

CHAPTER 533 - ADJUDICATION OF VESTED WATER RIGHTS; APPROPRIATION OF PUBLIC WATERS

GENERAL PROVISIONS

NRS 533.005	Definitions.
NRS 533.007	“Interbasin transfer of groundwater” defined.
NRS 533.010	“Person” defined.
NRS 533.015	“State Engineer” defined.
NRS 533.020	“Stream system” defined.
NRS 533.023	“Wildlife purposes” defined.
NRS 533.024	Legislative declaration.
NRS 533.0243	Temporary conversion of agricultural water for certain purposes: Legislative declaration; requirements; duration.
NRS 533.0245	State Engineer prohibited from carrying out duties in conflict with certain decrees, orders, compacts or agreements.
NRS 533.0247	State Engineer, assistants and agents authorized to enter land to investigate and carry out duties.
NRS 533.025	Water belongs to public.
NRS 533.027	Applicability of chapter to de minimus collection of precipitation.
NRS 533.030	Appropriation for beneficial use; use for recreational purpose, developed shortage supply or intentionally created surplus declared beneficial; limitations and exceptions.
NRS 533.035	Beneficial use: Basis, measure and limit of right to use.
NRS 533.037	Determination of priority of water right acquired for use in federal reclamation project; no additional water rights granted.
NRS 533.040	Water used for beneficial purposes to remain appurtenant to place of use; exceptions.
NRS 533.045	Right to divert ceases when necessity for use does not exist.
NRS 533.050	Beneficial use of water declared a public use; eminent domain.
NRS 533.055	Storage of water for beneficial purpose; claiming and diversion of water turned into natural channel or watercourse.
NRS 533.060	Right to use limited to amount necessary; loss or abandonment of rights; no acquisition of prescriptive right; reservation of rights by State.
NRS 533.065	Standards of measurement.
NRS 533.070	Quantity of water appropriated limited to amount reasonably required for beneficial use; duties of State Engineer in connection with water diverted or stored for purpose of irrigation.
NRS 533.075	Rotation in use of water.
NRS 533.080	State water right surveyors: Certain projects required to be performed by surveyor; qualifications; appointment; regulations; compensation; State Engineer’s Water License Account.
NRS 533.085	Vested rights to water not impaired.

ADJUDICATION OF VESTED WATER RIGHTS

NRS 533.087	Requirement for claimant of vested water right to submit proof of claim.
NRS 533.090	Determination of relative rights of claimants to water of stream or stream system: Petition; order of State Engineer.
NRS 533.095	Notice of entry of order and pendency of proceedings: Preparation; contents; publication; service of notice. [Effective through December 31, 2027.]
NRS 533.095	Notice of entry of order and pendency of proceedings: Preparation; contents; publication; service of notice. [Effective January 1, 2028.]
NRS 533.100	Investigation of flow of stream and ditches by State Engineer; preparation of surveys and maps.
NRS 533.105	Use of data compiled by United States Geological Survey or other persons.
NRS 533.110	Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice. [Repealed.]
NRS 533.115	Blank forms enclosed with notice; form of proof; preparation of map. [Effective through December 31, 2027.]
NRS 533.120	Statements to be certified under oath; no fee for furnishing blank form. [Effective through December 31, 2027.]
NRS 533.125	Commencement of taking of proofs; extension of time; determination of rights if claimant neglects or refuses to make proof; defective proof or map; filing corrected proof of map. [Effective through December 31, 2027.]
NRS 533.130	Petition to intervene may be filed by interested person not served; contents.
NRS 533.135	Fees of State Engineer; disposition.
NRS 533.140	Preparation and printing of abstract of proofs of appropriation; preliminary order of determination; notice of availability of evidence and proofs for inspection; service of notice and preliminary order; State Engineer to be present during period that evidence and proofs are available for inspection; posting preliminary order of determination and abstract of proofs on Internet. [Effective through December 31, 2027.]
NRS 533.140	Preparation and printing of abstract of proofs of appropriation; preliminary order of determination; notice of availability of evidence and proofs for inspection; service of notice and preliminary order; State Engineer to be present during period that evidence and proofs are available for inspection; posting preliminary order of determination and abstract of proofs on Internet. [Effective January 1, 2028.]
NRS 533.145	Objections to preliminary order of determination; form and contents of objection.
NRS 533.150	Hearings of objections to preliminary order of determination: Contents and service of notice; procedure; witnesses; evidence.
NRS 533.155	Hearing of objections: Court reporter; transcript; division of fees.
NRS 533.160	Entry of order of determination after hearing of objections to preliminary order; legal effect of order; certification, printing and service of order.
NRS 533.165	Certified copy of order of determination to be filed with county clerk of county where stream system located; procedure when stream system in two or more judicial districts; order setting time for hearing; service and publication of order.
NRS 533.170	Exceptions to order of determination: Filing and service; pleadings; findings of fact, judgment and decree; service of findings of fact and cost bill.

NRS 533.175	Employment of experts by court.
NRS 533.180	Court may refer case to State Engineer for further evidence.
NRS 533.185	Entry of judicial decree; revised map; delivery and filing of final judgment.
NRS 533.190	Costs: Assessment by court; entry of charges on assessment roll; collection and disposition of money.
NRS 533.195	Powers of successor judge; inapplicability of NRS 3.180 .
NRS 533.200	Appeal from decree to appellate court: Procedure; service of notice of appeal.
NRS 533.205	Motion for new trial: Service of notice of intention to move for new trial.
NRS 533.210	Finality of decree; application for modification within 3 years after entry; limitations on modification; notice of application.
NRS 533.215	Waiver of notices by claimants or appropriators.
NRS 533.220	Distribution of water; enforcement of order or decision of State Engineer; appeal.
NRS 533.225	County clerk to transmit certified copy of decree to State Engineer; effectiveness of decree.
NRS 533.230	Division of water by State Engineer during time order of determination is pending in district court.
NRS 533.235	Operation of order of determination may be stayed by filing bond with court; conditions of bond; duties of State Engineer.
NRS 533.240	All claimants to be made parties in any suit brought to determine rights; State Engineer to prepare hydrographic survey of stream system; costs; transfer of suit to State Engineer for determination.
NRS 533.250	Admissibility of maps, plats, surveys and evidence on file in office of State Engineer; notice by State Engineer of intention to consider evidence and submission of findings to court.
NRS 533.255	Submission of findings made before March 25, 1915.
NRS 533.260	Regulations of State Engineer requiring blueprints from claimants to be attached to proofs.
NRS 533.265	State Engineer to issue certificates upon final determination of relative rights; contents of certificates; exceptions.
NRS 533.270	Water commissioners: Appointment; duties and salaries; exemption from state personnel system; district supervisors.
NRS 533.275	Engineer for supervision of distribution: Appointment; salary and expenses; additional work.
NRS 533.280	Annual budget for stream system or water district: Preparation; contents; limitation on assessment.
NRS 533.285	Entry on assessment roll of charges in budget; collection of special assessment.
NRS 533.290	Water District Account: Creation; deposit and use of money; accounting.
NRS 533.295	Limitation on use of Water District Account; "expenses" defined.
NRS 533.300	State to be divided into water districts; appointment of advisory boards by State Engineer; meetings.
NRS 533.305	Division of water among ditches and reservoirs; regulation of distribution among users; notice of regulation by water commissioner; duties of district attorney.
NRS 533.310	Administration of distribution by State Engineer if rights determined in manner other than provided in NRS 533.090 to 533.265 , inclusive: Petition to district court; notice; hearing; order; appeal.
NRS 533.315	Payment of certain costs in proceeding under NRS 533.310 .
NRS 533.320	Payment of cost of administration of final decree and distribution of water; approval of budget; submission to board of county commissioners; provisions applicable.

APPROPRIATION OF PUBLIC WATERS

APPLICATIONS, PERMITS AND CERTIFICATES

NRS 533.324	"Water already appropriated" defined.
NRS 533.325	Application to State Engineer for permit.
NRS 533.330	Application limited to water of one source for one purpose; individual domestic use may be included.
NRS 533.335	Application for permit to appropriate water: Contents.
NRS 533.340	Additional requirements for contents of applications to appropriate water for certain specific uses.
NRS 533.345	Application for permit to change place of diversion, manner of use or place of use: Contents; approval of or hearing on temporary change; period of temporary change.
NRS 533.350	Applications to be accompanied by maps, drawings and other data.
NRS 533.353	Application to appropriate water for beneficial use: Participation of county in development and implementation of monitoring, management and mitigation plan.
NRS 533.355	Receipt of application; return for correction or completion; priority of returned application; rejection; recording.
NRS 533.357	Priority among applications to appropriate underground water for irrigation purposes from same basin.
NRS 533.360	Notice of application: Contents; publication; mailing required under certain circumstances.
NRS 533.363	State Engineer to notify county commissioners of application to use water in county other than that in which it is appropriated or currently diverted or used.
NRS 533.364	Certain interbasin transfers of groundwater; inventory required under certain circumstances; limitations; fee; time for completion of inventory.
NRS 533.365	Procedure concerning verified protest filed by interested person against granting of application.
NRS 533.367	Requirement to ensure access of wildlife to water it customarily uses; waiver.
NRS 533.368	Hydrological, environmental or other study: State Engineer to determine need for study; cost of study paid by applicant; regulations.
NRS 533.369	Special Account for Studies Concerning Water: Deposits; interest and income; limitation on use of money; refund of money to applicant; balance does not revert to State General Fund.
NRS 533.370	Approval or rejection of application by State Engineer: Conditions; exceptions; considerations; procedure.
NRS 533.3703	Consideration of consumptive use of water right and proposed beneficial use of water.
NRS 533.3705	Limitation on initial quantity of water approved for application; additional studies or evidence may be required; action by State Engineer on other applications in same basin.
NRS 533.371	Rejection of application for permit for specified period.
NRS 533.372	Approval or rejection of application to use water to generate energy for export.
NRS 533.375	State Engineer may require additional information before approval or rejection of application.
NRS 533.380	Time for completion of work and application of water to beneficial use; limitations and extensions.
NRS 533.382	Form, acknowledgment and recording of conveyance.
NRS 533.383	Effect of recording or failing to record deed of conveyance.
NRS 533.384	Filings required by person to whom conveyance is made.
NRS 533.386	Duties of State Engineer concerning conveyances; administrative action required upon entry of final judgment of court.
NRS 533.387	Inapplicability of certain provisions to conveyance of shares of stock in ditch company.
NRS 533.390	Statement of work actually constructed; verification; penalty for failure to file proof of completion of work.
NRS 533.395	State Engineer may require proof of good faith and reasonable diligence; cancellation of permit; review of cancellation; considerations when reviewing extension of time.

<u>NRS 533.400</u>	Verified statement to be filed with State Engineer by holder of permit within time set in endorsement on permit: Contents of statement; proof of beneficial use.
<u>NRS 533.405</u>	State Engineer may require map; contents.
<u>NRS 533.410</u>	Cancellation of permit for failure to file proof of application of water to beneficial use and accompanying map; notice to holder of permit; extensions of time.
<u>NRS 533.415</u>	State Engineer may refuse to file maps not conforming to statutory provisions or regulations.
<u>NRS 533.420</u>	Surveyor or engineer may be barred from practice before State Engineer for swearing falsely.
<u>NRS 533.425</u>	Issuance and contents of certificate of appropriation; notice of provisions governing forfeiture and abandonment of rights to underground water.
<u>NRS 533.430</u>	Permits and certificates of appropriation subject to existing rights.
<u>NRS 533.435</u>	Fees of State Engineer; disposition.

TEMPORARY PERMIT TO ESTABLISH VEGETATIVE COVER TO PREVENT OR REDUCE WILDFIRE

<u>NRS 533.436</u>	Application; approval; duration.
------------------------------------	----------------------------------

ENVIRONMENTAL PERMITS

<u>NRS 533.437</u>	“Environmental permit” defined.
<u>NRS 533.4373</u>	Application for environmental permit: Contents; fee.
<u>NRS 533.4375</u>	Approval of application by State Engineer: Conditions.
<u>NRS 533.4377</u>	Limitation on period for which permit may be issued; change of use for which permit is issued prohibited.

TRANSFER OF WATER FROM COUNTY OF ORIGIN TO ANOTHER COUNTY

<u>NRS 533.438</u>	Imposition of fee on certain transfers of water by county of origin; review by State Engineer; limitation on use of money collected from fee.
<u>NRS 533.4385</u>	Plan to mitigate adverse economic effects caused by transfer of water; contents of plan; modification of plan by State Engineer.

RESERVOIRS

<u>NRS 533.440</u>	Permits: Primary and secondary; application; issuance of certificates.
<u>NRS 533.445</u>	Use of bed of stream or other watercourse to carry water to consumers; duties and expenses of State Engineer.

JUDICIAL REVIEW AND APPEALS

<u>NRS 533.450</u>	Orders and decisions of State Engineer subject to judicial review; procedure; motions for stay; appeals; appearance by Attorney General.
<u>NRS 533.455</u>	Appeals by State Engineer to appellate court.

UNLAWFUL ACTS AND PENALTIES

<u>NRS 533.460</u>	Unauthorized use or willful waste of water; prima facie evidence.
<u>NRS 533.463</u>	Unlawful diversion and waste of water during irrigating season; penalty.
<u>NRS 533.465</u>	Interference with headgate, water box or water; prima facie evidence.
<u>NRS 533.470</u>	Employment of guards to prevent unlawful diversions of water; payment of guards’ salaries.
<u>NRS 533.475</u>	Power of State Engineer and assistants to make arrests.
<u>NRS 533.480</u>	Penalties.
<u>NRS 533.481</u>	Additional penalties.
<u>NRS 533.482</u>	Injunctive and other relief.

USE OF WATER FOR WATERING LIVESTOCK

<u>NRS 533.485</u>	Definitions.
<u>NRS 533.490</u>	Watering livestock declared beneficial use.
<u>NRS 533.492</u>	Subsisting right to water livestock: Manner of proof; marking of location of right.
<u>NRS 533.493</u>	Recognition of adjudicated rights to water livestock from streams by State Engineer.
<u>NRS 533.495</u>	Subsisting rights not to be impaired.
<u>NRS 533.500</u>	Duties of State Engineer concerning approval and rejection of application.
<u>NRS 533.503</u>	Restrictions on issuance of permit or certificate regarding appropriation to water livestock.
<u>NRS 533.504</u>	Temporary permit regarding appropriation to water livestock: Application; approval; duration.
<u>NRS 533.505</u>	Unlawful acts; penalties.
<u>NRS 533.510</u>	Prior rights not affected.

MISCELLANEOUS PROVISIONS

<u>NRS 533.515</u>	Permit for appropriation of water or application to change point of diversion, manner of use or place of use if point of diversion or portion of works is outside state.
<u>NRS 533.520</u>	Application for permit to appropriate water for use outside State; change point of diversion for use outside State or change place of use to location outside of State; approval of application by State Engineer; conditions.
<u>NRS 533.524</u>	Appropriation from interstate streams: Right of appropriation having point of diversion and place of use in another state.
<u>NRS 533.525</u>	Stored water may be conveyed through streams and reclaimed; conditions.

[NRS 533.535](#)

Consent to use of Lake Tahoe by United States for reservoir purposes in connection with Truckee-Carson reclamation project.

[NRS 533.540](#)

Procedure for refund of water district's money; conditions.

[NRS 533.545](#)

Hearings before State Engineer: Issuance and enforcement of subpoenas.

[NRS 533.550](#)

Sale or lease of water right by public body for more than 5-year term; exception.

[NRS 533.560](#)

Lease of water right by public body to owner or holder of water right who exceeds entitled amount of water.

GENERAL PROVISIONS

NRS 533.005 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 533.007](#) to [533.023](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2009, 595](#))

NRS 533.007 “Interbasin transfer of groundwater” defined. “Interbasin transfer of groundwater” means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

(Added to NRS by [2009, 595](#))

NRS 533.010 “Person” defined. “Person” includes the United States, this State and any political subdivision of this State.

[48:140:1913; 1919 RL p. 3235; NCL § 7933] — (NRS A [1985, 522](#); [2009, 596](#))

NRS 533.015 “State Engineer” defined. “State Engineer” means the State Engineer or any duly authorized assistant.

[49:140:1913; 1919 RL p. 3235; NCL § 7934] — (NRS A [2009, 596](#))

NRS 533.020 “Stream system” defined. “Stream system” includes any stream, together with its tributaries and all streams or bodies of water to which the same may be tributary.

[47:140:1913; 1919 RL p. 3235; NCL § 7932] — (NRS A [2009, 596](#))

NRS 533.023 “Wildlife purposes” defined. “Wildlife purposes” includes the watering of wildlife and the establishment and maintenance of wetlands, fisheries and other wildlife habitats.

