

CHAPTER 541 - WATER CONSERVANCY DISTRICTS

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NRS 541.010 Short title. This chapter may be known and cited as the Water Conservancy Districts Act.
[1:380:1955]

NRS 541.020 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of directors of the district.
2. "Court" means the district court of that judicial district of the State of Nevada wherein the petition for the organization of a water conservancy district must be filed.
3. "Land" or "real estate" means real estate as the words "real estate" are defined by the laws of the State of Nevada, and includes all railroads, highways, roads, streets, street improvements, telephone, telegraph and transmission lines, gas, sewer and water systems, water rights, pipelines and rights-of-way of public service corporations, and all other real property whether held for public or private use.
4. "Property" means real estate and personal property.
5. "Publication," when no manner is specified therefor, means once a week for 3 consecutive weeks in at least one newspaper of general circulation in each county wherein the publication is to be made. It is not necessary that publication be made on the same day of

the week in each of the 3 weeks, but not less than 14 days, excluding the day of the first publication, must intervene between the first publication and the last publication, and publication is complete on the date of the last publication.

6. "Public corporation" means counties, cities and counties, towns, cities, school districts, irrigation districts, water districts, and all governmental agencies clothed with the power of levying or providing for the levy of general or special taxes or special assessments.

7. "Section" means a section of this chapter unless some other statute is expressly mentioned.

8. "Subcontracting agency" means a public service, public, private or other corporation, or other entity which contracts with the district for the purchase, transfer or acquisition from it of water, drainage or electric power.

9. "Water conservancy districts" means the districts created under the provisions of this chapter.

10. "Works" means drains, channels, trenches, watercourses and other surface and subsurface conduits to effect drainage, dams, storage reservoirs, compensatory and replacement reservoirs, canals, conduits, pipelines, drains, tunnels, power plants and any and all works, facilities, improvements and property necessary or convenient for the supplying of water for domestic, irrigation, power, milling, manufacturing, mining, metallurgical, and any and all other beneficial uses, and for otherwise accomplishing the purposes of this chapter. The term includes studies of the feasibility and advisability of constructing dams for storage of water in the upstream portions of watersheds.

[2:380:1955] — (NRS A [1959, 373](#); [1985, 523](#); [1989, 1401](#))

NRS 541.030 Legislative declarations.

1. It is declared that to provide for the conservation and development of the water and land resources of the State of Nevada and for the greatest beneficial use of water within this state, the organization of water conservancy districts and the construction of works as herein defined by such districts are a public use and will:

(a) Be essentially for the public benefit and advantage of the people of the State of Nevada;

(b) Indirectly benefit all industries of the state;

(c) Indirectly benefit the State of Nevada in the increase of its taxable property valuation;

(d) Directly benefit residents of the State of Nevada by providing adequate supplies of water for domestic, municipal and industrial use;

(e) Directly benefit lands to be irrigated or drained from works to be constructed;

(f) Directly benefit lands now under irrigation by stabilizing the flow of water in streams and by increasing flow and return flow of water to such streams;

(g) Directly benefit urban use of water or development of water resources by flood control; and

(h) Promote the comfort, safety and welfare of the people of the State of Nevada.

2. It is therefore declared to be the policy of the State of Nevada:

(a) To control, make use of and apply to beneficial use unappropriated waters in this state to a direct and supplemental use of such waters for domestic, manufacturing, irrigation, power and other beneficial uses.

(b) To cooperate with the United States and agencies thereof under the federal reclamation laws or other federal laws now or hereafter enacted and to construct and finance works within or without the State of Nevada as herein defined and to operate and maintain the same.

[3:380:1955] — (NRS A [1963, 765](#))

NRS 541.040 District courts vested with jurisdiction to establish water conservancy districts; limitation of powers. The district court sitting in and for any county in this state is hereby vested with jurisdiction, power and authority, when the conditions stated in [NRS 541.050](#) are found to exist, to establish water conservancy districts, which may be entirely within or partly within and partly without the judicial district in which the court is located, for the purposes enumerated in [NRS 541.030](#); but the terms of this chapter shall not be construed to confer upon such district court jurisdiction in proceedings provided for herein to hear, adjudicate and settle questions concerning the priority of appropriation of water between districts organized under this chapter and ditch companies and other owners of ditches drawing water for irrigation purposes from the same stream or its tributaries.

[4:380:1955] — (NRS A [1963, 766](#))

NRS 541.050 Establishment of district: Requirements; filing of petitions; contents; effect of defects; amendments and corrections.

1. Before any water conservancy district is established under this chapter, a petition must be filed in the office of the clerk of the court vested with jurisdiction, in the county in which all or the greatest part of the lands embraced within the proposed water conservancy district are situated. The petition must be approved by the board of county commissioners of each county in which the district is situated. The petition must be filed by the board of county commissioners for the county in which the petition is filed, who must be designated as petitioners, and must set forth:

(a) The proposed name of the district.

(b) That the property within the proposed district will be benefited by the accomplishment of the purposes enumerated in [NRS 541.030](#).

(c) A general description of the purpose of the contemplated improvement and of the territory to be included in the proposed district. The description need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a property owner to ascertain whether his or her property is within the territory proposed to be organized as a district. The territory need not be contiguous, provided it is so situated that the organization of a single district of the territory described is calculated to promote one or more of the purposes enumerated in [NRS 541.030](#).

(d) A general designation of the divisions of the district, any one or more of which may, if so provided in the petition, be constituted of an existing irrigation or other district organized under the laws of the State of Nevada or of an incorporated city or combination of incorporated cities, within the water conservancy district.

(e) The name of the principal subcontracting agency or agencies with which it is proposed the water conservancy district will enter into a contract or contracts.

(f) The number of directors of the proposed district which may, in addition to one director for each division thereof, include as director a representative of the proposed principal subcontracting agency named in the petition, or, if more than one such agency is named in the petition, then one representative of each principal subcontracting agency named therein. If the district includes land within more than one county, each county must have at least one representative on the board of directors.

(g) A prayer for the organization of the district by the name proposed.

2. No petition that has been approved by the required boards of county commissioners may be declared void on account of alleged defects, but the court may at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory, or in any other particular.

[5:380:1955] — (NRS A [1963, 766](#); [1983, 146](#); [1987, 1725](#); [1989, 1402](#))

NRS 541.060 Filing of bond. At the time of filing the petition, or at any time after the filing and before the hearing on the petition, a bond, not exceeding in amount the sum of \$1,000, in such form and with such surety or sureties as is approved by the court, must be filed for the purpose of insuring the payment of expenses connected with the proceedings in case the organization of the district is not effected. If at any time during the proceeding the court is satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed, to be not less than 10 days distant, and upon failure of the board of county commissioners that filed the petition to execute the additional bond, the petition must be dismissed.

[6:380:1955] — (NRS A [1989, 1404](#))

NRS 541.070 Time and place for hearing; jurisdiction of district court; judge not to be disqualified.

1. Immediately after the filing of the petition, the court wherein the petition is filed shall by order fix a place and time, not less than 60 days nor more than 90 days after the petition is filed, for hearing thereon, and thereupon the clerk of the court shall cause notice by publication to be made of the pendency of the petition and of the time and place of hearing thereon. The clerk of the court shall also forthwith cause a copy of the notice to be mailed by United States registered or certified mail to the board of county commissioners of each of the several counties having territory within the proposed district.

