarding a filed objection; requiring the State Engineer to prepare and		Referred to Assembly Natural Resources -- NO HEARING SCHEDULED YET.
S-389	<a href="#">SB6</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Cloud seeding	Makes an appropriation from the State General Fund to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program.	Neutral	Referred to Senate Natural Resources -- HEARD ON THURSDAY, FEBRUARY 27, 2025

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Water Resources Bills</b>						
48-260	<a href="#">SB31</a>	Division of Water Resources	Revises provisions relating to the adjudication of vested water rights	Seeks to exempt federal agencies from filing claims of vested rights from requirement to file proof of the claim on or before a certain date; revising requirements relating to a notice of pending adjudication of certain water rights; and providing other matters properly relating thereto.	WSG met with the Nevada Farm Bureau and the Administrative Law Judge (NDWR) about this bill. The Farm Bureau is preparing to oppose the bill. WSG is studying the legislative history and implications of the McCarran Act on this bill. It appears that the bill may be necessary. WSG is considering testifying on this bill; position still being considered.	Referred to Senate Natural Resources -- HEARD THURSDAY, MARCH 6, 2025
48-384	<a href="#">SB36</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Establishes provisions relating to the conservation of groundwater.	Nevada Water Buy-Back Initiative and the Advisory Committee for the Nevada Water Buy-Back Initiative; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights for the purpose of retiring the water rights; creating the Nevada Conservation and Recreation Program; and providing other matters properly relating thereto.	WSG is neutral, but will closely monitor entering the hearing scheduled for this upcoming week.	Referred to Senate Natural Resources -- HEARD ON THURSDAY, MARCH 6, 2025
40-750	<a href="#">SB276</a>	Numerous Sponsors	Seeks to establish provisions governing the reporting and sharing of water-related information by certain gov. entities and Indian tribes; providing a penalty; and other related items.	Proposes new requirements for any city, county, unincorporated town, district, water authority, and Indian tribes to provide certain notifications to other related entities when applying for a permit to discharge water into a water of the State.	WSG is currently neutral, but will closely monitor. It should be noted that bill has an 'unfunded mandate' on it.	Assigned to Senate Natural Resources. HEARD ON THURSDAY, MARCH 20TH.
48-940	<a href="#">SB342</a>	Senator Ohrenschall	Revises provisions relating to water.	Seeks to authorize the State Engineer (in certain areas) to coordinate with persons seeking to retire relinquished water rights. Also seeks to eliminate the resetting of priority dates when permits are canceled for failure to timely file extensions of time.	WSG is currently neutral on this bill and is working with a water rights attorney on coordination bill language and likely amendment text.	Referred to Senate Natural Resources

**In-Session Tracking (Select Natural Resources Bills)**

Updated on 3/21/25

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Select Environmental &amp; Natural Resources Bills</b>						
42-265	<a href="#">AB40</a>	Division of Environmental Protection	Revises various provisions relating to environmental hazards.	Revising provisions governing mining reclamation to include the stabilization of process fluids; revising certain requirements for a permit to engage in a mining operation or exploration project; requiring the State Environmental Commission to adopt regulations relating to the requirements for the owner or operator of a municipal solid waste landfill or solid waste management facility to provide certain evidence of financial responsibility.	Monitoring through NvMA who is working closely with NDEP on language. Seeks to provide NDEP with resources to be proactive in responding to mining emergency situations. Proposes changes to bonding issues relative to bankruptcy courts to ensure the NDEP is first in line to collect. Deals primarily with battery recycling and fluid management.	Assigned to Assembly Natural Resources Committee. HEARD ON MONDAY, MARCH 3, 2025 // <b>WORK SESSION SCHEDULED FOR MONDAY, MARCH 24, 2025</b>
18-214	<a href="#">AB242</a>	Assemblyman DeLong	Revises provisions relating to the Sagebrush Ecosystem Council.	Seeks to place existing Sagebrush Ecosystem Council rules pertaining to sage grouse credits/debits into regulation.	WSG met with bill sponsor and is supportive of bill. Opposition groups testified during initial hearing regarding their dislike for the program, which was a waste of time (for them). See Exhibit 3 for hearing notes.	Assigned to Assembly Government Affairs. -- HEARD ON TUESDAY, MARCH 11, 2025
10-679	<a href="#">AB429</a>	Assembly Committee on Natural Resources	Revises provisions relating to natural resources.	Existing law authorizes, with certain exceptions, an easement for conservation to be created conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements. (NRS 111.420). This bill instead provides that any person, including a state or local government or any agency or instrumentality thereof, is authorized to create, convey, record, assign, release, modify, terminate or otherwise alter or affect an easement for conservation in the same manner as other easements.	WSG is neutral.	Assigned to Assembly Natural Resources. NO HEARING SCHEDULED YET.