(Added to NRS by [1989, 1733](#); A [2009, 596](#))

NRS 533.024 Legislative declaration. The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

(e) To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

(Added to NRS by [1991, 296](#); A [1993, 2640](#); [2001, 551](#); [2005, 2560](#); [2009, 469](#); [2011, 1564](#); [2017, 3497](#))

NRS 533.0243 Temporary conversion of agricultural water for certain purposes: Legislative declaration; requirements; duration.

1. The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.

2. If a person or entity proposes to temporarily convert agricultural water rights for wildlife purposes or to improve the quality or flow of water, such temporary conversion:

(a) Must not be carried out unless the person or entity first applies for and receives from the State Engineer any necessary permits or approvals required pursuant to:

(1) The provisions of this chapter; and

(2) Any applicable decisions, orders, procedures and regulations of the State Engineer.

(b) Except as otherwise provided in this paragraph, must not exceed 3 years in duration. A temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water may be extended in increments not to exceed 3 years in duration each, provided that the person or entity seeking the extension first applies for and receives from the State Engineer any necessary permits or approvals, as described in paragraph (a).

(Added to NRS by [2007, 1510](#))

NRS 533.0245 State Engineer prohibited from carrying out duties in conflict with certain decrees, orders, compacts or agreements. The State Engineer shall not carry out his or her duties pursuant to this chapter in a manner that conflicts with any applicable provision of a decree or order issued by a state or federal court, an interstate compact or an agreement to which this State is a party for the interstate allocation of water pursuant to an act of Congress.

(Added to NRS by [2007, 2016](#))

NRS 533.0247 State Engineer, assistants and agents authorized to enter land to investigate and carry out duties. The State Engineer or any assistant or authorized agent of the State Engineer may enter the land of any owner or proprietor where any water is being diverted or used pursuant to this chapter at any reasonable hour of the day to investigate and carry out the duties of the State Engineer pursuant to this chapter.

(Added to NRS by [2011, 504](#))

NRS 533.025 Water belongs to public. The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public.

[1:140:1913; 1919 RL p. 3225; NCL § 7890]

NRS 533.027 Applicability of chapter to de minimus collection of precipitation.

1. The provisions of this chapter do not apply to the de minimus collection of precipitation:

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

(b) If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

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

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

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

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

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

2. As used in this section:

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

(b) "Guzzler" has the meaning ascribed to it in [NRS 501.121](#).

(Added to NRS by [2017, 1432](#))

NRS 533.030 Appropriation for beneficial use; use for recreational purpose, developed shortage supply or intentionally created surplus declared beneficial; limitations and exceptions.

1. Subject to existing rights, and except as otherwise provided in this section and [NRS 533.027](#), all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

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

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

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

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

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

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

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

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

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

[2:140:1913; 1919 RL p. 3225; NCL § 7891] — (NRS A [1969, 141](#); [1981, 658](#); [1985, 1301](#); [1989, 535](#), [1444](#); [1995, 2659](#); [2009, 643](#); [2011, 1293](#); [2017, 1432](#))

NRS 533.035 Beneficial use: Basis, measure and limit of right to use. Beneficial use shall be the basis, the measure and the limit of the right to the use of water.

[3:140:1913; 1919 RL p. 3225; NCL § 7892]

NRS 533.037 Determination of priority of water right acquired for use in federal reclamation project; no additional water rights granted.

1. The priority of a water right acquired by a person for use in a federal reclamation project is determined according to the date on which the United States appropriated water for initiation of the project. Notwithstanding the fact that the water right so appropriated and acquired may ultimately vest in the name of the person at a later date, all such water rights so acquired are governed by the applicable law of this State in effect on the date on which the United States appropriated water for initiation of the project, unless the water rights vested under the law in this State before the time the United States first appropriated or otherwise acquired the water for initiation of the project. If the water right vested under the law in this State before appropriation or acquisition by the United States, the date of initiation of the water right is determined according to the date on which the water was first diverted under that appropriation or acquisition by the United States.

2. No water rights, in addition to those allocated under applicable court decrees, are granted, stated or implied by the determination of the date of priority pursuant to subsection 1.

(Added to NRS by [1999, 2630](#))

NRS 533.040 Water used for beneficial purposes to remain appurtenant to place of use; exceptions.

1. Except as otherwise provided in this section, any water used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use.

2. If at any time it is impracticable to use water beneficially or economically at the place to which it is appurtenant, the right may be severed from the place of use and be simultaneously transferred and become appurtenant to another place of use, in the manner

provided in this chapter, without losing priority of right.

3. The provisions of this section do not apply to a ditch or canal company that appropriates water for diversion and transmission to the lands of private persons for an annual charge.

4. For the purposes of this section, a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of place of use by the State Engineer which designates the place of use as the entire farm. The quantity of water available for use on that farm must not exceed the total amount determined by applicable decrees as designated in the permit granted by the State Engineer.

5. For the purposes of this section, a water right acquired for watering livestock by a person who owns, leases or otherwise possesses a legal or proprietary interest in the livestock being watered is appurtenant to:

(a) The land on which the livestock is watered if the land is owned by the person who possesses a legal or proprietary interest in the livestock; or

(b) Other land which is located in this State, is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation of the person who owns the land if that land is owned by the person who possesses the legal or proprietary interest in the livestock being watered.

6. The provisions of subsection 5 must not be construed:

(a) To impair a vested right or other existing water right established before June 12, 2003, of a person to the use of water for the purpose of watering livestock; or

(b) To prevent any transfer of ownership of a water right for the purpose of watering livestock.

7. As used in this section, "farm" means a tract of land that is owned or leased by the same person and is primarily used for agricultural purposes. The term includes two or more such tracts of land, regardless of whether the tracts are contiguous to one another.

[4:140:1913; 1919 RL p. 3225; NCL § 7893] — (NRS A [1999, 2630](#); [2003, 3410](#); [2015, 303](#))

NRS 533.045 Right to divert ceases when necessity for use does not exist. When the necessity for the use of water does not exist, the right to divert it ceases, and no person shall be permitted to divert or use the waters of this State except at such times as the water is required for a beneficial purpose.

[5:140:1913; 1919 RL p. 3226; NCL § 7894]

NRS 533.050 Beneficial use of water declared a public use; eminent domain. The beneficial use of water is hereby declared a public use, and any person may exercise the right of eminent domain to condemn all lands and other property or rights required for the construction, use and maintenance of any works for the lawful diversion, conveyance and storage of waters.

[6:140:1913; 1919 RL p. 3226; NCL § 7895]

NRS 533.055 Storage of water for beneficial purpose; claiming and diversion of water turned into natural channel or watercourse. Water may be stored for a beneficial purpose. Water turned into any natural channel or watercourse by any person entitled to the use thereof, whether stored in Nevada or in an adjoining state, may be claimed for beneficial use below, and diverted from the channel or watercourse by such person, subject to existing rights, due allowance for losses to be made, as determined by the State Engineer.

[7:140:1913; 1919 RL p. 3226; NCL § 7896]

NRS 533.060 Right to use limited to amount necessary; loss or abandonment of rights; no acquisition of prescriptive right; reservation of rights by State.

1. Rights to the use of water must be limited and restricted to as much as may be necessary, when reasonably and economically used for irrigation and other beneficial purposes, irrespective of the carrying capacity of the ditch. The balance of the water not so appropriated must be allowed to flow in the natural stream from which the ditch draws its supply of water, and must not be considered as having been appropriated thereby.

2. Rights to the use of surface water shall not be deemed to be lost or otherwise forfeited for the failure to use the water therefrom for a beneficial purpose.

3. A surface water right that is appurtenant to land formerly used primarily for agricultural purposes is not subject to a determination of abandonment if the surface water right:

(a) Is appurtenant to land that has been converted to urban use; or

(b) Has been dedicated to or acquired by a water purveyor, public utility or public body for municipal use.

4. In a determination of whether a right to use surface water has been abandoned, a presumption that the right to use the surface water has not been abandoned is created upon the submission of records, photographs, receipts, contracts, affidavits or any other proof of the occurrence of any of the following events or actions within a 10-year period immediately preceding any claim that the right to use the water has been abandoned:

(a) The delivery of water;

(b) The payment of any costs of maintenance and other operational costs incurred in delivering the water;

(c) The payment of any costs for capital improvements, including works of diversion and irrigation; or

(d) The actual performance of maintenance related to the delivery of the water.

5. A prescriptive right to the use of the water or any of the public water appropriated or unappropriated may not be acquired by adverse possession. Any such right to appropriate any of the water must be initiated by applying to the State Engineer for a permit to appropriate the water as provided in this chapter.

6. The State of Nevada reserves for its own present and future use all rights to the use and diversion of water acquired pursuant to chapter 462, Statutes of Nevada 1963, or otherwise existing within the watersheds of Marlette Lake, Franktown Creek and Hobart Creek and not lawfully appropriated on April 26, 1963, by any person other than the Marlette Lake Company. Such a right must not be appropriated by any person without the express consent of the Legislature.

[8:140:1913; A 1917, 353; [1949, 102](#); 1943 NCL § 7897] — (NRS A [1979, 1161](#); [1999, 2631](#))

NRS 533.065 Standards of measurement.

1. A cubic foot of water per second of time shall be the legal standard for the measurement of water in this state.

2. The unit of volume shall be an acre-foot defined as 43,560 cubic feet.

3. Where necessary to transpose miner's inches to cubic feet per second, 1 cubic foot per second shall be considered equal to 40 miner's inches; but the term "miner's inch" shall not be used henceforth in any permit or adjudicated right issuing from the Office of the State Engineer without first naming the amount in cubic feet per second or in acre-feet.

NRS 533.070 Quantity of water appropriated limited to amount reasonably required for beneficial use; duties of State Engineer in connection with water diverted or stored for purpose of irrigation.

1. The quantity of water from either a surface or underground source which may hereafter be appropriated in this state shall be limited to such water as shall reasonably be required for the beneficial use to be served.

2. Where the water is to be diverted for irrigation purposes, or where the water is to be stored for subsequent irrigation purposes, the State Engineer in determining the amount of water to be granted in a permit to appropriate water shall take into consideration the irrigation requirements in the section of the State in which the appropriation is to be made. The State Engineer shall consider the duty of water as theretofore established by court decree or by experimental work in such area or as near thereto as possible. The State Engineer shall also consider the growing season, type of culture, and reasonable transportation losses of water up to where the main ditch or channel enters or becomes adjacent to the land to be irrigated, and may consider any other pertinent data deemed necessary to arrive at the reasonable duty of water. In addition, in the case of storage of water, reservoir evaporation losses should be taken into consideration in determining the acre-footage of storage to be granted in a permit.

[11:140:1913; A [1945, 87](#); 1943 NCL § 7899]

NRS 533.075 Rotation in use of water. To bring about a more economical use of the available water supply, it shall be lawful for water users owning lands to which water is appurtenant to rotate in the use of the supply to which they may be collectively entitled; or a single water user, having lands to which water rights of a different priority attach, may in like manner rotate in use, when such rotation can be made without injury to lands enjoying an earlier priority, to the end that each user may have an irrigation head of at least 2 cubic feet per second.

[85:140:1913; 1919 RL p. 3247; NCL § 7971]

NRS 533.080 State water right surveyors: Certain projects required to be performed by surveyor; qualifications; appointment; regulations; compensation; State Engineer's Water License Account.

1. All maps, surveys and measurements of water required pursuant to this chapter must be made by a state water right surveyor. No survey, map or measurement of flow of water may be approved by the State Engineer unless the survey is made by a state water right surveyor.

2. Any licensed professional engineer or land surveyor who has a practical knowledge of surveying or engineering and who is familiar with land surveying and mapping and the measurement of water, and who is of good moral standing, must be considered for appointment as a state water right surveyor upon application to the State Engineer. The application must be in the form prescribed by the State Engineer and accompanied by a fee of \$50.

3. The State Engineer may require any applicant for appointment to the position of state water right surveyor to pass such reasonable examination as to the applicant's qualifications as is provided by the State Engineer.

4. Whenever the State Engineer approves the qualifications of an applicant, the State Engineer shall issue a certificate to the applicant designating the applicant as a state water right surveyor.

5. Every water right surveyor's certificate expires on June 30 of each year unless renewed by application in the form prescribed by the State Engineer. A fee of \$20 must be paid each year for renewal. All application and renewal fees must be accounted for in the State Engineer's Water License Account, which is hereby created in the State General Fund, and must be used to pay costs pertaining to the certificate and renewal and other costs associated with carrying out the provisions of this section.

6. An appointment may be revoked by the State Engineer at any time for good cause shown.

7. The State Engineer may provide such additional regulations governing the qualifications and official acts of state water right surveyors as are reasonable and not inconsistent with this chapter.

8. The State of Nevada is not liable for the compensation of any state water right surveyor, but a state water right surveyor is entitled to be paid by the person employing the state water right surveyor.

9. Officers and employees of the Federal Government are entitled to apply for the position of state water right surveyor and are exempt from the requirement that a state water right surveyor must be a professional engineer or professional land surveyor set forth in subsection 2. Any certificate issued to those officers and employees must include a restriction limiting those officers and employees to work for the Federal Government.

[91:140:1913; added 1921, 171; NCL § 7978] — (NRS A [1967, 990](#); [1979, 114](#); [1991, 62](#), [1782](#); [1997, 1069](#))

NRS 533.085 Vested rights to water not impaired.

1. Nothing contained in this chapter shall impair the vested right of any person to the use of water, nor shall the right of any person to take and use water be impaired or affected by any of the provisions of this chapter where appropriations have been initiated in accordance with law prior to March 22, 1913.

2. Any and all appropriations based upon applications and permits on file in the Office of the State Engineer on March 22, 1913, shall be perfected in accordance with the laws in force at the time of their filing.

[84:140:1913; 1919 RL p. 3247; NCL § 7970]

ADJUDICATION OF VESTED WATER RIGHTS

NRS 533.087 Requirement for claimant of vested water right to submit proof of claim.

1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:

(a) Published annually for 4 consecutive weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.

(b) Posted on the Internet website maintained by the State Engineer.

(Added to NRS by [2017, 3555](#))

NRS 533.090 Determination of relative rights of claimants to water of stream or stream system: Petition; order of State Engineer.

1. Upon a petition to the State Engineer, signed by one or more water users of any stream or stream system, requesting the determination of the relative rights of the various claimants to the waters thereof, the State Engineer shall, if upon investigation the

State Engineer finds the facts and conditions justify it, enter an order granting the petition and shall make proper arrangements to proceed with such determination.

2. The State Engineer shall, in the absence of such a petition requesting a determination of relative rights, enter an order for the determination of the relative rights to the use of water of any stream selected by the State Engineer. As soon as practicable after the order is made and entered, the State Engineer shall proceed with such determination as provided in this chapter.

3. A water user upon or from any stream or body of water shall be held and deemed to be a water user upon the stream system of which such stream or body of water is a part or tributary.

[18:140:1913; 1919 RL p. 3227; NCL § 7905] — (NRS A [2017, 706](#))

NRS 533.095 Notice of entry of order and pendency of proceedings: Preparation; contents; publication; service of notice. [Effective through December 31, 2027.]

1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall set forth:

(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to [NRS 533.087](#);

(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;

(c) The date by which all proofs of appropriation must be filed; and

(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to [NRS 533.100](#) and [533.115](#).

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

4. At or near the time of the first publication of the notice, the State Engineer shall send by mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.

[19:140:1913; 1919 RL p. 3228; NCL § 7906] — (NRS A [2017, 706, 3556](#))

NRS 533.095 Notice of entry of order and pendency of proceedings: Preparation; contents; publication; service of notice. [Effective January 1, 2028.]

1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.

2. The notice shall set forth:

(a) That any federal agencies claiming reserved rights in the waters of the stream system are required, as prescribed by the State Engineer, to make proof of their claims;

(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;

(c) The date by which all proofs of appropriation must be filed; and

(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to [NRS 533.100](#) and [533.115](#).

3. The notice shall be published for a period of 4 consecutive weeks in one or more newspapers of general circulation within the boundaries of the stream system.

4. At or near the time of the first publication of the notice, the State Engineer shall send by mail to each federal agency, or deliver to each federal agency, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.

[19:140:1913; 1919 RL p. 3228; NCL § 7906] — (NRS A [2017, 706, 3556](#), effective January 1, 2028)

NRS 533.100 Investigation of flow of stream and ditches by State Engineer; preparation of surveys and maps.

1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.

(b) If necessary, execute surveys or cause them to be executed.

(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.

(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on mylar, on a scale of not less than 1,000 feet to the inch.

[20:140:1913; 1919 RL p. 3228; NCL § 7907] — (NRS A [2017, 707](#))

NRS 533.105 Use of data compiled by United States Geological Survey or other persons. If satisfactory data are available from the measurements and areas compiled by the United States Geological Survey or other persons, the State Engineer may dispense with the execution of such surveys and the preparation of such maps and stream measurements, except insofar as is necessary to prepare them to conform with the rules and regulations, as provided in [NRS 533.100](#).

