

SB 31 Proposed Amendment from Eureka County

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Amendment Intent: To provide better clarity on process for federal claims to be filed and to also clarify that prior claims can be amended when the State Engineer begins the adjudication process on a specific water source.

Explanation: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; and (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment.

Section 1. NRS 533.087 is hereby amended to read as follows:

1. ~~Except for a claimant that is a Federal agency: (a)~~ A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. ~~(b)~~ If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.

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

- (a) Published annually for 4 consecutive weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.
- (b) Posted on the Internet website maintained by the State Engineer.

3. A federal agency claiming rights in any capacity including a trust capacity shall be exempted from the provisions of Section 1 of this act unless it claims a vested or reserved right in a water source for which the State Engineer has initiated an adjudication through an order for the determination of the relative rights of the water source pursuant to NRS 533.090.

Sec. 2. NRS 533.095 is hereby amended to read as follows:

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

2. The notice shall set forth:

- (a) That any federal agencies claiming reserved *or vested* rights *in any capacity including a trust capacity* in the waters of the stream system are required, as prescribed by the State Engineer, to make proof of their claims;
- (b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;
- (c) The date by which all proofs of appropriation *or amendments of proofs of appropriation filed under Section 1 of this act* must be filed; and
- (d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and

depicting any information required pursuant to NRS 533.100 and 533.115.

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

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

Sec. 3. NRS 533.095 is hereby amended to read as follows:

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

2. The notice shall set forth:

(a) That all claimants to rights in the waters of the stream system including any federal agencies claiming reserved or vested rights in any capacity including a trust capacity are required, as provided in this chapter, to make proof of their claims or amend proofs of appropriation filed under Section 1 of this act, ~~except claimants who submitted proof of their claims pursuant to NRS 533.087;~~

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

(c) The date by which all proofs of appropriation or amendments of proofs of appropriation filed under Section 1 of this act must be filed; and

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

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

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

Sec. 4.

1. This section and section 1 and section 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective on January 1, 2028.