2. The district court in and for the county in which the petition for the organization of a water conservancy district has been filed shall thereafter for all purposes of this chapter, except as herein otherwise provided, maintain and have original and exclusive jurisdiction, coextensive with the boundaries of the water conservancy district and of land and other property proposed to be included in the district or affected by the district without regard to the usual limits of its jurisdiction.

3. No judge of such court wherein such petition is filed shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within any water conservancy district or proposed water conservancy district, or by reason of ownership of any property that may be benefited, taxed or assessed therein.

[7:380:1955] — (NRS A [1969, 95](#))

NRS 541.080 Protesting petition; requisite signers; filing and objections; decree establishing district; place of business; dismissal of petition or proceedings; finality and conclusiveness of order; appeal; collateral attack.

1. At any time after the filing of a petition for the organization of a water conservancy district and not less than 10 days before the time fixed by the order of court for the hearing upon the petition, and not thereafter, a petition may be filed in the office of the clerk of the court wherein the proceeding for the creation of the district is pending, signed by not fewer than 25 percent of the owners of the lands in the proposed district, but not embraced within the limits of any city or town, the aggregate assessed value of which, together with improvements thereon, is not less than 25 percent of the total assessed value of land, together with the improvements thereon, within the proposed district situated outside such limits, and also signed by not fewer than 25 percent of the owners of lands embraced within the limits of each city and town in the proposed district, protesting the creation of the district. The signers of the protesting petition shall state therein the land owned by each, and shall also state the value thereof as shown by the last preceding assessment. The term "owners of land," as used in this subsection with reference to persons outside the limits of a city or town within the district, means those persons who own 5 acres or more of real estate, and the term "owners of land," as used in this subsection with reference to persons within a city or town, means those persons who own real estate, including any improvements thereon, having an assessed valuation of \$300 or more.

2. If a petitioner signs the petition both as owner of land situated within a municipality, and owner of land situated without a municipality, his or her name may be counted only as an owner of land situated without a municipality.

3. Upon the filing of such protesting petition, the clerk of the court forthwith shall make as many certified copies thereof, including the signatures thereto, as there are counties in which any part of the proposed district extends, and forthwith shall place in the hands of the county treasurer of each such county one of the certified copies. Thereupon, each of the county treasurers shall determine from the tax rolls of the county in his or her hands and shall certify to the district court under the official seal of the county treasurer, before the day fixed for the hearing as aforesaid, the total valuation of the several tracts of land listed in the protest, situated in the proposed district within the county. Upon the day set for the hearing upon the original petition, if it appears to the court from such certificate or certificates, and from such other evidence as may be adduced by any party in interest, that the protesting petition is not signed by the requisite number of owners of lands and of the requisite value as set forth in this section, the court shall thereupon dismiss the protesting petition and shall proceed with the original hearing as provided in this section.

4. If the court finds from the evidence that the protesting petition is signed by the requisite number of owners of lands and of the requisite values, the court shall forthwith dismiss the original petition praying for the creation of the district. The finding and order of the court upon the question of such total valuation, the genuineness of the signatures, and all matters of law and fact incident to such determination is conclusive on all parties in interest, whether appearing or not, unless within 30 days after entry of the order or dismissal an appeal is taken to the appellate court of competent jurisdiction as provided in subsection 10.

5. Any owner of real property in the proposed district desiring to object to the organization and incorporation of the district, may, on or before the date set for the cause to be heard, file objection to the organization and incorporation of the district. Such objection must be limited to a denial of the statements in the petition and must be heard by the court as an advanced case without unnecessary delay. On the final hearing of the petition the court shall define and establish the boundaries of the district.

6. Upon the hearing, if it appears that a petition for the organization of a water conservancy district has been presented, in conformity with this chapter, and that the allegations of the petition are true and that no protesting petition has been filed or if filed has been dismissed as provided in this section, the court shall, by order duly entered of record, adjudicate all questions of jurisdiction, declare the district organized and give it a corporate name by which in all proceedings it must thereafter be known, and thereupon the district is a political subdivision of the State of Nevada and a body corporate with all the powers of a public or quasi-municipal corporation.

7. In such a decree the court shall designate the place where the office or principal place of the district must be located, which must be within the corporate limits of the district, and which may be changed by order of the board from time to time. The regular meetings of the board must be held at such office or place of business, but for cause may be adjourned to any other convenient place. The official records and files of the district must be kept at the office so established.

8. If the court finds that no petition has been presented in conformity with this chapter, or that the material facts are not as set forth in the petition filed, it shall dismiss the proceedings and adjudge the costs against the county that filed the petition. An appeal to the appellate court of competent jurisdiction from the order of dismissal may be taken as provided in subsection 10. Nothing in this section prevents the filing of a subsequent petition or petitions for similar improvements or for a similar water conservancy district, and the right so to renew such proceedings is hereby expressly granted and authorized.

9. If an order is entered establishing the district, the order is final and conclusively establishes the regular organization of the district against all persons, unless an appeal is 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 or quo warranto proceedings attacking the order are instituted on behalf of the State of Nevada by the Attorney General. The organization of the district may not be directly or collaterally questioned in any suit, action or proceedings except as expressly authorized in this section.

10. Any petitioner, protestant or objector is entitled to appeal 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 order of the district court entered pursuant to this section. Such appeals must be taken within 30 days after the entry of the order in accordance with the Nevada Rules of Appellate Procedure.

[8:380:1955] — (NRS A [1959, 374](#); [1983, 147](#); [1989, 1404](#); [2013, 1790](#))

NRS 541.090 Findings and decree to be filed with Secretary of State, county recorders and county clerks. Within 30 days after the district has been declared a corporation by the court, the clerk of the court shall transmit to the Secretary of State and to the county clerk and recorder in each of the counties having lands in the district copies of the findings and the decree of the court incorporating the district. The same shall be filed in the Office of the Secretary of State in the same manner as articles of incorporation are now required to be filed under the general laws concerning corporations, and copies shall also be filed in the office of the county clerk and recorder of each county in which a part of the district may be, where they shall become permanent records.

[9:380:1955]

NRS 541.100 Board of directors: Appointment; qualifications; terms; filling of vacancies; meetings and reports.

1. Within 60 days after the entry of the decree incorporating the district, the Governor shall appoint a board of directors therefor in accordance with the petition. If the district includes land within more than one county, the representative or representatives of each county must be appointed from a list of two or more nominees submitted by the board of county commissioners of the represented county. No person may be disqualified to act as a director because that person is an officer, employee or stockholder of, or owner of land within, any irrigation or other district constituting a division, or part of a division, or subcontracting agency of the district, nor may any director for that reason be disqualified to vote or act upon any matter involving such irrigation or other district or subcontracting agency.

2. The Governor shall fix the terms of office so that not less than three of the directors first appointed after organization of the district shall serve until the end of the calendar year next succeeding their appointment, and the remaining directors first appointed shall serve until the expiration of 3 years after the end of the calendar year in which they were appointed. All succeeding terms of office must be for 4 years. Upon the expiration of the term of office of any director, the Governor shall, upon the recommendation of the district or incorporated city, or combination of incorporated cities, or subcontracting agency, as the case may be, from which the director was appointed, appoint a successor to the director to hold office for 4 years. If the district includes land within more than one county, the representative or representatives of each county must be appointed from a list of two or more nominees submitted by the board of county commissioners of the represented county.