[21:140:1913; 1919 RL p. 3228; NCL § 7908] — (NRS A [2017, 707, 3556](#))

NRS 533.110 Notice of commencement of taking of proofs as to rights; time for filing; publication and mailing of notice. Repealed. (See chapter 156, [Statutes of Nevada 2017, at page 714](#), and chapter 525, [Statutes of Nevada 2017, at page 3560](#).)

NRS 533.115 Blank forms enclosed with notice; form of proof; preparation of map. [Effective through December 31, 2027.]

1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in [NRS 533.095](#), blank forms upon which a claimant who has not submitted proof pursuant to [NRS 533.087](#) shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

- (a) The name and mailing address of the claimant.
- (b) The nature of the right or use on which the claim for appropriation is based.
- (c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.
- (d) The date of beginning of construction.
- (e) The date when completed.
- (f) The dates of beginning and completion of enlargements.
- (g) The dimensions of the ditch as originally constructed and as enlarged.
- (h) The date when water was first used for irrigation or other beneficial purposes.
- (i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.
- (j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.
- (k) If the water was used for watering livestock, the number and type of livestock.
- (l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of [NRS 533.100](#).

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

[23:140:1913; 1919 RL p. 3229; NCL § 7910] — (NRS A [2017, 707, 3557](#); R [2017, 3560](#), effective January 1, 2028)

NRS 533.120 Statements to be certified under oath; no fee for furnishing blank form. [Effective through December 31, 2027.]

1. Each claimant shall be required to certify to his or her statement presented pursuant to [NRS 533.115](#) under oath.

2. Blank forms must be furnished by the State Engineer without charge.

[24:140:1913; 1919 RL p. 3230; NCL § 7911] — (NRS A [2017, 708, 3557](#); R [2017, 3560](#), effective January 1, 2028)

NRS 533.125 Commencement of taking of proofs; extension of time; determination of rights if claimant neglects or refuses to make proof; defective proof or map; filing corrected proof of map. [Effective through December 31, 2027.]

1. The State Engineer shall commence the taking of any proofs not submitted pursuant to [NRS 533.087](#) on the date fixed and named in the notice provided for in [NRS 533.095](#) for the commencement of the taking of proofs. The State Engineer shall proceed therewith during the period fixed by the State Engineer and named in the notice, after which no proofs shall be received by or filed by the State Engineer. The State Engineer may, in his or her discretion, for cause shown, extend the time in which proofs may be filed.

2. Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer shall determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and exceptions to such determination may be filed in court, as provided in this chapter.

3. If a proof of appropriation or a supporting map is found to be defective, it shall be returned with a statement explaining why the proof or map was found to be defective. The date of the return must be marked on the proof or map and a record of the return made in the Office of the State Engineer.

4. A person may file a corrected proof of appropriation or supporting map with the Office of the State Engineer within 60 days after the date of return marked on the proof or map. A defective proof of appropriation or supporting map that is not properly corrected and refiled within 60 days must be rejected. Upon application for an extension of time within the 60-day period, the State Engineer may, in his or her discretion, grant an extension of time not to exceed 60 days in which the person may file the corrected proof of appropriation or supporting map.

[25:140:1913; A 1915, 378; 1919 RL p. 3230; NCL § 7912] — (NRS A [2017, 709, 3558](#); R [2017, 3560](#), effective January 1, 2028)

NRS 533.130 Petition to intervene may be filed by interested person not served; contents.

1. Any person interested in the water of any stream upon whom no service of notice shall have been had of the pendency of proceedings for the determination of the relative rights to the use of water of such stream system, and who shall have no actual

knowledge or notice of the pendency of the proceedings, may, at any time prior to the expiration of 6 months after the entry of the determinations of the State Engineer, file a petition to intervene in the proceedings.

2. Such petition shall be under oath and shall contain, among other things:

(a) All matters required by this chapter of claimants who have been duly served with notice of the proceedings; and

(b) A statement that the intervener had no actual knowledge of notice of the pendency of the proceedings.

3. Upon the filing of the petition in intervention granted by the State Engineer, the petitioner shall be allowed to intervene upon such terms as may be equitable, and thereafter shall have all rights provided by this chapter to claimants who have been duly served.

[26:140:1913; 1919 RL p. 3230; NCL § 7913] — (NRS A [2017, 709](#))

NRS 533.135 Fees of State Engineer; disposition.

1. At the time of submission of proofs of appropriation, the State Engineer shall collect a fee of \$60 for a proof of water used for watering livestock purposes. The State Engineer shall collect a fee of \$120 for any other character of claim to water.

2. All fees collected as provided in this section must be accounted for in detail and deposited with the State Treasurer for credit to the State General Fund.

[27:140:1913; A 1921, 171; NCL § 7914] — (NRS A [1957, 529](#); [1975, 713](#); [1981, 1837](#); [1985, 720](#); [1989, 1733](#); [2013, 1234](#); [2017, 709, 3648](#))

NRS 533.140 Preparation and printing of abstract of proofs of appropriation; preliminary order of determination; notice of availability of evidence and proofs for inspection; service of notice and preliminary order; State Engineer to be present during period that evidence and proofs are available for inspection; posting preliminary order of determination and abstract of proofs on Internet. [Effective through December 31, 2027.]

1. As soon as practicable after the expiration of the period fixed in which proofs of appropriation may be filed, the State Engineer shall assemble all proofs which have been filed with the State Engineer and prepare, certify and have printed an abstract of all such proofs of appropriation. The State Engineer shall also prepare from the proofs of appropriation and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the several rights of claimants to the waters of the stream.

2. Except as otherwise provided in subsection 3, when the abstract of proofs of appropriation and the preliminary order of determination are completed:

(a) The State Engineer shall then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The notice shall be deemed an order of the State Engineer as to the matters contained therein.

(b) A copy of the notice, together with a printed copy of the preliminary order of determination and the abstract of proofs of appropriation, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection, to each person who has appeared and filed a proof of appropriation, as provided in this section.

(c) The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any persons interested to inspect such evidence and proofs of appropriation as have been filed with or taken by the State Engineer in accordance with this chapter.

3. In lieu of sending or serving a copy of the preliminary order of determination and the abstract of proofs of appropriation pursuant to subsection 2, the State Engineer may:

(a) Make available a copy of the preliminary order of determination and the abstract of proofs of appropriation on the Internet website of the Office of the State Engineer; and

(b) Send by registered or certified mail or deliver in person to each person who has filed a proof of appropriation notice that the preliminary order of determination and the abstract of proofs of appropriation are available on the Internet website of the Office of the State Engineer.

[28:140:1913; A 1921, 171; NCL § 7915] — (NRS A [1967, 189](#); [1969, 1527](#); [1973, 1478](#); [1985, 467](#); [1993, 1700](#); [1997, 21](#); [2005, 1092](#); [2017, 710](#))

NRS 533.140 Preparation and printing of abstract of proofs of appropriation; preliminary order of determination; notice of availability of evidence and proofs for inspection; service of notice and preliminary order; State Engineer to be present during period that evidence and proofs are available for inspection; posting preliminary order of determination and abstract of proofs on Internet. [Effective January 1, 2028.]

1. As soon as practicable, the State Engineer shall assemble all proofs related to the stream or stream system which have been filed with the State Engineer and prepare, certify and have printed an abstract of all such proofs of appropriation. The State Engineer shall also prepare from the proofs of appropriation and evidence taken or given before the State Engineer, or obtained by the State Engineer, a preliminary order of determination establishing the several rights of claimants to the waters of the stream.

2. Except as otherwise provided in subsection 3, when the abstract of proofs of appropriation and the preliminary order of determination are completed:

(a) The State Engineer shall then prepare a notice fixing and setting a time and place when and where the evidence taken by or filed with the State Engineer and the proofs of claims must be open to the inspection of all interested persons, the period of inspection to be not less than 20 days. The notice shall be deemed an order of the State Engineer as to the matters contained therein.

(b) A copy of the notice, together with a printed copy of the preliminary order of determination and the abstract of proofs of appropriation, must be delivered by the State Engineer, or sent by registered or certified mail, at least 30 days before the first day of such period of inspection, to each person who has filed a proof of appropriation related to the stream or stream system.

(c) The State Engineer shall be present at the time and place designated in the notice and allow, during that period, any persons interested to inspect such evidence and proofs of appropriation as have been filed with the State Engineer in accordance with this chapter.

3. In lieu of sending or serving a copy of the preliminary order of determination and the abstract of proofs of appropriation pursuant to subsection 2, the State Engineer may:

(a) Make available a copy of the preliminary order of determination and the abstract of proofs of appropriation on the Internet website of the Office of the State Engineer; and

(b) Send by registered or certified mail or deliver in person to each person who has filed a proof of appropriation notice that the preliminary order of determination and the abstract of proofs of appropriation are available on the Internet website of the Office of the State Engineer.

[28:140:1913; A 1921, 171; NCL § 7915] — (NRS A [1967, 189](#); [1969, 1527](#); [1973, 1478](#); [1985, 467](#); [1993, 1700](#); [1997, 21](#); [2005, 1092](#); [2017, 710, 3558](#), effective January 1, 2028)

NRS 533.145 Objections to preliminary order of determination; form and contents of objection.

1. Any person claiming any interest in the stream system involved in the determination of relative rights to the use of water, whether claiming under vested right or under permit from the State Engineer, may object to any finding, part or portion of the preliminary order of determination made by the State Engineer by filing objections with the State Engineer within 30 days after the evidence and proofs, as provided in [NRS 533.140](#), shall have been opened to public inspection, or within such further time as for good cause shown may be allowed by the State Engineer upon application.

2. Such objections shall be verified by the affidavit of the objector, or the objector's agent or attorney, and shall state with reasonable certainty the grounds of objection.

[29:140:1913; A 1921, 171; NCL § 7916]

NRS 533.150 Hearings of objections to preliminary order of determination: Contents and service of notice; procedure; witnesses; evidence.

1. Unless the claimant waives the requirement for a hearing, the State Engineer shall fix a time and place for the hearing of objections. Notice of the hearing may be sent by registered or certified mail to the persons to be affected by the objections, and the receipt therefor constitutes legal and valid proof of service. The notice may also be served by the State Engineer, or by any person, appointed by the State Engineer, qualified and competent to serve a summons in civil actions. Return thereof must be made in the same manner as in civil actions in the district courts of this state.

2. The State Engineer may adjourn hearings from time to time upon reasonable notice to all parties interested. Depositions may be taken by any person authorized to administer oaths and designated by the State Engineer or the parties in interest, and oral testimony may be introduced in all hearings.

3. Witnesses are entitled to receive fees as in civil cases, to be paid by the party calling those witnesses.

4. The evidence in the proceedings must be confined to the subjects enumerated in the objections and the preliminary order of determination.

5. All testimony taken at the hearings must be reported and transcribed in its entirety.

[30:140:1913; A 1915, 378; 1921, 171; NCL § 7917] — (NRS A [1967, 189; 1981, 88; 1989, 406; 2017, 710](#))

NRS 533.155 Hearing of objections: Court reporter; transcript; division of fees. All testimony taken at the hearings must be reported and transcribed by a certified court reporter. The original and one copy of the transcript of the proceedings must be filed with the State Engineer. The claimants objecting to the preliminary order of determination shall pay, in equal portions, the fees for the appearance and travel expenses of the court reporter and for transcribing the portion of the hearing consisting of the comments of the State Engineer. Each such claimant shall pay a pro rata portion of the fees for the remaining portion of the hearing consisting of the case made by that claimant.

[32:140:1913; A 1921, 171; NCL § 7919] — (NRS A [1957, 530; 2017, 711](#))

NRS 533.160 Entry of order of determination after hearing of objections to preliminary order; legal effect of order; certification, printing and service of order.

1. As soon as practicable after the hearing of objections to the preliminary order of determination, the State Engineer shall make and cause to be entered of record in the Office of the State Engineer an order of determination, defining the several rights to the waters of the stream or stream system. The order of determination, when filed with the clerk of the district court as provided in [NRS 533.165](#), has the legal effect of a complaint in a civil action.

2. The order of determination must be certified by the State Engineer. Except as otherwise provided in subsection 3, a copy of the order of determination must be sent by registered or certified mail or delivered in person to each person who has filed proof of claim and to each person who has become interested through intervention or through filing of objections under the provisions of [NRS 533.130](#) or [533.145](#).

3. In lieu of sending or delivering a copy of the order of determination pursuant to subsection 2, the State Engineer may:

(a) Make available a copy of the order of determination on the Internet website of the Office of the State Engineer; and

(b) Send by registered or certified mail or deliver in person to each person who has filed a proof of appropriation and to each person who has become interested through intervention notice that the order of determination is available on the Internet website of the Office of the State Engineer.

[33:140:1913; A 1915, 378; 1921, 171; NCL § 7920] — (NRS A [1967, 190; 1969, 1527; 1973, 1478; 1985, 467; 1993, 1701; 1997, 22; 2005, 1093; 2017, 711](#))

NRS 533.165 Certified copy of order of determination to be filed with county clerk of county where stream system located; procedure when stream system in two or more judicial districts; order setting time for hearing; service and publication of order.

1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.

2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.

3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.

4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.

5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.

6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall

immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall mail a copy of such certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence, and shall cause the same to be published at least once a week for 4 consecutive weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located. The State Engineer shall file with the clerk of the court proof of such service by registered or certified mail and by publication. Such service by registered or certified mail and by publication shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing.

[34:140:1913; A 1915, 378; 1931, 148; 1931 NCL § 7921] — (NRS A [1967, 190](#); [2017, 712](#))

NRS 533.170 Exceptions to order of determination: Filing and service; pleadings; findings of fact, judgment and decree; service of findings of fact and cost bill.

1. At least 5 days prior to the date set for hearing, all parties in interest who are aggrieved or dissatisfied with the order of determination of the State Engineer shall file with the clerk of the court notice of exceptions to the order of determination of the State Engineer. The notice shall state briefly the exceptions taken and the prayer for relief. A copy thereof shall be served upon or transmitted to the State Engineer by registered or certified mail.

2. The order of determination by the State Engineer and the statements or claims of claimants and exceptions made to the order of determination shall constitute the pleadings, and there shall be no other pleadings in the cause.

3. If no exceptions shall have been filed with the clerk of the court as provided in subsection 1, then on the day set for hearing the court may take further testimony if deemed proper, and shall then enter its findings of fact and judgment and decree.

4. On the day set for hearing, all parties in interest who have filed notices of exceptions, as provided in subsection 1, shall appear in person or by counsel, and the court shall hear the same or set the time for hearing, until such exceptions are disposed of.

5. All proceedings thereunder, including the taking of testimony, shall be as nearly as may be in accordance with the Nevada Rules of Civil Procedure; but the provisions of the Nevada Rules of Civil Procedure and [NRS 18.110](#) shall not apply respecting the service of proposed findings of fact and decree or service and filing of a cost bill, and service shall be made in the following manner. All claimants who have filed exceptions or objections to the final order of determination shall be served with a copy of the proposed findings of fact and decree by serving the attorney who appeared for such claimants in the proceedings. All claimants or water users who have not filed exceptions or objections to the final order of determination shall be served with a copy of the proposed findings of fact and decree by serving a copy thereof on the Attorney General. Such service, in each instance, shall be made at least 30 days before the findings of fact and decree shall be signed by the court, and the court shall not sign any findings of fact therein prior to the expiration of such 30 days. The cost bill shall be prepared and filed with the clerk of the court wherein the proceedings are pending, and it shall not be necessary to serve any of the exceptors, claimants or appropriators or their attorneys with a copy of the cost bill.

[35:140:1913; A 1915, 378; 1921, 171; 1927, 334; NCL § 7922] — (NRS A [1969, 95](#))

NRS 533.175 Employment of experts by court. For further information on any subject in controversy the court may employ one or more qualified persons to investigate and report thereon, under oath, subject to examination by any party in interest as to his or her competency to give expert testimony thereon.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923]

NRS 533.180 Court may refer case to State Engineer for further evidence. The court may, if necessary, refer the case or any part thereof for such further evidence to be taken by the State Engineer as it may direct, and may require a further determination by the State Engineer, subject to the court's instructions.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923]

NRS 533.185 Entry of judicial decree; revised map; delivery and filing of final judgment.

1. After the hearing the court shall enter a decree affirming or modifying the order of the State Engineer.

2. If the court enters a decree holding that the water right of a claimant is different than the right claimed in the proof of appropriation filed by the claimant or determined by the State Engineer in the order of determination, the court may require the claimant to prepare and file with the court and the Office of the State Engineer a revised map which conforms to the decree and the rules and regulations of the State Engineer.

