

CHAPTER 540 - PLANNING AND DEVELOPMENT OF WATER RESOURCES

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GENERAL PROVISIONS

NRS 540.011 Legislative declaration.

1. The Legislature determines that it is the policy of the State of Nevada to continue to recognize the critical nature of the State's limited water resources. It is acknowledged that many of the State's surface water resources are committed to existing uses, under existing water rights, and that in many areas of the State the available groundwater supplies have been appropriated for current uses. It is the policy of the State of Nevada to recognize and provide for the protection of these existing water rights. It is the policy of the State to encourage efficient and nonwasteful use of these limited supplies. It is also the policy of the State to encourage suppliers of water to establish prices for the use of water that maximize water conservation with due consideration to the essential service needs of customers and the economic burdens on businesses, public services and low-income households.

2. The Legislature further recognizes the relationship between the critical nature of the State's limited water resources and the increasing demands placed on these resources as the population of the State continues to grow.

3. The Legislature further recognizes the relationship between the quantity of water and the quality of water, and the necessity to consider both factors simultaneously when planning the uses of water.

4. The Legislature further recognizes the important role of water resource planning and that such planning must be based upon identifying current and future needs for water. The Legislature determines that the purpose of the State's water resource planning is to assist the State, its local governments and its citizens in developing effective plans for the use of water.

(Added to NRS by [1977, 1170](#); A [1991, 173](#); [1995, 2499](#); [2007, 1252](#))

NRS 540.021 Definitions. As used in this chapter:

1. "Chief" means the Chief of the Section.
2. "Department" means the State Department of Conservation and Natural Resources.
3. "Division" means the Division of Water Resources of the Department.
4. "Section" means the Water Planning Section of the Division.

(Added to NRS by [1977, 1170](#); A [2005, 2566](#))

WATER PLANNING SECTION OF DIVISION OF WATER RESOURCES

NRS 540.031 Creation. The Water Planning Section of the Division is hereby created.

(Added to NRS by [1977, 1170](#); A [1989, 1238](#); [2005, 2566](#))

NRS 540.036 Composition; appointment and classification of Chief.

1. The Section consists of the Chief and any other necessary personnel.
2. The Chief is appointed by the State Engineer and is in the unclassified service of the State.

(Added to NRS by [2005, 2566](#))

NRS 540.041 Chief: Qualifications; duties; employment of staff.

1. The Chief:

(a) Must be selected with special reference to his or her training, experience, capability and interest in the field of water resource planning.

(b) Shall coordinate the activities of the Section.

2. The Chief is responsible for the administration of all provisions of law relating to the functions of the Section.

3. The Chief, with the approval of the State Engineer, may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

(Added to NRS by [1977, 1170](#); A [1985, 437](#); [1995, 2316](#); [1999, 1087](#); [2005, 2566](#); [2013, 1631](#))

NRS 540.051 Duties. The Section shall:

1. Include in its planning:

(a) Recognition and protection of existing water rights consistent with [chapters 533](#) and [534](#) of NRS; and

(b) Consideration of the factors relating to the quality of water in this State and the importance of considering the issues of quantity and quality simultaneously, but the State Environmental Commission and Division of Environmental Protection of the Department retain full responsibility for the management of water quality.

2. Suggest to the Legislature changes in water policy which may be necessary to meet new requirements of law or of the people of the State.

3. Assist the State Engineer in dealings with the Federal Government and other states, but the State Engineer is solely responsible for the allocation of water resources and litigation.

4. Review local and federal documents regarding water planning that are relevant to the use of water in Nevada, including, without limitation, local water and resource plans. Reviews conducted pursuant to this subsection must consider, without limitation:

(a) The accuracy of information relating to water use and water planning;

(b) Compliance with the water law of this State; and

(c) General advice relating to water planning.

5. Compile and update summarized data relating to hydrographic basins to support decisions that the State Engineer makes regarding such basins, and provide summarized information regarding such basins to the public. The Section shall cause to be generated and updated a summary for each hydrographic basin to show critical information regarding that basin, including, without limitation:

(a) Whether the basin is designated;

(b) All appurtenant or associated studies related to the availability of water;

(c) Rulings and orders affecting new appropriations of water;

(d) The availability of crop and pumpage inventories;

(e) The availability of data regarding water levels; and

(f) Current commitments of water from the basin that are attributable to existing water rights.

↪ The information described in this subsection must, insofar as practicable, be provided in an electronic format and made available on the website of the State Engineer on the Internet or its successor.

6. Upon request, provide technical assistance to the Board for Financing Water Projects created by [NRS 349.957](#), including, without limitation, the review of letters of intent and applications for grants.

7. Promote water conservation by:

(a) Consulting with suppliers of water concerning:

(1) Community water conservation plans; and

(2) The content and scope of water plans; and

(b) Reviewing plans for compliance with the applicable provisions of [NRS 540.121](#) to [540.151](#), inclusive.

8. Assist federal, state and local governments and the general public in obtaining information regarding water planning, the availability of water and issues relating to water rights.

9. Support activities in response to drought as provided for under the drought plan established for the State.

10. Administer the statewide program established for the management of floodplains.

11. Upon request, provide updates to local governments on water issues relevant to this State, changes in policy and the availability of new information concerning water resources.

(Added to NRS by [1977, 1170](#); A [1987, 2280](#); [1991, 173](#); [1993, 1703](#); [1995, 2499](#); [2005, 2566](#))

REPORTING OF APPROVED PROJECTS

NRS 540.061 Statement of legislative intent relating to reporting of projects to Chief. It is the intent of the Legislature, in accordance with the state policy set forth in [NRS 540.011](#), to provide for the reporting of all projects to the Chief to ensure effective coordination by the State in its effort to plan water use.