BDR	Bill	Sponsor	Bill Description	Overview	Status / Position	BILL STATUS
<b>Select Environmental &amp; Natural Resources Bills</b>						
40-264	<a href="#">SB43</a>	Division of Environmental Protection	Revises provisions relating to environmental protection	AN ACT relating to environmental protection. This bill is designed to address delegation of authorities, from the NDEP to local Health Districts. It is related to two programs; specifically, safe drinking water and solid waste management. .	Monitoring, neutral.	This is a Senate HHS bill that is assigned to the Senate Health and Human Services Committee. HEARD ON FEBRUARY 18, 2025
26-392	<a href="#">SB286</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	Seeks to establish state policy relating to tribal expertise and knowledge of public lands.	AN ACT relating to planning; declaring the importance of tribal knowledge and expertise and consulting tribal governments when engaged in the land use planning process; revising provisions relating to the State and Local Government Cooperation Act to include tribal governments.	WSG is neutral.	Assigned to Senate Natural Resources. HEARD ON THURSDAY, MARCH 20, 2025
R-388	<a href="#">AJR12</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	JR: Declares support of Legislature for certain principles of solar development in this State.	None available.	WSG is neutral.	Assigned to Assembly Leg Ops. NO HEARING SCHEDULED YET.
R-380	<a href="#">SJR4</a>	Joint Interim Standing Committee on Natural Resources (NRS 218E.320)	JR: Urges the Federal Government to support and recognize certain land use planning principles when conducting projects in this State.	Nevada Legislature hereby urges the Fed. Govt. to support and recognize the following land use principles when conducting projects in this State: 1) Actions on public lands in the State of Nevada should be led 40 and driven by the impacted local communities, 2) There must be coordination between federal, state, tribal and 42 local governments, including, without limitation, federal agencies, 3) Public lands must be managed for multiple uses while also providing for the economic, social and environmental sustainability of public lands.	Worthy of support.	Assigned to Senate Natural Resources. NO HEARING SCHEDULED YET.
10-679	<a href="#">AB429</a>	Assembly Committee on Natural Resources	Revises provisions relating to natural resources.	Unknown	Will monitor.	Assigned to Assembly Natural Resources. NO HEARING SCHEDULED YET.

## **EXHIBIT 2 – Hearing & Meeting Notes**

## **Summary of AB363**

**Heard in Assembly Committee on Natural Resources on March 19, 2025.**

Assembly Bill 363 (AB 363) revises provisions related to groundwater boards in Nevada. Under this proposal, a county—or multiple counties sharing a groundwater basin—may request that the State Engineer establish an advisory-only groundwater board tasked with providing written advice and recommendations on reducing over-pumping and managing the basin sustainably. The bill’s key intent is to formalize a local stakeholder group of water rights holders who have considerable experience and a direct stake in the basin’s groundwater use. It further offers a mechanism for these water users to give advisory input before more drastic measures, such as curtailment or designation of a critical management area, become necessary. The board’s recommendations are not binding on the State Engineer, and any disagreement between the board and the State Engineer does not serve as grounds for legal action.