3. Within 30 days after the entry of final judgment by the district court, or if an appeal is taken, within 30 days after the entry of the final judgment by the appellate court or within 30 days after the entry of the final judgment after remand, the clerk of the court issuing the final judgment shall:

(a) Deliver to the State Engineer a certified copy of the final judgment; and

(b) Cause a certified copy of the final judgment to be filed in the office of the county recorder in each county in which the water adjudicated is applied to beneficial use and in each county in which the water adjudicated is diverted from its natural source.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923] — (NRS A [1995, 436](#); [2017, 712](#))

NRS 533.190 Costs: Assessment by court; entry of charges on assessment roll; collection and disposition of money.

1. At any time in the course of the hearings, the court may, in its discretion, by order assess and adjudge against any party such costs as it deems just and equitable or may so assess the costs in proportion to the amount of water right standing allotted at that time, or the court may assess and adjudge such costs and expenses in its final judgment upon the signing, entry and filing of its formal findings of fact, conclusions of law and decree adjudicating the water rights against any party as it deems just and equitable, or may so assess the costs in proportion to the amount of water right allotted and decreed in the final judgment.

2. After the making, entry and filing by the court of the first findings of fact, conclusions of law and decree made, entered and filed by the court in any such water adjudication as distinguished from the first proposed findings of fact, conclusions of law and decree, the court shall assess all costs and expenses against the loser or losers, in any and all subsequent proceedings in any such water adjudication.

3. If costs are assessed or allowed as provided for in this section and in [NRS 533.170](#) and allotted, the State Engineer, within 60 days after such filing and entry, as above described, shall certify to the boards of county commissioners of the respective counties wherein the stream system is situate either the amount of acreage set forth in the order of determination to which water has been allotted, or the respective water rights against which such costs have been assessed by the court, and the charges against each water user in accordance with the court's judgment and allocation of costs. Upon receipt of the certificate from the State Engineer by the board of county commissioners, the board of county commissioners shall certify the respective charges contained therein to the county assessor of the county in which the land or property served is situated. The county assessor shall enter the amount of the charge on the assessment roll against the claimant's property or acreage served.

4. The proper officer of the county shall collect the assessment as other assessments are levied and collected, and the assessment is a lien upon the property so served and must be collected in the same manner as other assessments are collected, but such costs must be collected in equal installments over 2 fiscal years.

5. When the assessments are collected, the person collecting the assessments shall transmit the money collected to the State Treasurer at the time that person transmits other assessments collected by him or her as provided by law, and the State Treasurer shall deposit the money in the Adjudication Emergency Account provided for in [NRS 532.200](#), out of which costs and expenses must be paid in the manner provided by law.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923] — (NRS A [1991, 1783](#); [1995, 220](#))

NRS 533.195 Powers of successor judge; inapplicability of [NRS 3.180](#).

1. Whenever a judge before whom a proceeding for the adjudication of a stream system is pending and not yet completed shall cease to be such judge from any cause whatsoever, his or her successor, to whom such proceeding may be assigned or a part of whose duty it becomes to preside in such proceeding, may do all things in and about such adjudication that may be necessary and proper, and may hear and decide all matters in connection therewith or relating thereto and make all orders, decisions, findings of fact, conclusions of law, judgments, decrees, and do all things necessary to complete the adjudication of such stream system to the full extent and the same as though he or she had been the presiding judge in such proceeding from the commencement thereof.

2. [NRS 3.180](#) shall not apply to such stream system adjudication proceedings.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923]

NRS 533.200 Appeal from decree to appellate court: Procedure; service of notice of appeal. Appeals from such decree 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 by the State Engineer or any party in interest in the same manner and with the same effect as in civil cases, except as to the following matters. Notice of appeal shall be served upon the attorneys of record for claimants who have filed exceptions or objections to the final order of determination of the State Engineer as provided in [NRS 533.170](#), and all claimants or water users who have not filed exceptions or objections to the final order of determination or appeared in the cause by an attorney shall be served with a copy of notice of appeal by the service of a copy thereof on the Attorney General as their process agent.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923] — (NRS A [2013, 1786](#))

NRS 533.205 Motion for new trial: Service of notice of intention to move for new trial. Notice of intention to move for a new trial shall be served upon the attorneys of record for claimants who have filed exceptions or objections to the final order of determination of the State Engineer as provided in [NRS 533.170](#), and all claimants or water users who have not filed exceptions or objections to the final order of determination or appeared in the cause by an attorney shall be served with a copy of notice of intention to move for a new trial by the service of a copy thereof on the Attorney General as their process agent.

[Part 36:140:1913; A 1915, 378; 1931, 413; 1937, 327; 1931 NCL § 7923]

NRS 533.210 Finality of decree; application for modification within 3 years after entry; limitations on modification; notice of application.

1. The decree entered by the court, as provided by [NRS 533.185](#), shall be final and shall be conclusive upon all persons and rights lawfully embraced within the adjudication; but the State Engineer or any party or adjudicated claimant upon any stream or stream system affected by such decree may, at any time within 3 years from the entry thereof, apply to the court for a modification of the decree, insofar only as the decree fixed the duty of water, and upon the hearing of such motion the court may modify such decree increasing or decreasing the duty of water, consistent with good husbandry, and consistent with the principle that actual and beneficial use shall be the measure and limit of the right.

2. Notice of application shall be given as in civil cases.

[36a:140:1913; added 1921, 171; NCL § 7924]

NRS 533.215 Waiver of notices by claimants or appropriators. Whenever there are 10 or less appropriators or claimants upon a stream system, and all of such claimants or appropriators in writing waive the provisions of this chapter with reference to notices and the service and publication thereof, as provided in preceding sections, the State Engineer may make an order of determination without the giving, serving or publication of any notices required in this chapter, and may file the same with the district court in the manner prescribed in [NRS 533.165](#). Whereupon, the same steps and proceedings shall be taken and decree entered as if all preliminary notices had been given prior to the making, entering and filing of the order of determination.

[36b:140:1913; added 1921, 171; NCL § 7925]

NRS 533.220 Distribution of water; enforcement of order or decision of State Engineer; appeal.

1. From and after the filing of the order of determination in the district court, the distribution of water by the State Engineer or by any of the State Engineer's assistants or by the water commissioners or their assistants shall, at all times, be under the supervision and control of the district court. Such officers and each of them shall, at all times, be deemed to be officers of the court in distributing water under and pursuant to the order of determination or under and pursuant to the decree of the court.

2. Upon the neglect or refusal of any claimant to the use of water as provided in this chapter to carry out or abide by an order or decision of the State Engineer acting as an officer of the court, the State Engineer may petition the district court having jurisdiction of the matter for a review of such order and cause to be issued thereon an order to show cause why the order and decision should not be complied with.

3. The order to show cause shall be personally served on the claimant or claimants complained of, who shall appear and show cause on the day fixed in the court's order so to do.

4. The hearing on the petition and order to show cause shall be informal and summary in character, with full opportunity afforded each party to present his or her case.

5. Appeals from the judgment 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 in like manner as appeals in other civil cases; but notice of appeal must be served and filed within 40 days from the entry of judgment.

[36 1/2:140:1913; added 1927, 337; A [1951, 132](#)] — (NRS A [2013, 1786](#))

NRS 533.225 County clerk to transmit certified copy of decree to State Engineer; effectiveness of decree. Immediately upon the entry of any decree by the court, the county clerk shall transmit a certified copy of the decree to the State Engineer, who shall

immediately enter the same upon the records of the Office of the State Engineer. The decree, subject only to the provisions of law relating to appeal and stay of proceedings, shall be in full force and effect.
[37:140:1913; A 1915, 378; 1919 RL p. 3234; NCL § 7927]

NRS 533.230 Division of water by State Engineer during time order of determination is pending in district court. From and after the filing of the order of determination, evidence and transcript with the county clerk, and during the time the hearing of the order is pending in the district court, the division of water from the stream involved in such determination shall be made by the State Engineer in accordance with the order of determination.
[38:140:1913; A 1915, 378; 1919 RL p. 3234; NCL § 7928]

NRS 533.235 Operation of order of determination may be stayed by filing bond with court; conditions of bond; duties of State Engineer.

1. At any time after the order of determination, evidence and transcript has been filed with the clerk of the court, the operation of the order of determination may be stayed in whole or in part by any party upon filing a bond in the court wherein such determination is pending in such amount as the judge thereof may prescribe, conditioned that such party will pay all damage that may accrue by reason of such determination not being enforced, pending a decree by the court.

2. Immediately upon the filing and approval of such bond, the clerk of the court shall transmit to the State Engineer a certified copy of such bond, which shall be recorded in the records of the Office of the State Engineer, and the State Engineer shall act in accordance with such stay.
[39:140:1913; A 1915, 378; 1919 RL p. 3234; NCL § 7929]

NRS 533.240 All claimants to be made parties in any suit brought to determine rights; State Engineer to prepare hydrographic survey of stream system; costs; transfer of suit to State Engineer for determination.

1. In any suit brought in the district court for the determination of a right or rights to the use of water of any stream, all persons who claim the right to use the waters of such stream and the stream system of which it is a part shall be made parties.

2. When the suit has been filed, the court shall direct the State Engineer to furnish a complete hydrographic survey of the stream system as provided in [NRS 533.100](#) in order to obtain all physical data necessary to the determination of the rights involved.

3. The cost of the suit, including the costs on behalf of the State and of the surveys, shall be charged against each of the private parties thereto based on a determination by the court of the relative merits of the claims made by each of the private parties. The court may assess and charge against any party at any time during the suit an equitable amount to pay the costs of the survey upon its approval of an itemized statement therefor submitted by the State Engineer.

4. The court may at any time transfer the suit to the State Engineer for determination as provided in this chapter.

[45:140:1913; 1919 RL p. 3234; NCL § 7930] — (NRS A [1975](#), [71](#))

NRS 533.250 Admissibility of maps, plats, surveys and evidence on file in office of State Engineer; notice by State Engineer of intention to consider evidence and submission of findings to court.

1. Any and all maps, plats, surveys and evidence on file in the Office of the State Engineer relating to any proof of appropriation involved in the proceeding for the determination of the relative rights in and to the waters of any stream system, obtained or filed under the provisions of this chapter or any preceding act relating to the Office of State Engineer, shall be admissible in court and shall have the same force and effect as though obtained and submitted under the provisions of this chapter.

2. At least 90 days prior to the rendering of his or her order of determination of the relative rights in and to the waters of any stream system, the State Engineer shall notify all parties in interest of his or her intention to consider such maps, plats and evidence, and of his or her intention to submit the findings of the State Engineer to the court under the provisions of this chapter.

3. Within 60 days after such notice, any party in interest may file with the State Engineer any additional or supplementary maps, plats, surveys or evidence, or objections to the admissibility of any evidence hitherto presented and on file in the office of the State Engineer, in relation to his or her claim of water right or adverse to the claim or claims of the water right of any other party or parties in interest, in order so to perfect his or her claim in accordance with the provisions of this chapter, and the State Engineer shall consider the whole thereof in rendering such order of determination, and the same shall become a part of the record which shall be submitted to the court as provided by [NRS 533.165](#) to [533.235](#), inclusive.

[88a:140:1913; added 1915, 378; 1919 RL p. 3248; NCL § 7975] — (NRS A [2017](#), [713](#), [3558](#))

NRS 533.255 Submission of findings made before March 25, 1915. In all cases where the State Engineer has issued findings prior to March 25, 1915, declaring the relative rights of appropriators in and to the waters of any stream system, the same may be submitted to the court under the provisions of [NRS 533.165](#) to [533.235](#), inclusive.

[88b:140:1913; added 1915, 378; 1919 RL p. 3249; NCL § 7976]

NRS 533.260 Regulations of State Engineer requiring blueprints from claimants to be attached to proofs. The State Engineer shall have power to make and enforce such reasonable rules and regulations for the furnishing by claimants of blueprints of particular parcels of land shown on the map prepared by the State Engineer, and for such supplementary surveys and examinations or such inspection by the State Engineer as may be required, to the end that observations and surveys of the State Engineer may be made, insofar as practicable, available to the claimants for attachment to the proofs to be filed by them.

[50:140:1913; 1919 RL p. 3235; NCL § 7935]

NRS 533.265 State Engineer to issue certificates upon final determination of relative rights; contents of certificates; exceptions.

1. Upon the final determination of the relative rights in and to the waters of any stream system, the State Engineer shall issue to each person represented in such determination a certificate to be signed by the State Engineer, and bearing the seal of the Office of the State Engineer.

2. The certificate shall set forth:

(a) The name and post office address of the owner of the right.

(b) The date of priority.

(c) Extent and purpose of such right.

(d) If such water is for irrigation purposes, a description of the land, by legal subdivisions when possible, to which the water is appurtenant.

3. Such certificate shall be transmitted by the State Engineer in person or by registered or certified mail to the owner.

4. No certificate need be issued by the State Engineer when printed copies of any decree of final determination of relative rights contain a listing of the individual rights so determined.

[51:140:1913; 1919 RL p. 3235; NCL § 7936] — (NRS A [1957, 530](#); [1967, 191](#); [1975, 713](#))

NRS 533.270 Water commissioners: Appointment; duties and salaries; exemption from state personnel system; district supervisors.

1. The State Engineer shall appoint, subject to confirmation by any court having jurisdiction, one or more water commissioners for any stream system or water district subject to regulation and control by the State Engineer. The duties and salaries of the water commissioners must be fixed by the State Engineer and their salaries must be paid by the State of Nevada out of the water distribution accounts. The water commissioners are exempt from the provisions of [chapter 284](#) of NRS.

2. The State Engineer shall appoint a district supervisor of water commissioners and fix the district supervisor's duties. The district supervisor is in the unclassified service of the State.

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1957, 530](#); [1961, 490](#); [1967, 1501](#); [1971, 1440](#); [1979, 666](#), [1112](#); [1981, 1283](#))

NRS 533.275 Engineer for supervision of distribution: Appointment; salary and expenses; additional work.

1. The State Engineer may appoint an engineer, who is qualified in hydrographic and water distribution experience, to work in a supervisory capacity on water distribution and regulation service upon all adjudicated stream systems within the State.

2. While engaged in that work, the salary and expenses of the engineer must be charged to the particular adjudicated stream system receiving the service upon the basis of time occupied and expenses incurred in the work, and payment must be made out of the water distribution account provided for the adjudicated stream system.

3. When the engineer is not engaged in water distribution, additional work may be allotted to the engineer by the State Engineer, and payment therefor must be from other money available to the Office of the State Engineer.

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1979, 666](#))

NRS 533.280 Annual budget for stream system or water district: Preparation; contents; limitation on assessment.

1. The State Engineer shall, between the first Monday of October and the first Monday of December of each year, prepare a budget of the amount of money estimated to be necessary to pay the expenses of administering the stream system or each water district for the then current year.

2. The budget must show the following detail:

(a) The aggregate amount estimated to be necessary to pay the expenses of administering the stream system or water district.

(b) The aggregate water rights in the stream system or water district as determined by the State Engineer or the court.

(c) The unit charge necessary to provide the money required.

(d) The charge against each water user, which must be based upon the proportion which the water right of that water user bears to the aggregate water rights in the stream system, but the minimum charge is \$1.

3. When the stream system lies in more than one county, a separate budget must be prepared for each county showing only the claimants and charges assessable within the county.

4. When the stream system irrigates more than 200,000 acres of land, the assessment for water distribution expenses must not exceed \$1 per acre-foot of water decreed.

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1957, 531](#); [1959, 139](#); [1971, 661](#); [1979, 227](#); [1989, 535](#); [1993, 2081](#); [2003, 352](#); [2017, 713](#), [1111](#))

NRS 533.285 Entry on assessment roll of charges in budget; collection of special assessment.

1. Upon receipt of such budget by the board of county commissioners, the board of county commissioners shall certify the respective charges contained therein to the county assessor. The county assessor shall enter the amount of the charge or charges on the assessment roll against the claimants and the property or acreage served.

2. The proper officers of the county shall collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property so served and must be collected in the same manner as other assessments are collected.

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1995, 221](#))

NRS 533.290 Water District Account: Creation; deposit and use of money; accounting.

1. The assessments and charges provided for in [NRS 533.285](#), when collected, must be deposited with the State Controller in the same manner as other special assessments, for credit to the Water District Account which is hereby created in the State General Fund.

2. All bills against the Water District Account must be certified by the State Engineer or an assistant thereof and, when certified and approved by the State Board of Examiners, the State Controller may draw his or her warrant therefor against the Account.

3. An advance must not be made from a stream system account that has been depleted until the advance is reimbursable from the proceeds of any assessments levied against the particular stream system or water district for which claims are presented.

4. Any money remaining in the Water District Account at the end of the current year must remain in the Account and be available for use in the following year.

5. The State Controller shall keep separate accounts of the money for each stream system or water district received from the various counties within which the stream system or water district is located, and shall not draw warrants against an account until the State Controller has been notified by the State Engineer that assessments have been filed with the board of county commissioners, as required by [NRS 533.285](#), that will return to the State of Nevada money advanced by the State out of the Water Distribution Revolving Account provided for in [NRS 532.210](#).