(Added to NRS by [1989, 1236](#); A [2005, 2568](#))

NRS 540.071 “Project” defined. As used in [NRS 540.061](#) to [540.091](#), inclusive, unless the context otherwise requires, “project” means any development, including new construction and expansion or modification of existing development, that requires the use of 5 acre-feet or more of water per year and requires the approval of an officer or agency of a local government.

(Added to NRS by [1989, 1236](#))

NRS 540.081 Applicability of [NRS 540.061](#) to [540.091](#), inclusive. [NRS 540.061](#) to [540.091](#), inclusive, do not apply to:

1. A publicly owned project;

2. A subdivision as defined in [NRS 278.320](#);

3. A parcel map subject to the provisions of [NRS 278.461](#) to [278.469](#), inclusive;

4. A division of land pursuant to [NRS 278.471](#) to [278.4725](#), inclusive; or

5. A planned unit development pursuant to [chapter 278A](#) of NRS.
(Added to NRS by [1989, 1236](#); A [1993, 2585](#))

NRS 540.091 Reports of approved projects: Contents; filing; deposit of fees.

1. A local governmental officer or agency that is required to approve a project shall file a report of each project the officer or agency approves on a form provided by the Chief.
2. Each report of an approved project must include:
 - (a) The name and mailing address of the owner or developer of the project;
 - (b) A legal description of the location of the project;
 - (c) A description of the project, including a summary of the amount of water required annually for the project;
 - (d) A statement concerning how the water will be supplied; and
 - (e) If the water is self-supplied, the source of the water and identification of the water rights.
3. A local governmental officer or agency may require the owner or developer of an approved project to fill out the report.
4. The local governmental officer or agency shall file all reports for projects approved during a quarter of a calendar year on or before 15 days after the last day of the quarter. The local governmental officer or agency shall submit a fee with each report in the amount of \$75 plus 50 cents per acre-foot of water, or fraction thereof, required by the project. The local governmental officer or agency shall collect the fee from the owner or developer of the project, plus an additional administrative fee of \$10 which may be retained by the local government.
5. The Chief shall deposit all fees received pursuant to this section with the State Treasurer for credit to the State General Fund.
(Added to NRS by [1989, 1236](#); A [1989, 2094](#); [2005, 2568](#))

WATER CONSERVATION

NRS 540.121 “Supplier of water” defined. As used in [NRS 540.121](#) to [540.151](#), inclusive, “supplier of water” includes, but is not limited to:

1. Any county, city, town, local improvement district, general improvement district and water conservancy district;
2. Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and
3. Any other public or private entity,
➔ that supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan of water conservation pursuant to [NRS 704.662](#).
(Added to NRS by [1991, 520](#))

NRS 540.131 Plan of water conservation: Procedure for adoption and updating of plan; review of plan by Section; joint plans permitted by certain suppliers; duties of local governing body.

1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of [NRS 540.141](#), and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier’s property and its customers. The supplier of water shall submit the plan to the Section for review by the Section pursuant to subsection 3.
2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.
3. The plan must be reviewed by the Section within 120 days after its submission and approved for compliance with this section and [NRS 540.141](#) before it is adopted by the supplier of water.
4. The plan:
 - (a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water;
 - (b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public; and
 - (c) Must be updated every 5 years and comply with the requirements of this section and [NRS 540.141](#).
5. Suppliers of water:
 - (a) Who are required to adopt a plan of water conservation pursuant to this section; and
 - (b) Whose service areas are located in a common geographical area,
➔ may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and [NRS 540.141](#).
6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:
 - (a) Adopt any ordinances necessary to carry out a plan of water conservation adopted pursuant to this section which applies to property within its jurisdiction;
 - (b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and
 - (c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.
(Added to NRS by [1991, 520](#); A [2005, 2570](#); [2007, 1253](#); [2017, 3524](#))

NRS 540.141 Required provisions of plan or joint plan of water conservation; review by Section; posting of plans and joint plans on Internet website.

1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:
 - (a) Methods of public education to:
 - (1) Increase public awareness of the limited supply of water in this State and the need to conserve water.
 - (2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.
 - (b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.
 - (c) The management of water to:
 - (1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and
 - (2) Where applicable, increase the reuse of effluent.
 - (d) A contingency plan for drought conditions that ensures a supply of potable water.

- (e) A schedule for carrying out the plan or joint plan.
 - (f) A plan for how the supplier of water will progress towards the installation of meters on all connections.
 - (g) Standards for water efficiency for new development.
 - (h) Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.
 - (i) Watering restrictions based on the time of day and the day of the week.
2. In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:
- (a) Measures to evaluate the effectiveness of the plan or joint plan.
 - (b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water saved annually.
3. The Section shall review any plan or joint plan submitted to it within 120 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.
4. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.
5. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.
- (Added to NRS by [1991, 521](#); A [2005, 2571](#); [2007, 1254](#); [2017, 3524](#))

NRS 540.151 Supplier of water required to adopt plan to provide certain incentives; procedure for adoption of plan; adoption of joint plans permitted.

1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:
- (a) To encourage water conservation in its service area;
 - (b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and
 - (c) For the installation of landscaping that uses a minimal amount of water.
- ↪ The supplier of water may request assistance from the Section to develop its plan.
2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person to submit written views and recommendations on the plan.
3. The supplier of water shall file a copy of the plan with the Section for informational purposes.
4. The plan:
- (a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and
 - (b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.
5. Suppliers of water:
- (a) Who are required to adopt a plan for incentives pursuant to this section; and
 - (b) Whose service areas are located in a common geographical area,
- ↪ may adopt joint plans.
- (Added to NRS by [1991, 522](#); A [2005, 2571](#))