Under AB 363, the State Engineer appoints seven members to the groundwater board after a county (or counties) has submitted a request. These members are chosen based on the priority date and quantity of their water rights, thus ensuring representation from both senior/longstanding and large-volume right holders. The bill also allows the local board of county commissioners to appoint a single, non-voting member if desired. Each newly created groundwater board would serve a term of four years, with the possibility of renewing for another four-year term upon request by county commissioners and approval from the State Engineer. A board may also dissolve if a majority of its members vote in favor of doing so.

Jeff Fontaine of the Central Nevada Regional Water Authority served as the primary presenter and proponent of AB 363. He explained that many of Nevada’s basins are over-appropriated or over-pumped, underscoring the importance of local, community-based solutions. Fontaine emphasized that the advisory board structure aims to bring localized expertise and recommendations to the State Engineer while preserving the existing authority of that office. Adam Sullivan, the Nevada State Engineer, offered neutral testimony. He clarified how his office interprets the proposed board structure and how it may interact with current water law. Sullivan also discussed the resource and workload implications should numerous boards be established, raised questions about membership criteria (particularly around the residency requirement), considered how to address multi-county basins, and contemplated whether a “cap” on the number of boards might be

necessary. Although he expressed openness to increased local engagement, he stressed that challenges such as over-appropriation persist regardless of the formation of these boards.

Committee members inquired about several procedural and structural aspects of the proposed groundwater boards. First, they discussed how the residency requirement for board membership might inadvertently exclude significant water rights holders who do not physically live in the basin. This prompted consideration of language allowing membership for owners of large water rights, even if they are not basin residents. Next, the committee examined the process of establishing a board—specifically whether it forms only after the State Engineer’s appointment of members or if the county commission’s request alone is sufficient, which raised the question of “shall” versus “may” language. Members also asked how these boards would avoid duplicating stakeholder groups that already exist in some basins. In addition, there were queries about the possible number of boards that could emerge, with some suggesting a cap to prevent overburdening the Division of Water Resources. Questions also focused on whether such boards could help local users resolve problems before the State Engineer opts for curtailment or a critical management area designation. Finally, the committee considered legal implications, noting that the board’s written recommendations would not bind the State Engineer and that any disagreement between them would not be admissible in court.

Although no formal amendment was proposed or adopted during the hearing, the bill’s sponsor and the State Engineer raised potential clarifications. These included revising the residency requirement so that large water rights holders need not live in the basin, clarifying the establishment process with “shall” versus “may” language, and possibly introducing a cap on the number of boards to ensure the Division of Water Resources can feasibly manage its workload. While all parties seemed open to continued dialogue on these points, no official amendment text was introduced or adopted at the time of the hearing.

#### Support

1. Jeff Fontaine, Central Nevada Regional Water Authority (Presenter)
2. Humboldt River Basin Water Authority (support conveyed by Mr. Fontaine)
3. Nevada Farm Bureau (support conveyed by Mr. Fontaine; their representative was unable to attend)
4. NACO (Testimony by Vincent Guthro)

5. Eureka County (Testimony by Caleb Cage)
6. Great Basin Water Network (Kyle Roerink initially came up in neutral but indicated strong support for the concept of local collaboration)

#### Opposition

1. Southern Nevada Water Authority (SNWA) – (Testimony by Andy Belanger)
  - SNWA was not opposed to the general idea of local boards but stated concerns about the role of the State Engineer and lack of a local funding mechanism. Favored a county-driven approach (like Las Vegas's groundwater management program) with authority for the county to levy fees to solve local issues.
2. Vegas Chamber – (Testimony by Nick Schneider)
  - Echoed some of SNWA's concerns. Suggested that a water policy expert might be included on these boards to ensure scientific expertise.

#### Neutral

- Adam Sullivan, Nevada State Engineer (Nevada Division of Water Resources)
  - Highlighted important technical and legal considerations.
  - Stressed the need for clarity on membership, potential workload, and how many boards might be formed.
  - Emphasized that local collaboration is good but that the existing statutory powers of the State Engineer are limited largely to priority-based curtailment or designating a critical management area.