3. All vacancies in the office of director must be filled in the manner provided in subsection 2. Each director shall hold office during the term for which he or she is appointed and until a successor is appointed and has qualified.

4. An annual meeting of the board of directors must be held on a date to be fixed by the board and, in addition thereto, the board shall hold meetings at least quarterly on dates to be fixed in the bylaws of the district. A report of the business transacted during the preceding year by the district, including a financial report prepared by qualified public accountants, must be filed with the board of county commissioners of each county in which the district is situated on or before the date of the annual meeting.

[10:380:1955] — (NRS A [1959, 376](#); [1987, 1727](#); [1989, 1406](#))

NRS 541.110 Directors: Oath; officers; seal; record of proceedings of board; copy of minutes or audio recordings; compensation.

1. Each director before entering upon his or her official duties shall take and subscribe to an oath, before a person authorized to administer oaths, that he or she will support the Constitutions of the United States and the State of Nevada and will honestly, faithfully and impartially perform the duties of the office.

2. Upon taking oath, the board shall choose one of their number chair of the board and president of the district, and shall elect some suitable person secretary of the board and of the district, who may or may not be a member of the board. The board shall adopt a seal and shall keep audio recordings or transcripts of all meetings and, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which, except as otherwise provided in [NRS 241.035](#), must be open to inspection of all owners of property in the district, as well as to all other interested persons. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to [NRS 241.035](#).

3. Each member of the board is entitled to receive as compensation for his or her service such sum as may be ordered by the board, not in excess of the sum of \$80 per day and actual traveling expenses for each day spent attending meetings of the board or while engaged in official business under the order of the board.

[11:380:1955] — (NRS A [1973, 786](#); [1985, 1222](#); [1999, 922](#); [2005, 1414](#); [2013, 332](#))

NRS 541.120 Quorum of board. A majority of the directors shall constitute a quorum, and a concurrence of a majority of those in attendance, in any matter, within their duties, shall be sufficient for its determination, except as otherwise provided in this chapter.

[12:380:1955]

NRS 541.130 Duties of secretary; board may employ chief engineer, attorney and other employees.

1. The secretary shall:

(a) Be custodian of the records of the district and of its corporate seal.

(b) Assist the board in such particulars as it may direct in the performance of its duties.

(c) Attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of the Secretary by this chapter, or by any person ordering the same and paying the reasonable cost of transcription, and any portion of the record so certified and attested shall prima facie import verity.

(d) Serve also as treasurer of the district unless a treasurer is otherwise provided for by the board.

2. The board may also employ a chief engineer, who may be an individual, copartnership or corporation; an attorney; and such other engineers, attorneys and other agents and assistants as may be needful; and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost or maintenance of the improvement. The chief engineer shall be

superintendent of all works and improvements, and shall make a full report to the board each year, or oftener if required by the board, and may make such suggestions and recommendations to the board as the chief engineer may deem proper.

3. The secretary and treasurer and such other agents or employees of the district as the board of directors may direct shall furnish surety bonds, at the expense of the district, in amount and form fixed and approved by the court in accordance with the provisions of [chapter 282](#) of NRS.

[13:380:1955]

NRS 541.140 Powers of board. The board shall have power on behalf of the district:

1. To have perpetual succession.

2. To take by appropriation, grant, purchase, bequest, devise or lease, and to hold and enjoy water, waterworks, water rights and sources of water supply and any and all real and personal property of any kind within or without the district or within or without the State of Nevada necessary or convenient to the full exercise of its powers; and to sell, lease, encumber, alienate or otherwise dispose of water, waterworks, water rights and sources of supply of water for use within and without the district and within and without the State of Nevada; also, to acquire, construct, operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its power, both within and without the district, and within and without the State of Nevada, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

3. To have and to exercise the power of eminent domain, and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers herein granted.

4. To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon, or over any vacant public lands, which public lands are now, or may become, the property of the State of Nevada, and to construct works and establish and maintain facilities across any stream of water or watercourse in accordance with the laws of the State of Nevada, provided that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof. The grant of the right to use such vacant state land shall be effective upon the filing by such district with the State Land Registrar of an application showing the boundaries, extent and locations of the lands, rights-of-way or easements desired for such purposes. If the lands, rights-of-way or easements for which application shall be made are for the construction of any aqueduct, ditch, pipeline, conduit, tunnel or other works for the conveyance of water, or for roads, or for poles or towers, and wires for the conveyance of electrical energy or for telephonic or telegraphic communication, no compensation shall be charged the district therefor, unless in the opinion of the State Land Registrar the construction of such works will render the remainder of the legal subdivision through which such works are to be constructed valueless or unsalable, in which event the district shall pay for the lands to be taken and for such portion of any legal subdivision which in the opinion of the board is rendered valueless or unsalable, at a rate not exceeding \$2.50 per acre. If the lands for which application is made are for purposes other than the construction of roads or works for the conveyance of water, or electricity or telephonic or telegraphic communication, such district shall pay the State for such lands at a rate not exceeding \$2.50 per acre. Upon filing such application, accompanied by a map or plat showing the location or proposed location of such works and facilities, the fee title to so much of such state lands as shall be necessary or convenient to enable such district efficiently and without interference to construct, maintain and operate its works and to establish, maintain and operate its facilities shall be conveyed to the district by patent. If an easement or right-of-way only over such lands be sought by the district, such easement or right-of-way shall be evidenced by a permit or grant executed by or on behalf of the State Land Registrar. The State Land Registrar may reserve easements and rights-of-way in the public across any lands in such patents, grants or permits described for streets, roads and highways, established according to law. Before any such patent, grant or permit shall be executed, any compensation due to the State under the provisions hereof must be paid. No fee shall be exacted from the district for any patent, permit or grant so issued or for any service rendered hereunder. In the use of streets the district shall be subject to the reasonable rules and regulations of the county, city or town where such streets lie, concerning excavation and the refilling of excavation, the re-laying of pavements and the protection of the public during periods of construction; but the district shall not be required to pay any license or permit fees, or file any bonds. The district may be required to pay reasonable inspection fees.

5. To contract with the Government of the United States or any agency thereof, the State of Nevada or any of its cities, counties or other governmental subdivisions, for the construction, preservation, operation and maintenance of tunnels, drains, pipelines, reservoirs, ditches and waterways, regulating basins, diversion canals and works, dams, power plants and all necessary works incident thereto within and without the State of Nevada, and to acquire perpetual rights to the use of water and electrical energy from such works; to sell and dispose of perpetual rights to the use of water and electrical energy from such works to persons and corporations, public and private within or without the State of Nevada.

6. To list in separate ownership the lands within the district which are susceptible of irrigation from district sources and to make an allotment of water to all such lands, which allotment of water shall not exceed the maximum amount of water that the board determines could be beneficially used on such lands; to levy assessments, as hereinafter provided, against the lands within the district to which water is allotted on the basis of the value per acre-foot of water allotted to the lands within the district; but the board may divide the district into units and fix a different value per acre-foot of water in the respective units, and, in such case, shall assess the lands within each unit upon the same basis of value per acre-foot of water allotted to lands within such unit.