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1979, 667](#); [1991, 1783](#); [1995, 221](#); [2001, 2927](#))

NRS 533.295 Limitation on use of Water District Account; "expenses" defined.

1. Except as otherwise provided in [NRS 534.040](#), money in the Water District Account must be used exclusively for expenses incurred in the administration, operation and maintenance of the particular stream system from which the money is budgeted and collected.

2. The term "expenses" referred to in [NRS 533.270](#) to [533.290](#), inclusive, includes salaries, hydrographic surveys, per diem expenses, car rental, equipment, including necessary automobiles, supplies and materials incidental to the proper administration and distribution of water.

[Part 52:140:1913; A 1915, 378; 1919, 384; 1921, 171; 1931, 357; [1945, 87](#); [1947, 518](#); [1951, 132](#)] — (NRS A [1979, 667](#); [1991, 1784](#); [1993, 2348](#))

NRS 533.300 State to be divided into water districts; appointment of advisory boards by State Engineer; meetings.

1. The State Engineer shall divide the State into water districts, to be so constituted as to insure the best protection for the water users, and the most economical water supervision on the part of the State. The water districts must not be created until a necessity therefor arises and must be created from time to time as the priorities and claims to the streams of the State are determined.

2. Upon the creation of a water district the State Engineer may appoint an advisory board of representative citizens within the district to assist the State Engineer in formulating plans and projects for the conservation of the water resources and the use thereof in the district. The per diem and necessary travel and subsistence expenses of the appointive members of the board must be paid from the account provided for the district in [NRS 533.290](#); but the total annual per diem, travel and subsistence expenses of the members for each district must not exceed \$800. The State Engineer may call such meetings of the board as in the opinion of the State Engineer may be necessary and expedient.

[53:140:1913; A [1947, 518](#); 1943 NCL § 7938] — (NRS A [1979, 667](#))

NRS 533.305 Division of water among ditches and reservoirs; regulation of distribution among users; notice of regulation by water commissioner; duties of district attorney.

1. The State Engineer shall divide or cause to be divided the waters of the natural streams or other sources of supply in the State among the several ditches and reservoirs taking water therefrom, according to the rights of each, respectively, in whole or in part, and shall shut or fasten, or cause to be shut or fastened, the headgates or ditches, and shall regulate, or cause to be regulated, the controlling works of reservoirs, as may be necessary to insure a proper distribution of the waters thereof.

2. The State Engineer shall have authority to regulate the distribution of water among the various users under any ditch or reservoir, whose rights have been adjudicated, or whose rights are listed with the clerk of any district court of this state pursuant to the terms of this chapter, the actual cost of such regulation being paid by the ditch or reservoir receiving such service.

3. Whenever, in pursuance of his or her duties, the water commissioner regulates a headgate to a ditch or the controlling works of reservoirs, the water commissioner shall attach to such headgate or controlling works a written notice properly dated and signed, setting forth the fact that such headgate or controlling works has been properly regulated and is wholly under the water commissioner's control. Such notice shall be a legal notice to all parties interested in the diversion and distribution of the water of such ditch or reservoir. Such water commissioner shall have the right of ingress and egress across and upon public, private or corporate lands at all times in the exercise of his or her duties.

4. The district attorney shall appear for or in behalf of the State Engineer, or the duly authorized assistants of the State Engineer, in any case which may arise in the pursuance of the official duties of any such officer within the jurisdiction of the district attorney.

[54:140:1913; A 1929, 298; [1951, 132](#)]

NRS 533.310 Administration of distribution by State Engineer if rights determined in manner other than provided in [NRS 533.090](#) to [533.265](#), inclusive: Petition to district court; notice; hearing; order; appeal.

1. On any stream in this state on which the water rights have been adjudicated and determined and the final decree therefor entered, as between all persons who claimed the right to the use of the waters of such stream, in a suit brought in the district court having jurisdiction of such stream and in which suit the adjudication and determination was not had in the manner provided in [NRS 533.087](#) to [533.265](#), inclusive, and thereafter one or more of the parties as users of such adjudicated and determined rights or their successors in interest desire that the State Engineer take charge of the diversions and distribution of such rights and administer them in conformity with the final decree of the court, they may petition the district court which entered the decree requesting such administration.

2. Upon the filing of such petition, the district court shall direct that notice of the filing of the petition shall be given to each water user or claimant to a water right listed in the final decree. The notice shall be an order to show cause on the day fixed in the order by the court, which day shall not be less than 10 days nor more than 25 days from and after the date of issuance thereof, and which order shall direct the person or persons therein named to attend before the court on that day and show cause, if any they or each of them may have, why the petition should not be granted. The court shall designate the form and direct the preparation of the order or orders to show cause and by its order direct the manner, mode and the payment of the cost of the service thereof.

3. For the purpose of the hearing on the petition, such petition shall be deemed in the nature of a complaint. Objections of the water users or claimants, or any of them, to the granting of the petition shall be in writing signed by such users or claimants, or by any attorneys thereof. No other pleading shall be filed. Costs shall be paid as in civil cases brought in the district court, except by the State Engineer or the State. The practice in civil cases shall apply insofar as consistent with the summary character of the proceedings. The State Engineer shall be given notice of and, in person or by assistant or deputy state engineer, shall attend upon the hearing of the petition.

4. The court, prior to the final determination of the matter, may, by an order duly entered and served upon the State Engineer, direct the State Engineer to make a hydrographic survey of the stream system and to render to the court a written report, together with such maps and other necessary data as will enable the court to determine whether or not administration of such water rights by the State Engineer would be in the best interest of the water users.

5. If the district court finally determines the matter affirmatively, the court shall, by its judgment duly entered and served on the State Engineer, direct the State Engineer to distribute such waters in strict accordance with the decree, and from and after the filing of such judgment in the district court and service thereof on the State Engineer the administration of the decree and the distribution of the water thereunder shall be under the supervision and control of the district court, and the State Engineer, the State Engineer's deputies, assistants and water commissioners, when engaged in the administration of the final decree and the distribution of the water thereunder, shall be deemed officers of the district court only and subject only to its supervision and control.

6. Appeals may be taken from the judgment so entered 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 in the same manner and within the time as provided in [NRS 533.450](#).

[Part 46 1/2:140:1913; added [1947, 518](#); A [1949, 102](#); [1951, 158](#)] — (NRS A [2013, 1787](#))

NRS 533.315 Payment of certain costs in proceeding under [NRS 533.310](#). The cost of the hydrographic survey of the stream system and the preparation of the reports and maps by the State Engineer necessary to advise the court in proceedings under [NRS 533.310](#) shall be paid by the water users of the stream upon approval and order of the district court of an itemized statement therefor submitted by the State Engineer.

[Part 46 1/2:140:1913; added [1947, 518](#); A [1949, 102](#); [1951, 158](#)] — (NRS A [1975, 72](#))

NRS 533.320 Payment of cost of administration of final decree and distribution of water; approval of budget; submission to board of county commissioners; provisions applicable. The estimated cost of the administration of the final decree and the distribution of the waters of the stream system must be budgeted by the State Engineer in like manner and at the time as provided in [NRS 533.280](#). The budget must be first submitted to the district court for approval. Upon approval thereof by the district court the budget must be submitted by the district court to the board of county commissioners of the proper county and thereupon all of the provisions of [NRS 533.280](#) to [533.295](#), inclusive, govern with respect to the assessment and collection of the costs, the deposits thereof in the Water District Account in the State General Fund, and the payment of claims for the costs of administration of the final decree and the distribution of water thereunder.

[Part 46 1/2:140:1913; added [1947, 518](#); A [1949, 102](#); [1951, 158](#)] — (NRS A [1991, 1784](#))

APPROPRIATION OF PUBLIC WATERS

Applications, Permits and Certificates

NRS 533.324 “Water already appropriated” defined. As used in [NRS 533.325](#), [533.345](#) and [533.425](#), “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.

(Added to NRS by [1993, 321](#))

NRS 533.325 Application to State Engineer for permit. Except as otherwise provided in [NRS 533.027](#), any person who wishes to appropriate any of the public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, shall, before performing any work in connection with such appropriation, change in place of diversion or change in manner or place of use, apply to the State Engineer for a permit to do so.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)] — (NRS A [1991, 859](#); [2017, 1433](#))

NRS 533.330 Application limited to water of one source for one purpose; individual domestic use may be included. No application shall be for the water of more than one source to be used for more than one purpose; but individual domestic use may be included in any application with the other use named.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)]

NRS 533.335 Application for permit to appropriate water: Contents. Each application for a permit to appropriate water shall contain the following information:

1. The name and post office address of the applicant and, if the applicant is a corporation, the date and place of incorporation.
2. The name of the source from which the appropriation is to be made.
3. The amount of water which it is desired to appropriate, expressed in terms of cubic feet per second and acre-feet per year, except in:
 - (a) An application for a permit to store water, where the amount shall be expressed in acre-feet; and
 - (b) An application for generating hydroelectric power or a diversion rate only application, where the amount shall be expressed in cubic feet per second.
4. The purpose for which the application is to be made.
5. A substantially accurate description of the location of the place at which the water is to be diverted from its source and, if any of such water is to be returned to the source, a description of the location of the place of return.
6. A description of the proposed works.
7. The estimated cost of such works.
8. The estimated time required to construct the works, and the estimated time required to complete the application of the water to beneficial use.
9. The signature of the applicant or a properly authorized agent thereof.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)] — (NRS A [2017, 3498](#))

NRS 533.340 Additional requirements for contents of applications to appropriate water for certain specific uses. In addition to the requirements of [NRS 533.335](#), the application shall contain:

1. If for irrigation purposes, except in case of an application for a permit to store water, the number of acres to be irrigated and a description by legal subdivisions, where possible, of the lands to be irrigated.
2. If for power purposes, the vertical head under which the water will be applied, the location of the proposed powerhouse, and, as near as may be, the use to which the power is to be applied.
3. If for municipal supply or for domestic use, the approximate number of persons to be served, and the approximate future requirement.
4. If for mining purposes, the proposed method of applying and utilizing the water.
5. If for stock-watering purposes, the approximate number and character of animals to be watered.
6. If for any purpose contemplating the storage of waters, in addition to the information required in applications naming the purpose, the dimensions and location of the proposed dam, the capacity of the proposed reservoir, and a description of the land to be submerged by the impounded waters.
7. If for additional rate of diversion where no additional volume of water is granted, sufficient information demonstrating the need for the additional rate of diversion.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)] — (NRS A [2013, 1235](#))

NRS 533.345 Application for permit to change place of diversion, manner of use or place of use: Contents; approval of or hearing on temporary change; period of temporary change.

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

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

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and

(c) The temporary change does not impair the water rights held by other persons.

3. If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the State Engineer shall give notice of the application as provided in [NRS 533.360](#) and hold a hearing and render a decision as provided in this chapter.

4. A temporary change may be granted for any period not to exceed 1 year.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)] — (NRS A [1989, 318](#))

NRS 533.350 Applications to be accompanied by maps, drawings and other data. All applications for permits shall be accompanied or followed by such maps and drawings and such other data as may be prescribed by the State Engineer, and such accompanying data shall be considered a part of the application.

[Part 59:140:1913; A 1919, 71; [1951, 132](#)]

NRS 533.353 Application to appropriate water for beneficial use: Participation of county in development and implementation of monitoring, management and mitigation plan.

1. For each new application to appropriate water for a beneficial use filed on or after January 1, 2012, if the State Engineer requires a monitoring, management and mitigation plan as a condition of appropriating water for a beneficial use, the State Engineer shall, within 30 days after requiring the plan and if requested by the county where the State Engineer has approved the point of diversion, allow the county to participate in an advisory capacity in the development and implementation of the plan.

2. Before approving any plan developed pursuant to subsection 1 and during the period in which the plan, if approved, is carried out, the State Engineer shall consider any comment, analysis or other information submitted by the participating county. The State Engineer is not required to include any comment, analysis or other information submitted by a participating county in a monitoring, management and mitigation plan required pursuant to this section.

3. A decision by the State Engineer whether or not to include in the plan or to follow any comment, analysis or other information submitted by a participating county pursuant to this section is not subject to judicial review pursuant to [NRS 533.450](#).

(Added to NRS by [2013, 494](#))

NRS 533.355 Receipt of application; return for correction or completion; priority of returned application; rejection; recording.

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

2. Except as provided in subsection 3, if upon examination, the application is found to be defective, it must be returned for correction or completion with advice of the reasons therefor, and the date of the return must be endorsed upon the application and a record made of it in the Office of the State Engineer. An application does not lose its priority of filing on account of defects if the application, properly corrected and accompanied by such maps and drawings as may be required, is filed in the Office of the State Engineer within 60 days after the date of the return to applicant. Any application returned for correction or completion, not refiled in proper form within the 60 days, must be cancelled. For good cause shown, upon application made prior to the expiration of the 60-day period, the State Engineer may, in his or her discretion, grant an extension of time not to exceed 60 days in which to file the instruments.

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

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

[60:140:1913; 1919 RL p. 3239; NCL § 7945] — (NRS A [1971, 179](#); [1981, 358](#))

NRS 533.357 Priority among applications to appropriate underground water for irrigation purposes from same basin.

When two or more applications are made to appropriate underground water for irrigation purposes from what appears to the State Engineer to be the same basin the State Engineer shall observe the following order of priority in acting upon them, according to the status of the applicant and the intended place of use:

1. An owner of land for use on that land.

2. An owner of land for use on adjacent land for which he or she intends to file an application under the Carey Act or the Desert Land Entry Act, 43 U.S.C. §§ 321 et seq.

3. Any other person whose application is preparatory to proceeding under the Carey Act or the Desert Land Entry Act.

(Added to NRS by [1981, 915](#))

NRS 533.360 Notice of application: Contents; publication; mailing required under certain circumstances.

1. Except as otherwise provided in subsection 4, [NRS 533.345](#) and subsection 2 of [NRS 533.370](#), when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation in the county where the point of diversion is located, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➔ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➔ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than

six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).

[61:140:1913; A 1925, 121; [1951, 132](#)] — (NRS A [1975, 1397](#); [1981, 358](#); [1985, 489](#); [1989, 319](#); [1991, 758](#); [1993, 2641](#); [1995, 1530](#); [2001, 551](#); [2003, 2979](#); [2005, 2561](#); [2011, 756, 1564](#); [2013, 498, 3679](#); [2017, 3498](#))

NRS 533.363 State Engineer to notify county commissioners of application to use water in county other than that in which it is appropriated or currently diverted or used.

1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and

(b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested place of diversion or use of the water are,

➤ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3 consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

(Added to NRS by [1981, 782](#); A [1991, 758](#); [2011, 1565](#); [2013, 498, 3679](#))

NRS 533.364 Certain interbasin transfers of groundwater; inventory required under certain circumstances; limitations; fee; time for completion of inventory.

1. In addition to the requirements of [NRS 533.370](#), before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater from a basin which the State Engineer has not previously inventoried or for which the State Engineer has not conducted, or caused to be conducted, a study pursuant to [NRS 532.165](#) or [533.368](#), the State Engineer or a person designated by the State Engineer shall conduct an inventory of the basin from which the water is to be exported. The inventory must include:

(a) The total amount of surface water and groundwater appropriated in accordance with a decreed, certified or permitted right;

(b) An estimate of the amount and location of all surface water and groundwater that is available for appropriation in the basin; and

(c) The name of each owner of record set forth in the records of the Office of the State Engineer for each decreed, certified or permitted right in the basin.

2. The provisions of this section do not:

(a) Require the State Engineer to initiate or complete a determination of the surface water or groundwater rights pursuant to [NRS 533.087](#) to [533.320](#), inclusive, or to otherwise quantify any vested claims of water rights in the basin before approving an application for an interbasin transfer of groundwater from the basin; or

(b) Prohibit the State Engineer from considering information received from or work completed by another person to include in the inventory, if the inventory is otherwise conducted in accordance with the provisions of subsection 1.

3. The State Engineer shall charge the applicant a fee to cover the cost of the inventory. The amount of the fee must not exceed the cost to the State Engineer of conducting the inventory.

4. The State Engineer shall complete any inventory conducted pursuant to subsection 1 within 1 year after commencing the inventory, unless the time limit is waived by the applicant.

(Added to NRS by [2009, 595](#); A [2017, 3499, 3559](#))

NRS 533.365 Procedure concerning verified protest filed by interested person against granting of application.

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 the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by

certified mail.

4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and 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 by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 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, 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.

[62:140:1913; A [1951, 132](#)] — (NRS A [1967, 192](#); [1993, 2081](#); [2007, 2016](#); [2011, 757, 3505](#))

NRS 533.367 Requirement to ensure access of wildlife to water it customarily uses; waiver. Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, the person must ensure that wildlife which customarily uses the water will have access to it. The State Engineer may waive this requirement for a domestic use of water.