## **Summary of SB276**

**Heard in Senate Natural Resources on March 20, 2025.**

Senate Bill 276 was introduced by Senator Ira Hansen in response to an incident in which approximately two million gallons of sewage from an apartment complex inadvertently entered the Truckee River, ultimately flowing downstream to the Pyramid Lake Paiute Tribe. This error stemmed from a plumbing misconnection between a brand-new sewer line and a stormwater system, and it went unreported to key downstream stakeholders, including tribal communities, for roughly a year. The primary goal of SB276 is to create a clearer, more enforceable chain of notification for unauthorized spills or discharges so that all potentially affected local governments, tribal governments, and other downstream entities are promptly informed.

During the hearing, Senator Hansen described how the City of Sparks and local health authorities knew about the sewage spill but failed to notify the Pyramid Lake Paiute Tribe. He highlighted the need for clarification in reporting procedures so that once a governmental body becomes aware of a spill, it must inform a central authority—in this case, the Nevada Division of Environmental Protection (NDEP)—who would then alert downstream stakeholders. Chairman Steven Wadsworth of the Pyramid Lake Paiute Tribe provided insight into the real-world impact of the spill on the Tribe. He noted that more than two million gallons of wastewater flowed into the river without the Tribe's knowledge, jeopardizing water quality, cultural resources, and local wildlife, including endangered fish. He stressed the importance of mandatory notification. Will Adler, a lobbyist with Silver State Relations representing the Tribe, walked through the conceptual framework of SB276, noting that while some spill-reporting rules already exist in Nevada, they do not always ensure that relevant governments and tribal entities are made aware of such incidents. He also discussed a conceptual amendment to concentrate on “hazardous spills” into surface waters and require reporting to NDEP, which would then pass the information along to localities and tribes.

Several key questions and concerns arose regarding the bill's scope versus existing laws. Committee members pointed out that Nevada already maintains emergency-response rules, such as NRS 445A and NAC 445A, along with SERC protocols and local health district mandates. SB276 seeks to fill a gap in these requirements by clarifying what happens once a spill is reported to any government agency and ensuring the information is consistently passed forward. There were also questions about how SB276 would interact with current 24-hour hotlines like the National Response Center and NDEP's own line. The

bill's presenters emphasized that the purpose is to ensure the flow of information cannot simply "stop" at one agency. Additionally, concern arose about the potential fiscal and administrative impact. NDEP initially indicated that the bill's original text would have minimal fiscal consequences, but expressed worry that certain conceptual amendments might broaden the scope, requiring the agency to redistribute large volumes of data. Both NDEP and the sponsor agreed to continue refining the bill so that it targets genuine spill or hazard events without overextending its reach.

A conceptual amendment was introduced to specify that SB276's reporting requirement should focus on hazardous spills or discharges that pose a threat to vulnerable resources like wells, storm drains, or surface water supplies. Under this amendment, any local or state entity that discovers such a spill must verify that a hazardous event has in fact occurred, then notify NDEP using a standardized form. NDEP would, in turn, be required to alert downstream or potentially affected communities, including municipal governments and tribal authorities.

#### Support

- Nevada Conservation League (Christy Cabrera)
- Nature Conservancy (Jay Guerrero)
- Sierra Club – Toiyabe Chapter (Olivia Tangle)
- Michael Brady, member of Pyramid Lake Paiute Tribe
- Andrea Martinez (via phone), private citizen and former Walker River Paiute Tribe chair

#### Opposition

Representatives from some municipal and water-related authorities testified that while they support the concept, they opposed the bill as currently drafted due to concerns over potential duplicative or overly broad requirements. They expressed willingness to work on refined language:

- Truckee Meadows Water Authority (TMWA) (Leo Drozdoff) – Concern that it could require reporting of large volumes of routine data not related to spills.
- Vegas Chamber (Nick Schneider) – Concern over verifying "verifiable knowledge."
- City of Henderson (David Cherry) – Called the language "onerous," worried it requires them to report data that might not be relevant to any actual spill.