7. To fix rates at which water not allotted to lands, as hereinbefore provided, shall be sold, leased or otherwise disposed of; but rates shall be equitable although not necessarily equal or uniform for like classes of service throughout the district.

8. To enter into contracts, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the district; and to elect, appoint and employ such officers, attorneys, agents and employees therefor as shall be found by the board to be necessary and convenient.

9. To adopt plans and specifications for the works for which the district was organized, which plans and specifications may at any time be changed or modified by the board. Such plans shall include maps, profiles, and such other data and descriptions as may be necessary to set forth the location and character of the works, and a copy thereof shall be kept in the office of the district and open to public inspection.

10. To appropriate and otherwise acquire water and water rights within or without the State; to develop, store and transport water; to subscribe for, purchase and acquire stock in canal companies, water companies, and water users' associations; to provide, sell, lease, and deliver water for municipal and domestic purposes, irrigation, power, milling, manufacturing, mining, metallurgical and any and all other beneficial uses, and to derive revenue and benefits therefrom; to fix the terms and rates therefor; and to make and adopt plans for and to acquire, construct, operate and maintain dams, reservoirs, ditches, waterways, canals, conduits, pipelines, tunnels, power plants and any and all works, facilities, improvements and property necessary or convenient therefor, and in the doing of all such things to obligate itself and execute and perform such obligations according to the tenor thereof.

11. To generate electric energy and to contract for the generation, distribution and sale of such energy.

12. To invest any surplus money in the district treasury, including such money as may be in any sinking fund established for the purpose of providing for the payment of the principal or interest of any contract, or other indebtedness, or for any other purpose, not

required for the immediate necessities of the district, in treasury notes or bonds of the United States, or of this state, or of any state, county or municipal corporation. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes as above provided. Sales of any bonds or treasury notes thus purchased and held shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds or treasury notes were originally purchased was placed in the treasury of the district. The functions and duties authorized by this subsection shall be performed under such rules and regulations as shall be prescribed by the board.

13. To borrow money from the State of Nevada or other sources and incur indebtedness and to pledge revenues of the district to secure the repayment of any money so borrowed.

14. To adopt bylaws not in conflict with the Constitution and laws of the State for carrying on the business, objects and affairs of the board and of the district.

15. To construct works for the drainage of lands within the district and to levy special assessments against the lands drained by such works for the repayment of the costs thereof.

[14:380:1955] — (NRS A [1959, 377](#); [1963, 768](#); [2001, 2088](#))

NRS 541.145 Powers of board concerning irrigation, flood control, drainage, safety and health projects. The board shall have the following powers concerning the management, control, operation and use of any irrigation, flood control, drainage, safety or health project:

1. To make and enforce all reasonable rules and regulations for the management, control, operation and use of any such project.

2. To restrict or suspend the right of any person or corporation to benefit from any such project if such person or corporation has violated any rule or regulation prescribed by the board as provided in subsection 1.

3. To withhold service upon or maintenance of any such project upon which there are any defaults or delinquencies of payments.

(Added to NRS by [1963, 765](#))

NRS 541.150 Subdistricts: Organization; proceedings; board's consent to furnish water; decree of organization; powers and duties of board of directors.

1. Subdistricts may be organized upon the petition of the owners of real property within, or partly within and partly without, the district, which petition must be in substantially the same form and must fulfill the same requirements concerning the subdistricts as the petition outlined in [NRS 541.050](#) is required to fulfill concerning the organization of the main district. The petition must also contain a statement of the minimum quantity of water which the subdistrict proposes to acquire from the district for perpetual use and the court shall, before the entry of its decree organizing a subdistrict, require that the petitioners attach to the petition written evidence of the consent of the board of directors of the water conservancy district to furnish to the subdistrict the perpetual use of water for the purpose specified in the petition.

2. Petitions for the organization of subdistricts must be filed with the clerk of the court and must be accompanied by a bond as provided for in [NRS 541.060](#). The procedure for the organization of subdistricts is the same as for the organization of districts.

3. A subdistrict is a separate entity within the district and has authority to contract with the district for the furnishing of water and for other purposes.

4. Within 60 days after the entry of the decree incorporating a subdistrict, the Governor shall appoint a board of directors of the subdistrict consisting of persons who are owners of real property in the subdistrict, and who may be directors of the district. The provisions of [NRS 541.100](#) are applicable to subdistricts. The board of directors of a subdistrict has all of the powers, rights and privileges granted to a district board under the provisions of this chapter, including specifically, but not limited to, the right of the subdistrict board to levy and collect taxes and assessments referred to in [NRS 541.140](#), [541.160](#) and [541.240](#) to carry out its separate purposes. Such taxes and assessments may be levied and collected by the subdistrict notwithstanding the fact that taxes and assessments are being levied and collected by the district in which the subdistrict lies, to carry out the purposes of the district, but the only purpose for which a subdistrict may levy and collect taxes pursuant to [NRS 541.160](#) is to pay the expense of its organization and administration, to pay the cost of construction, operating and maintaining the works of the subdistrict, and for surveys and plans, and for legal services to protect the rights of the subdistrict, and such taxes must not exceed 10 cents on \$100 assessed valuation of the property within the subdistrict.

[15:380:1955] — (NRS A [1959, 380](#); [1963, 771](#); [1969, 868](#); [1989, 1407](#))

NRS 541.160 Board may levy and collect taxes and special assessments; classification of methods. In addition to the other means of providing revenue for such districts as provided in this chapter, the board may levy and collect taxes and special assessments for maintaining and operating those works and paying the obligations and indebtedness of the district by any one or more of the methods or combinations thereof, classified as follows:

1. Class A. To levy and collect taxes upon all property within the district as provided in this chapter.

2. Class B. To levy and collect assessments for special benefits accruing to property within municipalities for which use of water is allotted as provided in this chapter.

3. Class C. To levy and collect assessments for special benefits accruing to lands within irrigation districts for which use of water is allotted as provided in this chapter.

4. Class D. To levy and collect assessments for special benefits accruing to lands for which use of water is allotted as provided in this chapter.

5. Class E. To levy and collect assessments for special benefits accruing to lands from irrigation, flood control, drainage, safety and health resulting or to result from projects undertaken by the district.

[16:380:1955] — (NRS A [1963, 772](#); [1979, 555](#); [1987, 538](#); [1989, 1931](#); [1997, 1199](#))

NRS 541.170 Board to fix rate of levy under class A; maximum rate; certification to county commissioners. To levy and collect taxes under class A as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every \$100 of assessed valuation of property within the district, and with other revenues, will raise the amount required by the district to supply funds for paying expenses of organization, for surveys and plans, paying the cost of construction, operating and maintaining the works of the district; but the rate shall not exceed 5 cents on \$100, prior to the commencement of construction of the works, and thereafter shall not exceed 10 cents on \$100, of assessed valuation of the property within the district. The board shall, between March 1 and March 15 of each year, certify to the board of county commissioners of each county within the district or having a portion of its territory within the district the rate so fixed with directions that at the time and in the manner required by law for levying of taxes for county purposes such board of county commissioners shall levy such tax upon the assessed valuation of all property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

NRS 541.180 Board may sell or lease water to municipalities upon petition; levy and collection of special assessments under class B.