(Added to NRS by [1981, 1840](#))

NRS 533.368 Hydrological, environmental or other study: State Engineer to determine need for study; cost of study paid by applicant; regulations.

1. If the State Engineer determines that a hydrological study, an environmental study or any other study is necessary before the State Engineer makes a final determination on an application pursuant to [NRS 533.370](#) and the applicant, a governmental agency or other person has not conducted such a study or the required study is not available, the State Engineer shall advise the applicant of the need for the study and the type of study required.

2. The required study must be conducted by the State Engineer or by a person designated by the State Engineer, the applicant or a consultant approved by the State Engineer, as determined by the State Engineer.

3. The applicant shall bear the cost of a study required pursuant to subsection 1. A study must not be conducted by the State Engineer or by a person designated by the State Engineer until the applicant has paid a cash deposit to the State Engineer which is sufficient to defray the cost of the study.

4. The State Engineer shall:

(a) Consult with the applicant and the governing body of the county or counties in which the point of diversion and the place of use is located concerning the scope and progress of the study.

(b) Send a copy of the completed study to all attorneys of record, to a public library, if any, or other public building located in the county of origin, to the county or counties in which the point of diversion and the place of use is located and to the governing bodies of the county of origin and of the county or counties in which the point of diversion and the place of use is located.

5. The State Engineer may adopt regulations to carry out the provisions of this section.

(Added to NRS by [1991, 1367](#))

NRS 533.369 Special Account for Studies Concerning Water: Deposits; interest and income; limitation on use of money; refund of money to applicant; balance does not revert to State General Fund.

1. All money collected pursuant to subsection 3 of [NRS 533.364](#) or subsection 3 of [NRS 533.368](#) must be deposited with the State Treasurer for credit to a special Account for Studies Concerning Water.

2. The interest and income earned on the money in the Account for Studies Concerning Water, after deducting any applicable charges, must be credited to the Account.

3. The money received pursuant to subsection 3 of [NRS 533.364](#) or subsection 3 of [NRS 533.368](#) must be used to defray the cost of conducting the studies required pursuant to subsection 1 of [NRS 533.368](#) and the inventories required pursuant to subsection 1 of [NRS 533.364](#). Any money paid by an applicant that exceeds the amount required to conduct a study must be refunded to the applicant.

4. Any balance remaining in the Account does not revert to the State General Fund at the end of the fiscal year.

(Added to NRS by [1991, 1368](#); A [2009, 596](#))

NRS 533.370 Approval or rejection of application by State Engineer: Conditions; exceptions; considerations; procedure.

1. Except as otherwise provided in this section and [NRS 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, 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 [NRS 533.365](#), the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:
- (a) Upon written authorization to do so by the applicant.
 - (b) If an 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 additional information 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 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, a protest may be filed in accordance with [NRS 533.365](#).

8. If a hearing is held regarding an application, the 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](#).

[63:140:1913; A [1945, 87](#); [1947, 777](#); [1949, 102](#); 1943 NCL § 7948] — (NRS A [1959, 554](#); [1973, 865](#); [1603](#); [1977, 1171](#); [1981, 209](#); [359](#); [1989, 319](#); [1991, 759](#); [1369](#); [1993, 1459](#); [2082](#); [2349](#); [1995, 319](#); [697](#); [2523](#); [1999, 1045](#); [2001, 552](#); [2003, 2980](#); [2005, 2561](#); [2007, 2017](#); [2009, 597](#); [2011, 758](#); [1566](#); [2013, 499](#); [3679](#))

NRS 533.3703 Consideration of consumptive use of water right and proposed beneficial use of water.

1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the place of diversion, manner of use or place of use complies with the provisions of subsection 2 of [NRS 533.370](#).

2. The provisions of this section:

(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.

(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.

(Added to NRS by [2007, 2015](#); A [2011, 761](#))

NRS 533.3705 Limitation on initial quantity of water approved for application; additional studies or evidence may be required; action by State Engineer on other applications in same basin.

1. Upon approval of an application to appropriate water, the State Engineer may limit the initial use of water to a quantity that is less than the total amount approved for the application. The use of an additional amount of water that is not more than the total amount approved for the application may be authorized by the State Engineer at a later date if additional evidence demonstrates to the satisfaction of the State Engineer that the additional amount of water is available and may be appropriated in accordance with this chapter and [chapter 534](#) of NRS. In making that determination, the State Engineer may establish a period during which additional studies may be conducted or additional evidence provided to support the application.

2. In any basin in which an application to appropriate water is approved pursuant to subsection 1, the State Engineer may act upon any other pending application to appropriate water in that basin that the State Engineer concludes constitutes the use of a minimal amount of water.

(Added to NRS by [2007, 2015](#))

NRS 533.371 Rejection of application for permit for specified period. The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
 2. The prescribed fees have not been paid;
 3. The proposed use is not temporary;
 4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
 5. The proposed use conflicts with existing rights; or
 6. The proposed use threatens to prove detrimental to the public interest.
- (Added to NRS by [1991, 1368](#))

NRS 533.372 Approval or rejection of application to use water to generate energy for export. Based upon the public interest and the economic welfare of the State of Nevada, the State Engineer may approve or disapprove any application of water to beneficial use or any application which contemplates a change in the place or beneficial use of water to a use involving the industrial purpose of generating energy to be exported out of this state.

(Added to NRS by [1981, 210](#); A [1981, 1434](#); [1991, 296](#))

NRS 533.375 State Engineer may require additional information before approval or rejection of application. Before either approving or rejecting the application, the State Engineer may require such additional information as will enable the State Engineer to guard the public interest properly, and may, in the case of an application proposing to divert more than 10 cubic feet per second of water, or in the case of multiple applications whose cumulative diversions for a single project total more than 10 cubic feet per second of water, require a statement of the following facts:

1. In the case of an incorporated company the State Engineer may require the submission of the articles of incorporation, and the names and places of residence of directors and officers, and the amount of its authorized and of its paid-up capital.

2. If the applicant is not an incorporated company, the State Engineer may require a statement as to the name of the person proposing to construct the work, and a showing of facts necessary to enable the State Engineer to determine whether the applicant has the financial ability to carry out the proposed work, and whether the application has been made in good faith.

[64:140:1913; 1919 RL p. 3241; NCL § 7949] — (NRS A [1991, 61](#))

NRS 533.380 Time for completion of work and application of water to beneficial use; limitations and extensions.

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

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

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

(1) For which a final subdivision map has been recorded pursuant to [chapter 278](#) of NRS;

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

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

↪ must not be less than 5 years.

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

3. Except as otherwise provided in subsection 4 and [NRS 533.395](#) and [533.4377](#), the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time must not exceed 5 years. An application for the extension must in all cases be:

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

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

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

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

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

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

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

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

(e) The period contemplated in the:

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

(2) Plan for the development of a planned unit development recorded pursuant to [chapter 278A](#) of NRS,

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

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed

of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

[65:140:1913; A [1951, 132](#)] — (NRS A [1967, 193](#); [1981, 113](#), [1838](#); [1989, 1052](#), [1400](#); [1991, 759](#); [1993, 2349](#); [2009, 644](#); [2011, 1568](#); [2013, 501](#), [3679](#); [2017, 3500](#))

NRS 533.382 Form, acknowledgment and recording of conveyance. Except as otherwise provided in [NRS 533.387](#), every conveyance of an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water right or an application or permit to change the place of diversion, manner of use or place of use of water must be:

1. Made by deed;
2. Acknowledged in the manner provided in [NRS 240.161](#) to [240.168](#), inclusive; and
3. Recorded in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source.

(Added to NRS by [1995, 434](#))

NRS 533.383 Effect of recording or failing to record deed of conveyance.

1. The recording of a deed pursuant to [NRS 533.382](#) shall be deemed to impart notice of the contents of the deed to all persons at the time the deed is recorded, and a subsequent purchaser or mortgagee shall be deemed to purchase and take with notice of the contents of the deed.

2. The deed of:

- (a) An application or permit to appropriate any of the public waters;
- (b) A certificate of appropriation;
- (c) An adjudicated or unadjudicated water right; or
- (d) An application or permit to change the place of diversion, manner of use or place of use of water,

➔ that has not been recorded as required by [NRS 533.382](#) shall be deemed void as against a subsequent purchaser who in good faith and for valuable consideration purchases the same application, right, certificate or permit, or any portion thereof, if the subsequent purchaser first records the deed in compliance with [NRS 533.382](#).

(Added to NRS by [1995, 435](#))

NRS 533.384 Filings required by person to whom conveyance is made.

1. A person to whom is conveyed an application or permit to appropriate any of the public waters, a certificate of appropriation, an adjudicated or unadjudicated water right or an application or permit to change the place of diversion, manner of use or place of use of water, shall:

(a) File with the State Engineer, together with the prescribed fee, a report of conveyance which includes the following information on a form to be provided by the State Engineer:

(1) An abstract of title;

(2) Except as otherwise provided in subsection 2, a copy of any deed, written agreement or other document pertaining to the conveyance; and

(3) Any other information requested by the State Engineer.

(b) If the place of use of the water is wholly or partly within the boundaries of an irrigation district, file with the irrigation district:

(1) An abstract of title; and

(2) Except as otherwise provided in subsection 2, a copy of any deed, written agreement or other document pertaining to the conveyance.

2. The governing body of any local government of this State and any public utility which is a purveyor of water within the State may submit an affidavit or other document upon oath in lieu of the documents otherwise required by subparagraph (2) of paragraphs (a) and (b) of subsection 1, if the State Engineer finds that:

(a) The affidavit clearly indicates that rights for diverting or appropriating water described in the affidavit are owned or controlled by the governing body or utility; and

(b) The affiant is qualified to sign the affidavit.

(Added to NRS by [1995, 434](#))

NRS 533.386 Duties of State Engineer concerning conveyances; administrative action required upon entry of final judgment of court.

1. The State Engineer shall confirm that the report of conveyance required by paragraph (a) of subsection 1 of [NRS 533.384](#) includes all material required by that subsection and that:

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

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

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

2. If the State Engineer confirms a report of conveyance pursuant to subsection 1, the State Engineer shall in a timely manner provide a notice of the confirmation to the person who submitted the report of conveyance. The notice must include, without limitation:

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

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

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

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

3. If the State Engineer determines that the report of conveyance is deficient, the State Engineer shall reject the report of conveyance and return it to the person who submitted it, together with:

(a) An explanation of the deficiency; and

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

4. If, from the conveyance documents or other information in the Office of the State Engineer, it appears to the State Engineer that there is a conflict in the chain of title, the State Engineer shall reject the report of conveyance and return it to the person who submitted it, together with:

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

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

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

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

(b) A certificate of appropriation;

(c) An adjudicated or unadjudicated water right; or

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

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

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

(Added to NRS by [1995, 435](#); A [2003, 2982](#); [2005, 2563](#))

NRS 533.387 Inapplicability of certain provisions to conveyance of shares of stock in ditch company. The provisions of [NRS 533.382](#) to [533.386](#), inclusive, do not apply to the conveyance of shares of stock in a ditch company which owns:

1. An application or permit to appropriate any of the public waters;

2. A certificate of appropriation;

3. An adjudicated or unadjudicated water right; or

4. An application or permit to change the place of diversion, manner of use or place of use of water.

(Added to NRS by [1995, 436](#))

NRS 533.390 Statement of work actually constructed; verification; penalty for failure to file proof of completion of work.

1. Any person holding a permit from the State Engineer shall, on or before the date set for the completion of the work, file in detail a description of the work as actually constructed. This statement must be verified by the affidavit of the applicant or the applicant's agent or attorney.

2. Should any person holding a permit from the State Engineer fail to file with the State Engineer the proof of completion of work, as provided in this chapter, the State Engineer shall advise the holder of the permit, by registered or certified mail, that it is held for cancellation, and should the holder, within 30 days after the mailing of such advice, fail to file the required affidavit, the State Engineer shall cancel the permit. For good cause shown, upon application made prior to the expiration of the 30-day period, the State Engineer may, in his or her discretion, grant an extension of time in which to file the instruments.

[67:140:1913; A [1951, 132](#)] — (NRS A [1967, 194](#); [1981, 113](#))

NRS 533.395 State Engineer may require proof of good faith and reasonable diligence; cancellation of permit; review of cancellation; considerations when reviewing extension of time.

1. If, at any time in the judgment of the State Engineer, the holder of any permit to appropriate the public water is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall require the submission of such proof and evidence as may be necessary to show a compliance with the law. If, in the judgment of the State Engineer, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall cancel the permit, and advise the holder of its cancellation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the appropriation.

2. If any permit is cancelled under the provisions of this section or [NRS 533.390](#) or [533.410](#), the holder of the permit may within 60 days of the cancellation of the permit file a written petition with the State Engineer requesting a review of the cancellation by the State Engineer at a public hearing. The State Engineer may, after receiving and considering evidence, affirm, modify or rescind the cancellation.

3. If the decision of the State Engineer modifies or rescinds the cancellation of a permit, the effective date of the appropriation under the permit is vacated and replaced by the date of the filing of the written petition with the State Engineer.

4. The cancellation of a permit may not be reviewed or be the subject of any judicial proceedings unless a written petition for review has been filed and the cancellation has been affirmed, modified or rescinded pursuant to subsection 2.

5. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

6. The appropriation of water or the acquisition or lease of appropriated water from any:

(a) Stream system as provided for in this chapter; or

(b) Underground water as provided for in [NRS 534.080](#).

➔ by a political subdivision of this State or a public utility, as defined in [NRS 704.020](#), to serve the present or the reasonably anticipated future municipal, industrial or domestic needs of its customers for water, as determined in accordance with a master plan adopted pursuant to [chapter 278](#) of NRS or a plan approved by the State Engineer, must be considered when reviewing an extension of time.

[68:140:1913; 1919 RL p. 3242; NCL § 7953] — (NRS A [1981, 114](#); [1993, 2351](#); [1995, 2660, 2661](#))

NRS 533.400 Verified statement to be filed with State Engineer by holder of permit within time set in endorsement on permit: Contents of statement; proof of beneficial use.

1. Except as otherwise provided in subsection 2, on or before the date set in the endorsement of a permit for the application of water to beneficial use, or on the date set by the State Engineer under a proper application for extension thereof, any person holding a permit from the State Engineer to appropriate the public waters of the State of Nevada, to change the place of diversion or the manner

or place of use, shall file with the State Engineer a statement under oath, on a form prescribed by the State Engineer. The statement must include:

- (a) The name and post office address of the person making the proof.
- (b) The number and date of the permit for which proof is made.
- (c) The source of the water supply.
- (d) The name of the canal or other works by which the water is conducted to the place of use.
- (e) The name of the original person to whom the permit was issued.
- (f) The purpose for which the water is used.
- (g) If for irrigation, the actual number of acres of land upon which the water granted in the permit has been beneficially used, giving the same by 40-acre legal subdivisions when possible.
- (h) An actual measurement taken by a licensed state water right surveyor or an official or employee of the Office of the State Engineer of the water diverted for beneficial use.
 - (i) The capacity of the works of diversion.
 - (j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.
 - (k) The average grade and difference in elevation between the termini of any conduit.
 - (l) The number of months, naming them, in which water has been beneficially used.
 - (m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.

2. The provisions of subsection 1 do not apply to a person holding an environmental permit or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).

[Part 69:140:1913; A [1951, 132](#)] — (NRS A [1967, 991](#); [1991, 760](#); [2011, 1569](#); [2013, 503, 3679](#))

NRS 533.405 State Engineer may require map; contents.

1. The State Engineer may, in his or her discretion, request that the statement required by [NRS 533.400](#) be accompanied by a map on tracing linen on a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

- (a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.
- (b) The traverse of the ditch or other conduit, together with cross sections of the same.
- (c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.
- (d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.
- (e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

[Part 69:140:1913; A [1951, 132](#)]

NRS 533.410 Cancellation of permit for failure to file proof of application of water to beneficial use and accompanying map; notice to holder of permit; extensions of time. If any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an extension of time in which to file the instruments.

[Part 69:140:1913; A [1951, 132](#)] — (NRS A [1967, 194](#); [1981, 114, 1838](#))

NRS 533.415 State Engineer may refuse to file maps not conforming to statutory provisions or regulations. The State Engineer may, in his or her discretion, refuse to accept for filing any map not conforming with the provisions of [NRS 533.405](#) and such rules and regulations as the State Engineer may make. The State Engineer may, in his or her discretion, require additional data to be placed thereon, and may make proper provision therefor.

[70:140:1913; 1919 RL p. 3243; NCL § 7955]

NRS 533.420 Surveyor or engineer may be barred from practice before State Engineer for swearing falsely. Should it be found upon inspection of the premises by the State Engineer that the surveyor or engineer had sworn falsely to the map and survey, the surveyor or engineer may, in the discretion of the State Engineer, be barred from the further practice of engineering in any matters before the State Engineer, in addition to suffering the penalties prescribed by law for swearing falsely to any affidavit.