- Southern Nevada Water Authority (Chaunsey Chau-Duong) – Echoed concerns about scope, but open to a solution.
- Northern Nevada Public Health (Joelle Gutman Dodson) – Minor “light opposition,” seeking clarification on references to “district or water authority.”
- Southern Nevada Health District (Victoria Supple) – Opposed the current language in the same vein, citing potential confusion about roles.

#### Neutral

- Nevada Division of Environmental Protection (NDEP):
  - Jennifer Carr (Administrator) and Jeffrey Kinder (Deputy Administrator) explained they are neutral on the bill’s concept but want clarifications.
  - NDEP stated that, as amended, the legislation might add a large administrative burden if it mandates them to redistribute many categories of data.
  - Agreed to work with Senator Hansen and stakeholders on refining language so that it better integrates with existing spill-reporting laws.

## **EXHIBIT 3 – Legislative Reviews**

**2025 Legislative Session**  
**PROPOSED AMENDMENT**

(March \_\_\_\_, 2025)

Assembly Bill 419: *Revises provisions relating to applications concerning water (BDR 48-736)*

Amendment to be submitted to the Assembly Committee on Natural Resources

**Submitted by:**

\_\_\_\_\_  
\_\_\_\_\_

**Purpose/Intent of Proposed Amendment:**

\_\_\_\_\_  
\_\_\_\_\_

**Text of Proposed Amendment:**

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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.

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**Section 1.** NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer ~~may~~ shall adopt regulations, not in conflict with law, governing the practice and procedure in all contests *and hearings* before the Office of the State Engineer, to ensure the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of chapters 533, 534, 535 and 536 of NRS. Such rules of practice and procedure must be furnished to any person upon application therefor and shall include, without limitation:

(a) Rules confining the evidence in any hearing to the subjects enumerated in the application, and, if applicable, any protest, preliminary determination and objections to the preliminary determination, which is the subject of the hearing and;

(b) Rules requiring expert testimony to comply with the provisions of NRS 50.275 and NRS 50.285.

3. *The State Engineer shall adopt regulations to establish a pre-application review process for the purposes of chapters 533 and 534 of NRS, which must include, without limitation, a process for a prospective applicant, prior to filing an application and within fifteen (15) business days of request, to meet with* ~~procedures to submit an application, prior to filing, for review by the State Engineer or his or her designee to review and identify potential issues with the proposed application, if any, and to meet with the State Engineer or his or her designee at the request of the prospective applicant.~~

**Sec. 2.** Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. Except as otherwise provided in subsections 5 and 6, the State Engineer shall, within ~~120~~<sup>150</sup> days after the date of last publication of the notice of the application, issue a preliminary determination on the application and each protest to the application filed pursuant to NRS 533.365 if any. The preliminary determination must state the preliminary position of the State Engineer on the application, whether any additional information is required pursuant to NRS 533.375 and whether the State Engineer intends to hold a hearing on the application pursuant to subsection 3. A preliminary determination does not convey any rights and is not deemed to be an approval or denial of the application. The State Engineer shall send a copy of the preliminary determination to the applicant and any protestant by registered or certified mail and post a copy on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.

2. An applicant and any protestant may, within 30 days after the issuance of a preliminary determination, file with the State Engineer a written objection against the preliminary determination. The objection must set forth with reasonable certainty the grounds of the objection and must be verified by an affidavit of the objector, or an agent or attorney thereof. Within 15 days after receipt of an objection, the State Engineer shall notify the applicant and each protestant of the objection by registered or certified mail and post a copy of the objection on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.