1. To levy and collect special assessments under class B as herein provided, the board shall make an allotment of water to each petitioning municipality in the district in the manner hereinafter provided, in such quantity as will in the judgment of the board, when added to the then present supply of water of such municipality, make an adequate supply for such municipality, and shall fix and determine the rate or rates per acre-foot, and terms at and upon which such water shall be sold, leased or otherwise disposed of, for use by such municipalities; but such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district. If any city, city and county, or town shall desire to purchase, lease, or otherwise obtain the beneficial use of waters of the district for domestic or irrigation purposes, the legislative body of such municipality shall by ordinance authorize and direct its mayor and clerk to petition the board for an allotment of water, upon terms prescribed by the board, which petition shall contain, inter alia, the following:

- (a) Name of the municipality.
- (b) Quantity of water to be purchased or otherwise acquired.
- (c) Price per acre-foot to be paid.
- (d) Whether payments are to be in cash or annual installments.
- (e) Agreement by the municipality to make payments for the beneficial use of such water together with annual maintenance and operating charges and to be bound by the provisions of this chapter and the rules and regulations of the board.

2. The secretary of the board shall cause notice of the filing of such petition to be given and published once each week for 2 successive weeks, in a newspaper published in the county in which the municipality is situated, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the board at a time named in the notice, and show cause, in writing, if any they have, why the petition should not be granted. The board, at the time and place mentioned in the notice or at such time or times at which the hearing of the petition may adjourn, shall proceed to hear the petition and objections thereto, presented, in writing, by any person showing cause as aforesaid why the petition should not be granted. The failure of any person interested to show cause in writing, as aforesaid, shall be deemed and taken as an assent on his or her part to the granting of the petition. The board may, at its discretion, accept or reject the petition; but, if it deems it for the best interest of the district that the petition be granted, the board shall enter an order granting the petition, and from and after such order the municipality shall be deemed to have purchased, leased or otherwise acquired the beneficial use of water as set forth in the order. If the petition is granted, the board shall, in each year, determine the amount of money necessary to be raised by taxation from property within such municipality to pay the annual installments and a fair proportionate amount of estimated operating and maintenance charges for the next succeeding year, as provided in the order granting the petition, and prepare a statement showing the tax rate to be applied to all property in such municipality, which rate shall be the rate fixed by resolution of the board modified to the extent necessary to produce from each such municipality only the amount of money apportioned thereto in the resolution, less any amount paid or undertaken to be paid by such municipality in cash or as credited thereto by payments from the general funds of such municipality. Upon receipt by the board of county commissioners of each county, wherein such municipality is located, of a certified copy of such resolution showing the tax rate to be applied to all property in each municipality and showing the municipalities and the property which is exempt therefrom, if any, the county officers shall levy and collect such tax in addition to such other tax as may be levied by such board of county commissioners at the rate so fixed and determined.

[18:380:1955]

NRS 541.190 Board may sell or lease water to irrigation districts; levy and collection of special assessments under class C.

1. To levy and collect special assessments upon lands under class C as herein provided, the board shall make an allotment of water to each of the petitioning irrigation districts within the district in the manner as hereinafter provided in such quantity as will in the judgment of the board, when added to the present supply of water of such irrigation district, make an adequate supply of water for such irrigation district, and shall fix and determine the rate or rates per acre-foot and terms at and upon which water shall be sold, leased or otherwise disposed of to such irrigation district; but such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district. If any irrigation district shall desire to purchase, lease or otherwise obtain the beneficial use of waters of the district, the board of such irrigation district shall by resolution authorize and direct its president and secretary to petition the board for an allotment of water, upon terms prescribed by the board, which petition shall contain, inter alia, the following:

- (a) Name of the irrigation district.
- (b) Quantity of water to be purchased or otherwise acquired.
- (c) Price per acre-foot to be paid.
- (d) Whether payments are to be made in cash or annual installments.
- (e) Agreement by such irrigation district to make payments for the beneficial use of such water, together with annual maintenance and operating charges, and to be bound by the provisions of this chapter and the rules and regulations of the board.

2. The secretary of the board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the board at a time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board at the time and place mentioned in the notice, or at such time or times at which the hearing of the petition may be adjourned, shall proceed to hear the petition and objections thereto, presented, in writing, by any person showing cause as aforesaid why the petition should not be granted. The failure of any person interested to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his or her part to the granting of the petition. The board may, in its discretion, accept or reject the petition, but, if it deems it for the best interest of the district that the petition shall be granted, shall enter an order to that effect granting the petition, and from and after such order, the irrigation district and persons therein shall be deemed to have purchased, leased or otherwise acquired the beneficial use of water as set forth in the order. If the petition is granted, the board shall, in each year, determine the amount of money necessary to be raised by special assessment on lands within such irrigation district and shall determine whether such special assessment shall be levied by the district or by the irrigation district. If the board determines that such assessments shall be levied by the district, it shall certify to the county assessor of the county in which the lands of such irrigation district are located the amount of the assessment, plus a fair proportionate amount of the estimated operating and maintenance charges for the next succeeding year on each tract of land on or before April 1 of each year, and such county assessor shall extend the amount of such special assessment, plus the operating and maintenance charges on the tax roll as a special assessment against the lands on which the special assessment is made. If the board determines that such assessments shall be levied by the irrigation district, the district shall make a contract with the irrigation district which shall provide among other things for the annual payment to the district of an amount to be obtained from the levy by the irrigation district of annual assessments in accordance with [chapter 539](#) of NRS.

NRS 541.200 Board may sell or lease water to persons and private corporations on petition; levy and collection of taxes under class D.

1. To levy and collect special assessments upon lands under class D as herein provided, the board shall make an allotment of water to petitioning owners of lands in the district, upon which water can be beneficially used in the manner as hereinafter provided, in such amount as will, in the judgment of the board, together with the present supply of water for irrigation purposes on such lands, make an adequate water supply for irrigation of such lands, and shall fix and determine the rate or rates per acre-foot and the terms at and upon which water shall be held, leased, or otherwise disposed of, for use on the lands. If any person or private corporation shall elect to purchase, lease or otherwise obtain the beneficial use of waters of the district for irrigation of lands or for domestic purposes, such person or corporation shall petition the board for an allotment of water upon terms prescribed by the board which petitions shall contain, inter alia, the following:

- (a) Name of the applicant.
- (b) Quantity of water to be purchased or otherwise acquired.
- (c) Description of lands upon which, or location where, the water will be used and attached.
- (d) Price per acre-foot to be paid.
- (e) Whether payments will be made in cash or annual installments.

(f) Agreement that the annual installments and the charges for maintenance and operating shall become a lien upon the lands for which such water is petitioned and allotted and to be bound by the provisions of this chapter and the rules and regulations of the board.

2. The board may, in its discretion, accept or reject the petition, but, if it deems it for the best interests of the district that the petition be granted, shall enter an order granting the petition, and from and after such order the petitioner shall have been deemed to have agreed to the purchase, lease or other means of acquiring the beneficial use of water under the terms set forth in the petition and order. Such order shall provide for payment on the basis of rate per acre-foot of water allotted to the lands within the district, providing:

- (a) That the board may divide the district into units and fix a different rate per acre-foot of water in the respective units; and
- (b) That such rates shall be equitable although not necessarily equal or uniform for like classes of services throughout the district.