[71:140:1913; 1919 RL p. 3243; NCL § 7956]

NRS 533.425 Issuance and contents of certificate of appropriation; notice of provisions governing forfeiture and abandonment of rights to underground water.

1. Except as otherwise provided in [NRS 533.503](#), as soon as practicable after satisfactory proof has been made to the State Engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the State Engineer shall issue to the holder or holders of the permit a certificate setting forth:

- (a) The name of each holder of the permit.
- (b) The date, source, purpose and amount of appropriation.
- (c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.
- (d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the State Engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of [NRS 534.090](#).

[72:140:1913; A 1931, 211; 1937, 84; 1931 NCL § 7957] — (NRS A [1967, 280](#); [1975, 713](#); [1995, 436, 1016, 1018, 2524](#); [2017, 3501](#))

NRS 533.430 Permits and certificates of appropriation subject to existing rights.

1. Every permit to appropriate water, and every certificate of appropriation granted under any permit by the State Engineer upon any stream or stream system which shall have been adjudicated under the provisions of [NRS 533.087](#) to [533.235](#), inclusive, shall be, and the same is hereby declared to be, subject to existing rights and to the decree and modifications thereof entered in such adjudication proceedings, and the same shall be subject to regulation and control by the State Engineer and the water commissioners in the same manner and to the same extent as rights which have been adjudicated and decreed under the provisions of this chapter. Every such holder of a certificate or a permit shall in like manner be subject to all of the provisions of [NRS 533.270](#) to [533.305](#), inclusive, [533.465](#), [533.475](#), [533.480](#), [533.481](#), [533.482](#), [535.050](#), [536.010](#), [536.020](#) and [536.030](#).

2. Upon any stream or stream system that has not been adjudicated and upon which the State Engineer has heretofore granted and may hereafter grant a permit or permits to appropriate water therefrom, any and all such permitted rights to the use of water so granted shall be subject to regulation and control by the State Engineer to the same extent and in the same manner as adjudicated and permitted rights upon streams and stream systems heretofore adjudicated pursuant to the provisions of this chapter.

[72a:140:1913; added 1921, 171; A [1947, 518](#); 1943 NCL § 7958] — (NRS A [2009, 1860](#))

NRS 533.435 Fees of State Engineer; disposition.

1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water \$360.00

This fee includes the cost of publication, which is \$50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit..... 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right..... 240.00

This fee includes the cost of publication, which is \$50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right..... 180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes 360.00
plus \$3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose 300.00
plus \$3 per acre-foot approved or fraction thereof.

For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted..... 1,000.00

For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of..... 750.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00
plus \$50 for each cubic foot of water per second approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 480.00
plus \$50 for each cubic foot per second of water approved or fraction thereof.

For filing and examining a request for a waiver in connection with an application to drill a well 120.00

For filing and examining a notice of intent to drill a well..... 25.00

For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells 300.00

For filing a secondary application under a reservoir permit..... 300.00

For approving and recording a secondary permit under a reservoir permit 540.00

For reviewing each tentative subdivision map..... 180.00
plus \$1 per lot.

For reviewing and approving each final subdivision map..... 120.00

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00
plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For flood control detention basins..... 480.00

plus \$1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work..... 60.00

For filing proof of beneficial use..... 60.00

For issuing and recording a certificate upon approval of the proof of beneficial use 350.00

For filing proof of resumption of a water right..... 360.00

For filing any protest..... 30.00

For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought..... 120.00

For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought..... 120.00

For reviewing a cancellation of a water right pursuant to a petition for review 360.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of [NRS 533.384](#) 120.00

plus \$20 per conveyance document.

For filing any other instrument..... 10.00

For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page 1.00

For each additional page..... .20

For certifying to copies of documents, records or maps, for each certificate 6.00

For each copy of any full size drawing or map..... 6.00

For each color copy of any full size drawing or map (2' x 3')..... 12.00
For colored mylar plots..... 10.00

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

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

[73:140:1913; A 1915, 378; 1921, 171; 1925, 121; [1947, 518](#); [1949, 102](#); 1943 NCL § 7959] — (NRS A [1957, 531](#); [1975, 46, 1398](#); [1981, 114, 1839](#); [1983, 1577](#); [1989, 1733](#); [1993, 2083](#); [1995, 436](#); [1999, 1508](#); [2009, 646, 1014](#); [2011, 2392](#); [2013, 1235](#); [2017, 3502, 3648](#))

Temporary Permit to Establish Vegetative Cover to Prevent or Reduce Wildfire

NRS 533.436 Application; approval; duration.

1. A person may apply for a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area.

2. In addition to the information required by [NRS 533.335](#), an applicant for a temporary permit shall submit to the State Engineer:

- (a) A plan for establishing vegetative cover that is resistant to fire in the area;
- (b) Any other information which is necessary for a full understanding of the necessity of the appropriation; and
- (c) For:

- (1) Examining and filing the application for the temporary permit, \$150.
- (2) Issuing and recording the temporary permit, \$200.

3. The State Engineer may forward a plan submitted pursuant to subsection 2 to the State Forester Firewarden for his or her review and comments.

4. The State Engineer shall approve an application for a temporary permit if:

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

5. A temporary permit issued pursuant to this section must not exceed 1 year in duration.

(Added to NRS by [2011, 1563](#))

Environmental Permits

NRS 533.437 “Environmental permit” defined. As used in [NRS 533.437](#) to [533.4377](#), inclusive, unless the context otherwise requires, “environmental permit” means a temporary permit to appropriate water to avoid the pollution or contamination of a water source.

(Added to NRS by [1991, 757](#))

NRS 533.4373 Application for environmental permit: Contents; fee. In addition to the information required by [NRS 533.335](#), an applicant for an environmental permit shall submit to the State Engineer:

1. A copy of a letter or order issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources requiring the applicant to take steps to protect the environment;

2. Any other information which is necessary for a full understanding of the necessity of the appropriation; and

3. For examining and filing the application for the environmental permit, \$180. For issuing and recording the environmental permit, \$180 plus \$3 per acre-foot approved or fraction thereof.

(Added to NRS by [1991, 757](#); A [2013, 1238](#))

NRS 533.4375 Approval of application by State Engineer: Conditions. The State Engineer may approve an application for an environmental permit if:

1. The application is accompanied by the prescribed fees and a copy of a letter or order issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources requiring the applicant to take steps to protect the environment;

2. The appropriation is in the public interest; and

3. The appropriation does not impair water rights held by other persons.

(Added to NRS by [1991, 757](#))

NRS 533.4377 Limitation on period for which permit may be issued; change of use for which permit is issued prohibited. The State Engineer shall not:

1. Issue an environmental permit for a period which is longer than the period set forth in the letter or order issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources requiring the applicant to take steps to protect the environment.

2. Change the use for which the environmental permit is issued.

(Added to NRS by [1991, 757](#))

Transfer of Water From County of Origin to Another County

NRS 533.438 Imposition of fee on certain transfers of water by county of origin; review by State Engineer; limitation on use of money collected from fee.

1. Except as otherwise provided in subsection 4, if an appropriation of groundwater pursuant to a permit to appropriate groundwater results in the transfer to and beneficial use of water in a county in this State other than the county in which the water is appropriated or in another state, the county of origin may impose a fee of \$10 per acre-foot per year on the transfer.

2. A county of origin shall not impose a fee pursuant to subsection 1 without the prior approval of the State Engineer. The county of origin shall notify the State Engineer in writing of its intent to impose the fee. The State Engineer shall review the notice of intent to impose the fee to determine:

(a) Whether the appropriation of groundwater pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state; and

(b) The amount of water, if any, that is:

(1) Subject to the proposed fee because of that transfer and beneficial use; or

(2) Not subject to the proposed fee pursuant to subsection 4.

3. Within 30 days after reviewing the notice of intent to impose the fee, the State Engineer shall send a written notice to the county of origin that includes the results of his or her review. If the State Engineer determines that the appropriation of groundwater pursuant to the permit results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state, the State Engineer shall include in the notice the amount of water that is subject to the proposed fee. The county may, upon such a determination, impose the fee on the transfer.

4. A fee may not be imposed pursuant to this section on water that is appropriated and beneficially used pursuant to a permit to appropriate groundwater which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a county in this State other than the county of origin or into another state.

5. All money collected from a fee imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.

6. For the purposes of this section, if a basin includes land lying in more than one county, each county any part of whose land is included is a county of origin to the extent of the proportionate amount of water transferred from it. The State Engineer shall determine the respective proportions.

7. As used in this section:

(a) A "basin" is one designated by the State Engineer for the purposes of [chapter 534](#) of NRS.

(b) "Origin" means the place where water is taken from underground.

(Added to NRS by [1991, 1368](#); A [2001, 1933](#); [2005, 497, 498](#))

NRS 533.4385 Plan to mitigate adverse economic effects caused by transfer of water; contents of plan; modification of plan by State Engineer.

1. If a county of origin has not imposed a fee on the transfer of water pursuant to [NRS 533.438](#), an applicant and the governing body of the county of origin may execute a plan to mitigate the adverse economic effects caused by the transfer of water from the county of origin to another county. If such a plan is executed, the plan is binding on the county of origin and the applicant or his or her successor.

2. A plan to mitigate the adverse economic effects caused by the transfer of water from the county of origin to another county may include, but is not limited to, provisions concerning:

(a) The reservation of designated water rights to the county of origin; and

(b) Compensation for the foreseeable effects of the transfer.

3. If a plan is executed pursuant to subsection 1, the applicant shall submit the plan to the State Engineer. The State Engineer may modify a plan executed pursuant to subsection 1 if a provision of the plan:

(a) Violates a specific statute; or

(b) Becomes impossible or impracticable to put into effect.

(Added to NRS by [1991, 1368](#); A [2005, 499](#))

RESERVOIRS

NRS 533.440 Permits: Primary and secondary; application; issuance of certificates.

1. All applications for reservoir permits shall be subject to the provisions of [NRS 533.324](#) to [533.435](#), inclusive, 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, 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.

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.

[76:140:1913; 1919 RL p. 3245; NCL § 7962] — (NRS A [1971, 1060](#))

NRS 533.445 Use of bed of stream or other watercourse to carry water to consumers; duties and expenses of State Engineer.

1. Whenever the owner, manager or lessee of a reservoir constructed under the provisions of this chapter shall desire to use the bed of a stream or other watercourse for the purpose of carrying stored or impounded water from the reservoir to the consumer thereof, the owner, manager or lessee shall, in writing, notify the State Engineer and the water commissioner of the district in which the water is to be used, giving the date when it is proposed to discharge water from the reservoir, its volume, and the names of all the persons and ditches entitled to its use. The State Engineer or an assistant thereof shall then regulate such works and headgates of all ditches from the stream or watercourse not entitled to the use of such stored water as will enable those having the right to secure the volume to which they are entitled.

2. The State Engineer shall keep a true and distinct account of the time spent by the State Engineer in the discharge of his or her duties, as defined in this section, and shall present a certified statement thereof to the board of county commissioners of the county wherein the expense is incurred. The board of county commissioners shall present a bill for the expense so incurred to the reservoir

owner, manager or lessee, and if such owner, manager or lessee shall neglect for 30 days after the presentation of such bill of costs to pay the same, the costs shall be made a charge upon the reservoir and shall be collected as delinquent taxes until payment of such bill of costs has been made.

[77:140:1913; 1919 RL p. 3246; NCL § 7963]

JUDICIAL REVIEW AND APPEALS

NRS 533.450 Orders and decisions of State Engineer subject to judicial review; procedure; motions for stay; appeals; appearance by Attorney General.

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, 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 is upon the party attacking the same.

11. 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.

[75:140:1913; A 1915, 378; [1951, 132](#)] — (NRS A [1957, 532](#); [1969, 95](#); [1977, 426](#); [2007, 2019](#); [2009, 647](#); [2013, 495, 1788](#))

NRS 533.455 Appeals by State Engineer to appellate court.

1. Whenever a decree determining and adjudicating the relative rights of the claimants to the use of water of a stream or stream system has been entered in the district court pursuant to the provisions of this chapter, and the decree becomes final and the State Engineer has brought in that court any proceeding, either civil or of a criminal nature, concerning the administration of and for the enforcement of the provisions of the decree, and wherein the validity of the decree or any of its provisions is drawn in question by adversary parties and the decision or judgment of the court is that the decree or a part thereof is invalid, the State Engineer shall be deemed a party in interest with the right to take an appeal from such decision or judgment 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.

2. Such appeal may be taken in the same manner as appeals in civil cases.

[75 1/2:140:1913; added [1947, 518](#); 1943 NCL § 7961.01] — (NRS A [1977, 427](#); [2013, 1789](#))

UNLAWFUL ACTS AND PENALTIES

NRS 533.460 Unauthorized use or willful waste of water; prima facie evidence. The unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another, shall be a misdemeanor, and the possession or use of such water without legal right shall be prima facie evidence of the guilt of the person using or diverting it.

[81:140:1913; 1919 RL p. 3247; NCL § 7967]

NRS 533.463 Unlawful diversion and waste of water during irrigating season; penalty.

1. It is an unlawful use and waste of water for any person during the irrigating season:

(a) To divert and conduct the water, or portion thereof, of any river, creek, or stream into any slough, dam or pond and retain, or cause the water to be held or retained therein, without making any other use of the water; or

(b) To divert and conduct the water, or portion thereof, away from any river, creek or stream, and run or allow the water to run to waste on sagebrush or greasewood land.

➤ The irrigation of unimproved pasture which has a surface water right shall not be deemed to be a waste of water.

2. Any person who wastes water in violation of any of the provisions of subsection 1 is guilty of a misdemeanor.

[1:48:1889; C § 430; RL § 4721; NCL § 8006] + [2:48:1889; C § 431; RL § 4722; NCL § 8007] — (NRS A [1967, 609; 1983, 352](#))

NRS 533.465 Interference with headgate, water box or water; prima facie evidence.

1. Any person who shall willfully open, close, change or interfere with any lawfully established headgate or water box without authority, or who shall willfully use water or conduct water into or through the person's ditch which has been lawfully denied the person by the State Engineer, the State Engineer's assistants or water commissioners, shall be guilty of a misdemeanor.

2. The possession or use of water when the same shall have been lawfully denied by the State Engineer or other competent authority shall be prima facie evidence of the guilt of the person using it.

[55:140:1913; 1919 RL p. 3237; NCL § 7940]

NRS 533.470 Employment of guards to prevent unlawful diversions of water; payment of guards' salaries. Whenever, in the pursuance of his or her duties, the State Engineer finds it necessary to employ guards to prevent unlawful diversions of water in any ditch or ditch system, the salaries of such guards shall be charged against the owner or owners of the ditch or ditch system and become a valid lien against the lands having water rights thereunder. The costs shall be assessed against these lands and collected in the same manner as provided in [NRS 533.445](#) for the distribution of waters from reservoirs on the stream system.

[55a:140:1913; added 1933, 138; A [1945, 87](#); 1943 NCL § 7940.01]

NRS 533.475 Power of State Engineer and assistants to make arrests. The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of [NRS 533.005](#) to [533.470](#), inclusive, and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

[57:140:1913; 1919 RL p. 3238; NCL § 7942] — (NRS A [2017, 1433](#))

NRS 533.480 Penalties. Any person violating any of the provisions of [NRS 533.005](#) to [533.475](#), inclusive, shall be guilty of a misdemeanor.

[58:140:1913; 1919 RL p. 3238; NCL § 7943] + [83:140:1913; 1919 RL p. 3247; NCL § 7969] — (NRS A [1967, 609; 2017, 1433](#))

NRS 533.481 Additional penalties.

1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#) to:

(a) Pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.

(b) In the case of an unauthorized use or willful waste of water in violation of [NRS 533.460](#) or an unlawful diversion of water in violation of [NRS 533.463](#), or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.

2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to [NRS 533.450](#).

(Added to NRS by [2007, 2014](#))

NRS 533.482 Injunctive and other relief.

1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#).

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#), the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

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

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

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

(Added to NRS by [2007, 2015](#))

USE OF WATER FOR WATERING LIVESTOCK

NRS 533.485 Definitions. As used in [NRS 533.485](#) to [533.510](#), inclusive:

1. "Public range" means all lands belonging to the United States and to the State of Nevada on which livestock are permitted to graze, including lands set apart as national forests and lands reserved for other purposes.

2. "Range livestock" means livestock which during the general period or season when they are being or are proposed to be watered at the place involved are subsisting chiefly or entirely by grazing on the public range.

[6:201:1925; NCL § 7984] — (NRS A [2013, 503, 3679](#))

NRS 533.490 Watering livestock declared beneficial use.

1. The use of water for watering livestock is hereby declared to be a beneficial use except as provided in [NRS 533.495](#). Subject to such exception, the right to use water for that purpose may be acquired in the same manner as the right to use water for any other

beneficial purpose.