3. The State Engineer shall hold a hearing on an application if the preliminary determination has been objected to pursuant to subsection 1 and may, in his or her discretion, hold a hearing on an application if the preliminary determination has not been objected to pursuant to subsection 1. If a hearing is deemed necessary by the State Engineer or is required pursuant to this subsection, and ~~except~~ as otherwise provided in subsection 4, the State Engineer shall, within 120 days after issuing the preliminary determination ~~receipt of an objection filed pursuant to subsection 2,~~ hold a hearing regarding the application and, if applicable, any objection and ~~on any~~ protests filed. The State Engineer shall give notice of the hearing to the applicant and each ~~objector and~~ protestant by registered or certified mail and post a copy of the notice on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources. The notice must:

- (a) State the time and place at which the hearing is to be held;
- (b) List any evidence relating to the application, protest and objection which the State Engineer requires to be filed; and
- (c) Be mailed and posted on the Internet website of the Division of Water Resources at least 30 days before the date set for the hearing.

4. The State Engineer may waive a hearing required pursuant to subsection 3 upon the request of the applicant and each ~~objector and~~ protestant. Such a request must be filed with the State Engineer within 15 days after receipt of a notice of hearing given pursuant to subsection 3.

~~5. The State Engineer shall not issue a preliminary determination for any application submitted pursuant to NRS 533.345 that is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated.~~

~~56.~~ The State Engineer may postpone the issuance of a preliminary determination pursuant to subsection 1:

- (a) Upon written authorization to do so by the applicant if the application is not protested.
- (b) Upon written authorization to do so from the applicant and all protestants if an application is protested.
- (c) If the purpose for which the application was made is municipal use.
- (d) In areas where the State Engineer has determined a study is necessary pursuant

to NRS 533.368.

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

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

6. The provisions of section 3 of this act shall apply to:

(a) Applications for a permit seeking to appropriate water as provided in NRS 533.325; and

(b) Applications for a permit seeking to change the place of diversion, manner of use or place of use of water already appropriated as provided in NRS 533.345; provided, the provisions of section 3 of this act do not apply to applications for a permit seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated as provided in NRS 533.345.

**Sec. 4.** *On or before September 15 of each even-numbered year, the State Engineer shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report of all applications submitted pursuant to ~~this chapter 533 or chapter 534 of NRS~~ that are pending final decision ~~approval~~ by the State Engineer as of the date of the report. The report must include, without limitation:*

*1. The number of applications ~~pending approval~~ that have been pending final decision for 2 or more years; and*

*2. The name of the applicant for each application ~~pending approval~~ that has been pending final decision for 2 or more years, the primary reason a final decision has not been issued on the application ~~is pending approval~~ and the anticipated date a final decision determination will be made on the application, if any.*

**Sec. 5.** NRS 533.324 is hereby amended to read as follows:

533.324 As used in NRS 533.325, 533.345 and 533.425, and section 3 of this act, “water already appropriated” includes water for whose appropriation the State Engineer has issued a permit but which has not been applied to the intended use before an application to change the place of diversion, manner of use or place of use is made.

**Sec. 6.** NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:

(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:

(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;

(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

(6) The chair of the board of county commissioners, if the protest is filed by a county.

3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall ~~advise~~ **notify** the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which ~~advise~~ **notice** must be sent by **registered or** certified mail.

4. The State Engineer shall consider the protest **and hold hearings in accordance with section 3 of this act on applications subject to subsection 1 of section 3 of this act,** and may, in his or her discretion, hold hearings **on applications not subject to section 3 of this act in accordance with this section.** ~~or section 3 of this act if objections have been filed to the preliminary determination of the State Engineer and~~ **The State Engineer may** require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing **held pursuant to this section** by **registered or** certified mail to ~~both~~ the applicant and ~~the~~ **each** protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least ~~15~~ **30** days before the date set for the hearing.