3. The secretary of the board shall cause notice of the filing of such petition to be given and published, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the board at a time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board at the time and place mentioned in the notice, or at such time or times at which the hearing on the petition may be adjourned, shall proceed to hear the petition and objections thereto, presented, in writing, by any person showing cause, as aforesaid, why the petition should not be granted. The failure of any person interested to show cause, in writing, as aforesaid, shall be deemed and taken as an assent on his or her part to the granting of the petition. The board may, in its discretion, accept or reject the petition, but, if it deems it for the best interest of the district that the petition shall be granted, shall enter an order to that effect granting the petition, and from and after such order the petitioner or persons interested therein shall be deemed to have purchased, leased or otherwise acquired the beneficial use of water as set forth in the order. If the petition is granted, the board shall cause a certified copy of the order granting the petition to be recorded in the county in which the lands are located, and thereafter the annual installments and annual operating and maintenance charges shall be a perpetual lien upon such lands. The board shall, between March 1 and March 15 of each year, certify to the county assessor of the county within the district in which such lands are located the amount of the annual installments, plus a fair proportionate amount of the estimated operating and maintenance charges apportioned to the lands for the next succeeding year, and the county assessor shall extend the amount so certified on the tax roll as a flat special assessment against the lands for which such water is petitioned and allotted.

[20:380:1955] — (NRS A [1959, 381](#))

NRS 541.205 Board may undertake irrigation, flood control, drainage, safety and health projects; levy and collection of special assessments under class E.

1. To levy and collect special assessments upon lands under class E as herein provided, the board shall examine the land in the district and determine the benefits which will accrue to each parcel of land from the construction or purchase of the works proposed for the district. The cost of such works shall be apportioned or distributed over such parcels of land in proportion to such benefits.

2. Any county, municipality, irrigation district, person or corporation which desires a board to undertake any irrigation, flood control, drainage, safety or health project may file a petition requesting the accomplishment of any such project with the board of the district in which such project is desired to be accomplished.

3. Every such petition shall be issued pursuant to an ordinance adopted by the county or municipality which desires the accomplishment of the project, or, if the petitioner is other than a county or municipality, by the county or municipality in which the petitioner resides, and shall set forth:

- (a) The name of the petitioner.
- (b) The nature of the project desired to be accomplished.
- (c) The estimated cost and extent of such project.

4. The secretary of the board shall cause notice of the filing of the petition to be published, which notice shall state the filing of such petition and give notice to all persons interested to appear at the office of the board at a time named in the notice and, in writing, show cause, if any, why the petition should not be granted. The board, at the time and place mentioned in the notice, or at such time or times to which the hearing may be adjourned, shall hear the petition and objections thereto. The failure of any person to show cause in writing why the petition should not be granted shall be deemed an assent on his or her part to the granting of the petition. The board may, in its discretion, accept or reject the petition, but if it finds that it will be in the best interest of the district that the petition be granted, it shall enter an order to that effect granting the petition and fixing annual special assessments on the land within the district apportioned as provided in subsection 1.

5. If the petition is granted, the board shall cause a certified copy of the order granting the petition to be recorded in the county in which the lands are located, and thereafter the annual special assessments shall be a perpetual lien upon such lands. The board shall, between March 1 and March 15 of each year, certify to the county assessor of the county within the district in which such lands are located the amount of the annual special assessments, plus a fair proportionate amount of the estimated operating and maintenance charges apportioned to the lands for the next succeeding year, and the county assessor shall extend the amount so certified on the tax roll as a flat special assessment against such lands.

(Added to NRS by [1963, 764](#))

NRS 541.207 Board or subcontracting agency not required to furnish water for artificially created lake or stream if restricted or prohibited by ordinances; exceptions. In any county whose population is 700,000 or more:

1. Except as otherwise provided in subsection 2, nothing in this chapter requires the board or a subcontracting agency to furnish water for the purpose of filling or maintaining an artificially created lake or stream where that use of water is prohibited or restricted by ordinance of:

- (a) The county, if the lake or stream is located within the unincorporated areas of the county; or
- (b) A city, if the lake or stream is located within the boundaries of the city.

2. The provisions of subsection 1 and of any ordinance referred to in subsection 1 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.

(Added to NRS by [1989, 1445](#); A [2011, 1295](#))

NRS 541.210 Board may levy additional assessments to pay deficiencies. The board, in making the annual assessments and levies as herein provided, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the proceeds of such levies and assessments made under the provisions of this chapter, together with other revenues of the district, are not sufficient to pay punctually the annual installments on its contracts, and interest thereon, and to pay defaults and deficiencies, then the board shall make such additional levies of assessments against property to which water has been allotted as may be necessary for such purposes, and, notwithstanding any limitations by contract, order, or otherwise, such assessments shall be made and continue until the indebtedness of the district shall be fully paid.

[21:380:1955]

NRS 541.220 Board to hear objections to assessments; procedure; appeal to district court.

1. Prior to March 1 of each year in which assessments are made, the board shall appoint a time and place or places where it will meet within the district for the purposes of hearing objections to assessments, and prior notice of such hearing shall be given by publication in two issues, a week apart, in some newspaper of general circulation published in each county; but if there is any county in the district in which there is no newspaper published, then such notice shall be published in an adjoining county. The notice shall notify the owners of property in the district that in the secretary's office may be found and examined a description of the property so assessed, the amount of the assessment thereon fixed by the board, and the time and place or places fixed by the board for the hearing of objections to such assessments. It shall not be necessary for the notice to contain separate descriptions of the lots or tracts of real estate, but it shall be sufficient if the notice shall contain such descriptions as will inform the owner whether or not the real estate is covered by such descriptions, and will inform the owner where can be found of record the amount of assessments. If, in the opinion of any person whose property is assessed, his or her property has been assessed too high, or has been erroneously or illegally assessed, the person may, at any time before the date of such hearing, file written objections to such assessments, stating the grounds of such objections, which statement shall be verified by the affidavit of the person or an agent thereof. In such hearing the board shall hear such evidence and arguments as may be offered concerning the correctness or legality of such assessment and may modify or amend the same. Any owner of property desiring to appeal from the findings of the board as to assessment shall, within 30 days from the findings of the board, file with the clerk of the court a written notice making demand for trial by the court. The appellant at the same time shall file a bond with good and sufficient security to be approved by the clerk of the court, in a sum not exceeding \$200, to the effect that if the finding of the court be not more favorable to the appellant than the finding of the board the appellant will pay the cost of the appeal. The appellant shall state definitely from what part of the order the appeal is taken. In case more than one appeal is taken, the court may, upon its showing that the same may be consolidated without injury to the interests of anyone, consolidate and try the same together.

2. The court shall not disturb the findings of the board unless the findings of the board in any case are manifestly disproportionate to the assessments imposed upon other property in the district created under this chapter. The trial shall be to the court and the matter shall take precedence before the court and shall be taken up as promptly as may be after the appeal is filed. If no appeal is taken from the findings of the board within the time prescribed in this section, or after the findings of the court in case an appeal is taken from the findings of the board, then the findings shall be final and conclusive evidence that the assessments have been made in proportion to the benefits conferred upon the property in the district by reason of the improvements to be constructed under the provisions of this chapter, and such assessments shall constitute a perpetual lien upon such property so assessed until paid.