2. On application to the State Engineer for any such right, it shall not be necessary for the applicant to state or prove or for the State Engineer to determine in cubic feet per second of time the quantity of water the use of which is applied for or granted, but in all such applications and in all proceedings connected therewith and, also, in all proceedings either before the State Engineer or the courts relating to the proof or establishment of a vested right to use water for watering livestock, it shall be a sufficient measure of the quantity of the water to specify the number and kind of animals to be watered or which have been watered, as the case may be. This subsection is not intended to imply that prior to April 1, 1925, it was necessary to specify, prove or determine the quantity of water in cubic feet per second, but is meant only to remove for the future any uncertainty that may have existed as to such necessity.

[1:201:1925; NCL § 7979]

NRS 533.492 Subsisting right to water livestock: Manner of proof; marking of location of right.

1. A subsisting right to water livestock may be proven by an owner of livestock by one or more of the following items of evidence for the number of livestock and date of priority:

(a) As to water rights on open range, whether public lands or unfenced private lands or a combination of these:

(1) A statement of priority of use submitted to the Taylor Grazing Service, predecessor to the Bureau of Land Management, to show the numbers of livestock grazed upon the open range, for years from 1928 to 1934, inclusive, if accompanied by evidence of changes or absence of change since the date of the statement;

(2) A license issued by the Taylor Grazing Service for use upon the open range; or

(3) A statement of priority of use, or a license, issued by the United States Forest Service for the grazing of livestock before 1950.

(b) As to water rights on other privately owned land:

(1) An affidavit concerning the number and kind of livestock by a person familiar with the use made of the lands;

(2) A record of livestock assessed to the claimant of the right, or the claimant's predecessor, by a county assessor;

(3) A count of livestock belonging to the claimant or the claimant's predecessor made by a lender; or

(4) An affidavit of a disinterested person.

2. The location of a subsisting right to water livestock and its extent along a stream may be shown by marking upon a topographic map whose scale is not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude and by further identifying the location or extent by one-sixteenth sections within a numbered section, township and range as certified by a registered state water right surveyor.

(Added to NRS by [1993, 1944](#); A [2017, 3504](#))

NRS 533.493 Recognition of adjudicated rights to water livestock from streams by State Engineer. Within a stream system or groundwater basin where rights have been adjudicated, the State Engineer shall recognize rights to water livestock from streams, whether or not in conjunction with a right to use water for irrigation, which are established by a vested water right, a subsisting right shown as provided in [NRS 533.492](#) or a permit issued by the State Engineer.

(Added to NRS by [1993, 1944](#))

NRS 533.495 Subsisting rights not to be impaired. Whenever one or more persons shall have a subsisting right to water range livestock at a particular place and in sufficient numbers to utilize substantially all that portion of the public range readily available to livestock watering at that place, no appropriation of water from either the same or a different source shall subsequently be made by another for the purpose of watering range livestock in such numbers and in such proximity to the watering place first mentioned as to enable the proposed appropriator to deprive the owner or owners of the existing water right of the grazing use of such portion of the public range, or substantially to interfere with or impair the value of such grazing use and of such water right.

[2:201:1925; NCL § 7980]

NRS 533.500 Duties of State Engineer concerning approval and rejection of application.

1. Before approving any application for the right to use water for watering livestock, the State Engineer shall determine, by examination on the ground or otherwise, that the right and use applied for will not contravene the policy of [NRS 533.495](#). If the State Engineer shall determine that the right applied for will contravene such policy, the State Engineer must reject the application.

2. If the water applied for shall be along the course of or in the immediate vicinity of an established or customary driving route for moving livestock from one range to another, the State Engineer may reject the application even if no previous right shall exist for any portion of such water, if the State Engineer shall determine that such water will best subserve the public interest by being reserved for the watering of livestock while so being driven along such customary driving route.

[3:201:1925; NCL § 7981]

NRS 533.503 Restrictions on issuance of permit or certificate regarding appropriation to water livestock.

1. The State Engineer shall not issue a permit to appropriate water for the purpose of watering livestock unless:

(a) The applicant for the permit is legally entitled to place the livestock on the lands for which the permit is sought, and:

(1) Owns, leases or otherwise possesses a legal or proprietary interest in the livestock on or to be placed on the lands for which the permit is sought; or

(2) Has received from a person described in subparagraph (1), authorization to have physical custody of the livestock on or to be placed on the lands for which the permit is sought, and authorization to care for, control and maintain such livestock;

(b) The forage serving the beneficial use of the water to be appropriated is not encumbered by an adjudicated grazing preference recognized pursuant to law for the benefit of a person other than the applicant for the permit; and

(c) The lack of encumbrance required by paragraph (b) is demonstrated by reasonable means, including, without limitation, evidence of a valid grazing permit, other than a temporary grazing permit, that is issued by the appropriate governmental entity to the applicant for the permit.

2. The State Engineer shall not issue a certificate of appropriation based upon a permit to appropriate water for the purpose of watering livestock unless:

(a) The holder of the permit makes satisfactory proof that the water has been beneficially used, is legally entitled to place on the lands the livestock which have been watered pursuant to the permit, and:

(1) Owns, leases or otherwise possesses a legal or proprietary interest in the livestock which have been watered pursuant to the permit; or

(2) Has received from a person described in subparagraph (1), authorization to have physical custody of the livestock which have been watered pursuant to the permit, and authorization to care for, control and maintain such livestock;

(b) The forage serving the beneficial use of the water that has been beneficially used is not encumbered by an adjudicated grazing preference recognized pursuant to law for the benefit of a person other than the holder of the permit; and

(c) The lack of encumbrance required by paragraph (b) is demonstrated by reasonable means, including, without limitation, evidence of a valid grazing permit, other than a temporary grazing permit, that is issued by the appropriate governmental entity to the holder of the permit.

3. This section must not be construed to impair the vested right of any person to the use of water for the purpose of watering livestock or to prevent any transfer of ownership of a water right for the purpose of watering livestock.

4. As used in this section, "grazing preference" means a priority position in the issuance of a permit to graze livestock on the public range.

(Added to NRS by [1995, 2522](#); A [2003, 3411](#))

NRS 533.504 Temporary permit regarding appropriation to water livestock: Application; approval; duration.

1. Except as otherwise provided in [NRS 533.495](#) and [533.503](#), a person may apply for a temporary permit to appropriate groundwater to water livestock if the point of diversion is located within a county under a declaration of drought, or within a county contiguous to a county under such a declaration, by the:

- (a) Governor;
- (b) United States Secretary of Agriculture; or
- (c) President of the United States.

2. In addition to the information required by [NRS 533.335](#) and [533.340](#), an applicant for a temporary permit to appropriate groundwater pursuant to this section shall submit to the State Engineer:

(a) An affidavit stating that, if the temporary permit is for a well, the holder of the temporary permit will plug and seal the well pursuant to [chapter 534](#) of NRS upon the expiration of the temporary permit; and

(b) Any other information required by the State Engineer to determine the necessity of the temporary appropriation.

3. The State Engineer shall approve an application for a temporary permit to appropriate groundwater pursuant to this section if:

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

4. A temporary permit to appropriate groundwater issued pursuant to this section must not exceed 1 year in duration.

(Added to NRS by [2013, 497](#); A [2013, 3679](#))

NRS 533.505 Unlawful acts; penalties.

1. Any person who, without the right so to do, shall, on two or more separate days during any season, water more than 50 head of livestock at the watering place at which another shall have a subsisting right to water more than 50 head of livestock, or within 3 miles of such place, with intent to graze the livestock so watered on the portion of the public range readily accessible to livestock watering at the watering place of such other person, shall be guilty of a misdemeanor.

2. Each day's watering in violation of this section shall be deemed a separate offense.

3. Whenever, in any prosecution for such offense, it shall appear that the watering by the accused was not done at the watering place of another, but was done within 3 miles thereof, it shall be a sufficient defense for the accused to prove that he or she had no knowledge of the existence of such other watering place.

[4:201:1925; NCL § 7982] — (NRS A [1967, 609](#))

NRS 533.510 Prior rights not affected. [NRS 533.485](#) to [533.510](#), inclusive, do not affect the validity of rights to the use of water for watering livestock or other purposes acquired under the previously existing laws of this state or by decree or impair any existing vested or decreed right to the use of water for that purpose.

[5:201:1925; NCL § 7983] — (NRS A [1993, 1944](#); [2013, 504, 3679](#))

MISCELLANEOUS PROVISIONS

NRS 533.515 Permit for appropriation of water or application to change point of diversion, manner of use or place of use if point of diversion or portion of works is outside state.

1. No permit for the appropriation of water or application to change the point of diversion, manner of use or place of use under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands, or part of the lands identified as the place of use, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of [NRS 533.324](#) to [533.450](#), inclusive, and [chapter 534](#) of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

[1:174:1913; 1919 RL p. 3307; NCL § 7986] — (NRS A [1991, 859](#); [2017, 3504](#))

NRS 533.520 Application for permit to appropriate water for use outside State; change point of diversion for use outside State or change place of use to location outside of State; approval of application by State Engineer; conditions.

1. Any person who files an application for a permit to appropriate water from above or beneath the surface of the ground for use outside this State, or to change the point of diversion under an existing water right which has a place of use outside of this State, or to change the place of use of water from a location in this State to a location outside this State under an existing right, must file an application with the State Engineer for a permit to do so pursuant to provisions of [NRS 533.324](#) to [533.450](#), inclusive, and [chapter 534](#) of NRS.

2. The State Engineer may approve such an application if the State Engineer determines that the applicant's use of the water outside this State complies with the requirements of [NRS 533.324](#) to [533.450](#), inclusive, and those provisions of [chapter 534](#) of NRS pertaining to the appropriation of water. In making the determination, the State Engineer shall consider:

- (a) The supply of water available in this State;
- (b) The current and reasonably anticipated demands for water in this State;
- (c) The current or reasonably anticipated shortages of water in this State;

(d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated shortages of water in this State;

- (e) The supply and sources of water available to the applicant in the state in which the applicant intends to use the water;
- (f) The demands placed on the applicant's supply of water in the state in which he or she intends to use the water; and
- (g) Whether the request in the application is reasonable, taking into consideration the factors set forth in paragraphs (a) to (f), inclusive.

3. The State Engineer may, as a condition to the approval of such an application, require the applicant to file a certificate from the appropriate official in the state in which the water is to be used, indicating to the satisfaction of the State Engineer that the intended use of the water would be beneficial and that the appropriation is feasible.

4. A person who is granted a permit pursuant to this section shall comply with the laws and regulations of this State governing the appropriation and use of water, as amended from time to time, and any change in the point of diversion, manner of use or place of use of water under a permit issued pursuant to this section is subject to the requirements of this section.

5. The State Engineer may, as a condition of the approval of any permit granted pursuant to this section, require that the use of water in another state be subject to the same regulations and restrictions that may be imposed upon the use of water in this State.

6. Upon submittal of an application under this section, the applicant and, if the applicant is a natural person, the personal representative of the person, are subject to the jurisdiction of the courts of this State and to service of process as provided in [NRS 14.065](#).

[1:325:1951] + [2:325:1951] — (NRS A [1991, 859](#))

NRS 533.524 Appropriation from interstate streams: Right of appropriation having point of diversion and place of use in another state. Upon any stream flowing across the state boundary, a right of appropriation having the point of diversion and the place of use in another state and recognized by the laws of that state shall have the same force and effect as if the point of diversion and the place of use were in this state if the laws of that state give like force and effect to similar rights acquired in this state.

(Added to NRS by [1957, 155](#))

NRS 533.525 Stored water may be conveyed through streams and reclaimed; conditions. Any water stored for irrigation or other beneficial purposes may be turned into the channel of any natural stream or watercourse, and mingled with its waters, and then be reclaimed, but, in reclaiming it, water already appropriated by others shall not be diminished in quantity.

[1:49:1899; C § 424; RL § 4715; NCL § 8238]

NRS 533.535 Consent to use of Lake Tahoe by United States for reservoir purposes in connection with Truckee-Carson reclamation project.

1. For the purpose of aiding the Truckee-Carson reclamation project carried out by the Reclamation Service of the United States of America, under the Act of Congress approved June 17, 1902 (c. 1093, 32 Stat. 388), known as the Reclamation Act, and acts amendatory thereof or supplementary thereto, consent is hereby given to the use by the United States of America of Lake Tahoe, situated partly in the State of California and partly in the State of Nevada, and the waters, bed, shores and capability of use for reservoir purposes thereof, in such manner and to such extent as the United States of America through its lawful agencies shall think proper for such purpose, and as fully as the State of Nevada could use the same.

2. The consent hereby given is without prejudice to any existing rights that persons or corporations may have in Lake Tahoe or the Truckee River.

[1:48:1913; 1919 RL p. 3306; NCL § 8239]

NRS 533.540 Procedure for refund of water district's money; conditions.

1. Whenever, in the case of any order of determination of relative rights of claimants or appropriators of the waters of the Carson River and its forks, affecting the water districts mentioned and referred to in the preamble of chapter 19, Statutes of Nevada 1931, or in any like case affecting the Carson River or its forks directly, the State Engineer is or shall be prohibited from or lawfully prevented from administering such stream system under the orders or protection of any court, or prohibited from or lawfully prevented from certifying claims against water district funds, and the appropriate boards of county commissioners are unable to approve bills for such claims, and payment of such claims cannot be made out of such funds, and by reason of any of these things moneys and balances remain in such funds, it shall be lawful to refund such moneys and balances, and the appropriate boards of county commissioners are authorized and directed to refund the same.

2. The refunds mentioned in subsection 1 shall be made in the following manner. Whenever it shall appear to a board of county commissioners of any county that there remain water district funds in the county treasury, collected for the payment of claims and expenses in water districts in connection with the State Engineer's administration of waters and water rights affecting the Carson River as set forth in the preamble of chapter 19, Statutes of Nevada 1931, or in any like case directly affecting the Carson River and its forks, and that there is no lawful authority to disburse the same or to refund the same to those who paid the same, as described in the preamble of chapter 19, Statutes of Nevada 1931, the board of county commissioners of any such county is hereby authorized and directed to refund the moneys to the individuals and persons who paid the same in the proportion and extent, so near as practicable, as the funds and moneys were collected from and paid by the claimants and water users concerned. The county officers shall disburse such funds upon orders of the board of county commissioners out of such funds and not otherwise.

3. If any person shall feel aggrieved by the action taken, or the failure to act, of any such board of county commissioners, respecting any such refund or repayment, an action may be prosecuted thereon for and on behalf of any such person against the respective county as in the case of rejected claims.

[1:19:1931; 1931 NCL § 8256] + [2:19:1931; 1931 NCL § 8256.01] + [3:19:1931; 1931 NCL § 8256.02]

NRS 533.545 Hearings before State Engineer: Issuance and enforcement of subpoenas.

1. Whenever the State Engineer is authorized or required by law to conduct a hearing, the State Engineer may issue subpoenas requiring the attendance of witnesses before the State Engineer, together with all books, memoranda, papers and other documents relative to the matters for which the hearing is called, and take depositions within or without the State, as the circumstances of the case may require.

2. The district court in and for the county in which any hearing is being conducted by the State Engineer or the designee of the State Engineer may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the State Engineer.

3. If a witness refuses to attend or testify or produce any papers required by the subpoena, the State Engineer may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

- (a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
- (b) That the witness has been subpoenaed in the manner prescribed in this section; and

(c) That the witness has failed and refused to attend or produce the papers required by the subpoena before the State Engineer or the designee of the State Engineer in the hearing named in the subpoena, or has refused to answer questions propounded to the witness in the course of the hearing,

➡ and asking for an order of the court compelling the witness to attend and testify or produce the books or papers before the State Engineer or the designee of the State Engineer.

4. The court, upon petition of the State Engineer, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, and show cause why the witness has not attended or testified or produced the books or papers before the State Engineer or the designee of the State Engineer. The time for the appearance may not be later than 10 days after the date of the order. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the State Engineer, the court may thereupon enter an order that the witness appear before the State Engineer or the designee of the State Engineer at the time and place fixed in the order and testify or produce the required books or papers. If the witness fails to obey the order, the witness must be dealt with as for contempt of court.

(Added to NRS by [1989, 406](#))

NRS 533.550 Sale or lease of water right by public body for more than 5-year term; exception.

1. Notwithstanding any other provision of law and except as otherwise provided in [NRS 533.560](#), a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement or created by a special act of the Legislature.

(Added to NRS by [2005, 1385](#); A [2007, 3286](#); [2011, 819](#))

NRS 533.560 Lease of water right by public body to owner or holder of water right who exceeds entitled amount of water.

1. A public body may lease a water right owned by the public body to an owner or holder of a water right who, as determined by the State Engineer, is exceeding the amount of water to which the owner or holder is entitled.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term includes, without limitation, a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement or created by a special act of the Legislature.

(Added to NRS by [2011, 819](#))