5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

~~6. If the State Engineer holds a hearing pursuant to subsection 4 [.] for any application submitted pursuant to NRS 533.345 that is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall render a decision on each application not later than 240 days after the later of:~~

~~(a) The date all transcripts of the hearing become available to the State Engineer; or~~

~~(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.~~

~~[7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.]~~

**Sec. 7.** NRS 533.370 is hereby amended to read as follows:

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

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

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

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

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

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

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change

conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

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

- (a) Whether the applicant has justified the need to import the water from another basin;
- (b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;
- (c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;
- (d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and
- (e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 ~~and subsection 6 of NRS 533.365~~, the State Engineer shall approve or reject each application within ~~[2 years]~~ ~~1 year~~ 60 days after the issuance of a preliminary determination pursuant to section 3 of this act, if an objection has not been filed, or within 240 days after [the final date for filing a protest.] a hearing is held pursuant to subsection 3 of section 3 of this act or NRS 533.365, or within 1 year after the date of last publication of the notice of application if a hearing is not held pursuant to subsection 3 of section 3 of this act or NRS 533.365. The State Engineer may postpone action:

- (a) Upon written authorization to do so by the applicant ~~[ ]~~ if the application is not protested.
- (b) ~~[If an]~~ Upon written authorization to do so by the applicant and all protestants if the application is protested.
- (c) If the purpose for which the application was made is municipal use.
- (d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.
- (e) Where court actions or adjudications are pending, which may affect the outcome of the application.
- (f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.
- (g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.
- (h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.
- (i) On an application for which the State Engineer has ~~[required]~~ not received additional information requested pursuant to NRS 533.375.

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

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

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

8. If a hearing is held regarding an application, the *final* decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

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

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.


11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

**Sec. 8.** NRS 533.440 is hereby amended to read as follows:

533.440 1. All applications for reservoir permits shall be subject to the provisions of NRS 533.324 to 533.435, inclusive, *and section 3 of this act*, except those sections wherein proof of beneficial use is required to be filed. The person or persons proposing to apply to a beneficial use the water stored in any such reservoir shall file an application for a permit, to be known herein as the secondary permit, in compliance with the provisions of NRS 533.324 to 533.435, inclusive, *and section 3 of this act*, except that no notice of such application shall be published.

2. The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application.

3. Effluent discharged from the point of the final treatment from within a sewage collection and treatment system shall be considered water as referred to in this chapter, and shall be subject to appropriation for beneficial use under the reservoir-secondary permit procedure described in this section. Nothing in this section shall preclude appropriation in accordance with and subject to the provisions of NRS 533.324 to 533.435, inclusive , *and section 3 of this act*.

4. When beneficial use has been completed and perfected under the secondary permit,

and after the holder thereof shall have made proofs of the commencement and completion of his or her work, and of the application of water to beneficial use, as in the case of other permits, as provided in this chapter, a final certificate of appropriation shall issue as other certificates are issued, except that the certificate shall refer to both the works described in the secondary permit and the reservoir described in the primary permit.

**Sec. 9.** NRS 533.450 is hereby amended to read as follows:

533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, **and section 3 of this act** or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:

(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;

(b) Whether the petitioner may incur any irreparable harm if the stay is denied;

(c) The likelihood of success of the petitioner on the merits; and

(d) Any potential harm to the members of the public if the stay is granted.

6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required

for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.

10. The ~~[decision of the State Engineer is prima facie correct, and the]~~ burden of proof in any proceeding initiated pursuant to subsection 1 is upon the party attacking the same.

11. *The court shall not substitute its judgment for that of the State Engineer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the State Engineer is:*

- (a) *In violation of constitutional or statutory provisions;*
- (b) *In excess of the statutory authority of the agency;*
- (c) *Made upon unlawful procedure;*
- (d) *Affected by other error of law;*
- (e) *Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) *Arbitrary or capricious or characterized by abuse of discretion; or*
- (g) *Affected by a failure of the State Engineer to follow its own precedent or provide a sufficient explanation for failing to do so.*

12. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

13. *As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.*

~~Sec. 10. NRS 534.270 is hereby amended to read as follows:~~

~~534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.~~

~~2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:~~

- ~~(a) The legal description of the location of the proposed project;~~
- ~~(b) A brief description of the proposed project including its capacity;~~
- ~~(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;~~
- ~~(d) The date of the last publication;~~
- ~~(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;~~