[22:380:1955] — (NRS A [1959, 383](#))

NRS 541.230 Officials charged with duty to collect taxes; taxes levied create equal lien. The officer or body having authority to levy taxes within each county, city and county, or town shall levy the taxes and special assessments as provided in this chapter, and all county, or city and county, officials, charged with the duty of collecting taxes, shall collect such taxes and special assessment in the time, form and manner and with like interest and penalties as county or city and county taxes are collected and when collected shall pay the same to the district ordering its levy and collection; and the payment of such collections shall be made through the secretary of the district and paid into the depository thereof to the credit of the district. All taxes and assessments made under this chapter, together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same, shall, until paid, constitute a perpetual lien on a parity with the tax lien of general, state, county, city, town or school taxes and no sale of such property to enforce any general, state, county, city, town or school tax or other liens shall extinguish the perpetual lien of such taxes and assessments.

[23:380:1955]

NRS 541.240 Sale of real property for unpaid taxes and assessments. If the taxes and assessments levied are not paid as provided in [NRS 541.230](#), then the real property, if not redeemed within the time allowed by law, must be sold and conveyed for the payment of taxes, assessments, interest and penalties in the manner provided in [NRS 361.5648](#) to [361.730](#), inclusive, for the sale of real property after default in payment of general taxes.

[24:380:1955] — (NRS A [2005, 518](#))

NRS 541.250 Property exempt from assessments. All property of whatever kind and nature owned by the State and by towns, cities, school districts, drainage districts, irrigation districts, water districts, or any other governmental agency or agencies within the district, shall be exempt from assessment and levy by the board as provided by this chapter for the purposes herein contained.

[25:380:1955]

NRS 541.260 Board may dispose of water under contracts. The board may sell, lease or otherwise dispose of the use of water to persons, public or private corporations, mutual ditch companies and water users' associations as shall be provided by term contracts, or by contracts for the perpetual use of such water, authorized and entered into by the board of directors; and the board may require that security be given to secure the payments to be made under such contract or contracts. In contracts with public corporations, the security required may be supplied by including appropriate provisions for the levying by such corporations of special assessments to meet annual payments to the district.

[26:380:1955]

NRS 541.270 Liens to secure payment of annual installments. To meet the annual installments as provided in contracts for the use of water:

1. A water users' association may bind itself to levy an annual assessment on the use of water and to secure the same by liens on land and water rights or in such manner as may be provided by law.

2. A mutual ditch or irrigation company may bind itself by mortgage upon its irrigation works and system and levy annual assessments upon its stockholders.

3. Any person or corporation landowner may create a mortgage lien upon lands or give other security satisfactory to the board; and all such contracts shall provide for forfeiture of the use of water for nonpayment of assessments or installments.

[27:380:1955]

NRS 541.280 Board may create sinking fund. Whenever a contract of indebtedness has been created by the district, it shall be lawful for the board to make the annual levy of taxes and special assessments in such amount as will create a surplus of funds to meet the annual installments of indebtedness and interest and the necessary maintenance and operating charges, and the board shall cause such surplus funds to be placed in a sinking fund which may be used for the payments of contingencies, defaults and delinquencies, and to pay the future annual installments of indebtedness on contracts and interest.

[28:380:1955]

NRS 541.290 Powers of board in distribution of water. The board shall have the following powers concerning the management, control, delivery, use and distribution of water by the district:

1. To make and enforce all reasonable regulations for the management, control and delivery of water, subject to the provisions of [NRS 416.060](#).

2. To withhold the delivery of water upon which there are any defaults or delinquencies of payment.

3. Subject to such limitations as may be prescribed by the board of directors, to provide for and declare forfeitures of rights to the use of water upon default or failure to comply with any order, contract or agreement for the purchase, lease or use of water and to resell, lease or otherwise dispose of water upon which forfeiture has been declared.

4. To allocate and reallocate the use of water to lands within the district.

5. To provide for and grant the right, upon terms, to transfer water from lands to which water has been allocated to other lands within the district and to discharge liens from lands to which same was theretofore attached and to create liens, as provided in this chapter, upon lands to which the use of such water is transferred.

[29:380:1955] — (NRS A [1977, 552](#))

NRS 541.300 Contracts relating to electrical energy. The board is authorized to enter into contracts for the operation and maintenance of works for the generation and supplying of electrical energy and for the disposition of power generated thereat. The board may also enter into contracts for the acquisition, purchase, sale or other disposition of electrical energy.

[30:380:1955] — (NRS A [2001, 2091](#))

NRS 541.310 Change of boundaries: Petition for inclusion of other lands; procedure.

1. The boundaries of any district organized under the provisions of this chapter may be changed in the manner herein prescribed, but the change of boundaries of the district shall not:

(a) Impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever.

(b) Affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had such change of boundaries not been made.

2. The owners of lands may file with the board a petition, in writing, praying that such lands be included in the district. The petition shall describe the tracts or body of land owned by the petitioners, and such petition shall be deemed to give assent of the petitioners to the inclusion in the district of the lands described in the petition. The petition must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

3. The secretary of the board shall cause notice of filing of such petition to be given and published in the county in which the lands are situated, which notice shall state the filing of such petition, names of petitioners, description of lands mentioned and the prayer of the petitioners; and it shall give notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted.

4. The board shall at the time and place mentioned, or at such time or times at which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented, in writing, by any person showing cause why the petition should not be granted. The failure of any person interested to show cause, in writing, shall be deemed and held and taken as an assent on his or her part to the inclusion of such lands in the district as prayed for in the petition.

5. If the petition is granted, the board shall make an order to that effect and file same with the clerk of the court, and upon order of the court the lands shall be included in the district.

[31:380:1955]

NRS 541.320 Petition for exclusion of lands in district; procedure; court order.

1. The owner or owners in fee of any lands constituting a portion of the district may file with the board a petition praying that such lands be excluded and taken from the district.

2. Petitions shall describe the lands which the petitioners desire to have excluded. The petition must be acknowledged in the same manner and form as required in case of a conveyance of land and be accompanied by a deposit of money sufficient to pay all costs of the exclusion proceedings.

3. The secretary of the board shall cause a notice of filing of such petition to be published in the county in which the lands, or the major portion thereof, are located. The notice shall state the filing of such petition, the names of petitioners, descriptions of lands

mentioned in the petition, and the prayer of the petitioners; and it shall notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, why the petition should not be granted.

4. The board at the time and place mentioned in the notice, or at the time or times at which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto presented, in writing, by any person showing cause why the prayer of the petition should not be granted. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the lands mentioned in the petition, or any part thereof. The board, if they deem it not for the best interests of the district that the lands mentioned in the petition, or portion thereof, shall be excluded from the district, shall order that the petition be denied; but if the board deems it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, and if there are not outstanding bonds of the district, then the board may order the lands mentioned in the petition, or some portion thereof, to be excluded from the district. In case a contract has been made between the district and the United States or any agency thereof, no change shall be made in the boundaries of the district unless the Secretary of the Interior shall assent thereto in writing and such assent be filed with the board. Upon such assent, any lands excluded from the district shall upon order of the court be discharged from all liens in favor of the United States under the contract with the United States or under bonds deposited with its agents.

5. Upon allowance of such petition, the board shall file a certified copy of the order of the board making such change with the clerk of the court, and upon order of the court the lands shall be excluded from the district.

[32:380:1955]

NRS 541.330 Board may enter into contracts relative to payments to be made to United States. To pay for construction, operation, and maintenance of works and expenses preliminary and incidental thereto, the board is authorized to enter into a contract or contracts with the United States or any agency thereof, providing for payment therefor in installments or otherwise.

[33:380:1955]

NRS 541.340 Acquisition of works: Procedure for creation of indebtedness; elections.

1. Whenever the board of a district incorporated under this chapter, by resolution adopted by a majority of the board, determines that the interests of the district and the public interest or necessity demand the acquisition, construction or completion of any source of water supply, waterworks, or other improvements, or facility, or the making of any contract with the United States, the State of Nevada or other persons to carry out the objects or purposes of the district, wherein the indebtedness or obligations required will be a greater expenditure than the ordinary annual income and revenue of the district permits, the board shall order the submission of the proposition of issuing that obligation or indebtedness, for the purposes set forth in the resolution, to such qualified electors of the district as have paid a tax on property in the district in the year preceding the election, at a special election or the next primary or general election. In the order submitting the propositions to the electors, the board shall, if it is proposed that the indebtedness be secured by pledge of any revenues of the district, so state, and shall designate the revenues to be so pledged.

2. A special election may be held only if the board determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board to prevent or mitigate a substantial financial loss to the district or to enable the board to provide an essential service to the residents of the district.

3. Any election held for the purpose of submitting any proposition or propositions of incurring such obligation or indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which such qualified electors of the district are entitled to vote.

4. A resolution adopted pursuant to subsection 1 must, in addition to the declaration of public interest or necessity, include a statement of:

(a) The objects and purposes for which the indebtedness is proposed to be incurred.

(b) The estimated cost of the works or improvements, as the case may be.

(c) The amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness.

5. The resolution must also:

(a) Fix the date upon which the election will be held and the manner of holding the election and describe the method of voting for or against the incurring of the proposed indebtedness.

(b) Fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, which officers shall consist of three judges, one of whom shall act as clerk, who shall constitute a board of election for each polling place.

6. The description of precincts may be made by reference to any order of the board of county commissioners of the county in which the district or any part thereof is situated, or by reference to any previous order or resolution of the board or by detailed description of those precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder.

7. If the election is held concurrently or consolidated with any other election, the resolution calling the election is not required to designate precincts or polling places or the names of officers of election, but must contain a reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefrom.

[34:380:1955] — (NRS A [1963, 772](#); [1993, 1090](#))

NRS 541.350 Publication of resolution for creation of indebtedness. The resolution provided for in [NRS 541.340](#) must be published once a week for 2 consecutive weeks, the last publication of which must be at least 10 days before the election, in a newspaper of general circulation printed and published within the district.

[35:380:1955] — (NRS A [1993, 1091](#))

NRS 541.360 Conduct of election; canvass of returns. The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If any election held pursuant to [NRS 541.340](#) is consolidated with any primary or general election, the returns thereof must be made and canvassed at the time and in the manner provided by law for the canvass of the returns of such a primary or general election. The canvassing body shall promptly certify and transmit to the board a

statement of the result of the vote upon the proposition submitted pursuant to [NRS 541.340](#). Upon receipt of the statement, the board shall tabulate and declare the results of the proposition voted on at the election.

[36:380:1955] — (NRS A [1993, 1091](#); [2007, 627](#))

NRS 541.370 Majority vote required to authorize indebtedness; resubmission of proposition.

1. If it appears from the returns that a majority of the qualified electors of the district who voted on any proposition submitted pursuant to [NRS 541.340](#) voted in favor of the proposition, the district may incur the indebtedness or obligations and enter into the contract for the purpose or purposes and object or objects provided for in the proposition submitted pursuant to [NRS 541.340](#), and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in the resolution.

2. Submission of the proposition of incurring such obligation or other indebtedness at a special, primary or general election does not prohibit submission of the same proposition or other propositions at a subsequent special, primary or general election.

[37:380:1955] — (NRS A [1993, 1092](#))

NRS 541.380 Board may petition court for judicial determination of orders, acts, power, taxes and contracts.

1. The board may, in its discretion, at any time file a petition in the court, praying a judicial examination and determination of the validity of the proceedings for the formation of any water conservancy district or subdistrict thereof purported to be formed under the provisions of this chapter or any amendment thereof or of any power conferred hereby or by any amendment hereto or of any tax or assessment levied or of any act, proceeding or contract of any such district or subdistrict, whether or not the contract shall have been executed, including proposed contracts for the acquisition, construction, maintenance or operation of works for such district or subdistrict.

2. The petition shall set forth the facts whereon the validity of such order, power, assessment, act, proceeding or contract is founded and shall be verified by the president of the board. Notice of the filing of the petition shall be given by the clerk of the court, under the seal thereof, stating in brief outline the contents of the petition and showing where a complete copy of any contract or contracts, therein mentioned, may be examined. The notice shall be served by publication at least once a week for 4 consecutive weeks in a newspaper of general circulation in the county in which the principal office of the district is located, and by posting the same in the office of the district at least 30 days prior to the date fixed in the notice for the hearing on the petition. Any owner of property in the district or person interested in the contract or proposed contract may appear and answer the petition at any time prior to the date fixed for the hearing or within such further time as may be allowed by the court, and the petition shall be taken as confessed by all persons who fail so to appear.

3. The petition and notice shall be sufficient to give the court jurisdiction and, upon hearing, the court shall examine into and determine all matters and things affecting the question submitted, shall make such findings with reference thereto and render such judgment and decree thereon as the case warrants. Costs may be divided or apportioned among the contesting parties in the discretion of the trial court.

4. Review of the judgment of the court may be had as in other similar cases, except that such review must be applied for within 30 days after the time of the rendition of such judgment, or within such additional time as may be allowed by the court within 30 days.

5. The Nevada Rules of Civil Procedure shall govern in the matters of pleading and practice where not otherwise specified herein.

6. The court shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties.

[38:380:1955]

NRS 541.390 Notice; jurisdiction of district court not lost for failure to give notice. In every case where a notice is provided for in this chapter, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction and the proceeding in question shall not thereby be void or be abated, but the court shall in that case order due notice to be given and shall continue the hearing until such time as notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

[39:380:1955]

NRS 541.400 Cases to be heard by court at earliest practicable moment.

1. All cases in which there may arise a question of the validity of the organization of a water conservancy district or a question of the validity of any proceeding under this chapter shall be advanced as a matter of immediate public interest and concern, and be heard at the earliest practicable moment.

2. The courts shall be open at all times for the purposes of this chapter.

[40:380:1955]

NRS 541.410 Liberal construction of chapter. This chapter, being necessary to secure and preserve the public health, safety, convenience and welfare, and for the security of public and private property, shall be liberally construed to effect the purposes of this chapter.

[41:380:1955]

NRS 541.420 Conflicting laws declared nonoperative. All laws or parts of laws conflicting in any way with any of the provisions of this chapter in regard to the improvements or improvement districts, or regulating or limiting the power of taxation or assessments, or otherwise interfering with the accomplishment of the purposes of this chapter according to its terms, are hereby declared nonoperative and noneffective as to this chapter as completely as if they did not exist. But all such laws and parts of laws shall not in any other way be affected by this chapter.

[43:380:1955]