~~(f) The name of the applicant; and~~

~~(g) That a protest must:~~

~~(1) State the name and mailing address of the protester;~~

~~(2) Clearly set forth the reason why the permit should not be issued; and~~

~~(3) Be signed by the protester or the protester's agent or attorney or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.~~

~~3. A protest to a proposed project:~~

~~(a) May be made by any person who may be adversely affected by the project;~~

~~(b) Must be in writing;~~

~~(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;~~

~~(d) Must be upon a ground listed in subsection 2 of NRS 524.250;~~

~~(e) Must state the name and mailing address of the protester;~~

~~(f) Must clearly set forth the reason why the permit should not be issued; and~~

~~(g) Except as otherwise provided in this paragraph, must be signed by the protester or the protester's agent or attorney. If the protester is a government, governmental agency or political subdivision of a government, the protest must be:~~

~~(1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:~~

~~(I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(VI) The chair of the board of county commissioners, if the protest is filed by a county;~~

~~4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.~~

~~5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.~~

~~6. Within 120 days after the date of last publication of the notice of the application pursuant to subsection 2, the State Engineer shall issue a preliminary determination on the application and each protest, if any. The preliminary determination must state the preliminary position of the State Engineer on the application and is not deemed to be an approval or denial of the application. The State Engineer shall send a copy of the preliminary determination to the applicant and any protestant by certified mail and post a copy on the Internet website of the Division of Water Resources of the State Department~~

~~of Conservation and Natural Resources.~~

~~7. An objection to a preliminary determination:~~

~~(a) May be made by an applicant and any protestant to the application;~~

~~(b) Must be in writing;~~

~~(c) Must be filed with the State Engineer within 30 days after the issuance of a preliminary determination;~~

~~(d) Must set forth with reasonable certainty the grounds of the objection; and~~

~~(e) Must be signed by the objector or the objector's agent or attorney.~~

~~8. Within 15 days after receipt of an objection, the State Engineer shall notify the applicant and each protestant of the objection by registered or certified mail and post a copy of the objection on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.~~

~~9. Except as otherwise provided in subsection 10, the State Engineer shall, within 120 days after receipt of an objection filed pursuant to subsection 7, hold a hearing regarding the objection and on any protests filed. The State Engineer shall give notice of the hearing to the applicant and each objector and protestant by registered or certified mail and post a copy of the notice on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources. The notice must:~~

~~(a) State the time and place at which the hearing is to be held;~~

~~(b) List any evidence relating to the objection which the State Engineer requires to be filed; and~~

~~(c) Be mailed and posted on the Internet website of the Division of Water Resources at least 30 days before the date set for the hearing.~~

~~10. The State Engineer may waive a hearing required pursuant to subsection 9 upon the request of the applicant and each objector and protestant. Such a request must be filed with the State Engineer within 15 days after receipt of a notice of hearing given pursuant to subsection 9.~~

~~11. The State Engineer shall either approve or deny each application within 1 year after the [final date for filing a protest.] issuance of a preliminary determination if an objection to the preliminary determination was not filed, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a [protested application] preliminary determination to which an objection has been filed, within 1 year after the date of the hearing regarding the objection to the preliminary determination, unless the State Engineer has received a written request to postpone the decision from [both the protector] all objectors, protestants and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of NRS 533.370.~~

~~[7.] 12. Any person aggrieved by any decision of the State Engineer made pursuant to subsection [6] 11 may appeal that decision to the district court pursuant to NRS 533.450.~~

**Sec. 1011.** NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) ~~Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(j)~~ The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

~~(k)~~ (j) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

~~(l)~~ (k) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

~~(m)~~ (l) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

□ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for

courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

*8. The provisions of subsections 1, 2 and 6 of NRS 233B.121 and the provisions of NRS 233B.124 and 233B.126 to 233B.135, inclusive, do not apply to the Office of the State Engineer in the adjudication of contested cases.*

**Sec. ~~1142~~.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

End of Amendment