

**PROPOSED REGULATION OF THE  
STATE ENGINEER**

**LCB FILE NO. R012-26I**

**The following document is the initial draft regulation  
proposed by the agency submitted on 01/21/2026**

**PROPOSED PERMANENT REGULATION OF THE  
NEVADA DIVISION OF WATER RESOURCES**

**Nevada Administrative Code Chapter 533**

**Agency Draft**

January 21, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

**Section 1.** NAC 533.450 is here by amended to read as follows:

For the purposes of NRS 533.380 and 533.395:

1. “Integrated system” means a complex or unitary *system consisting of separate, integrated and interrelated elements to place the water to beneficial use.* ~~[whole consisting of separate, integrated and interrelated elements. The term includes, without limitation, a ranch with multiple irrigated fields and the components of a water system.]~~

2. “Steady application of effort” means, under all the facts and circumstances and as demonstrated by evidence, affirmative and meaningful action taken by the holder of a permit to perfect an appropriation before the time set by the State Engineer pursuant to NRS 533.380, including, without limitation, any extension previously granted by the State Engineer.

**Sec. 2. NAC 533.460 “Project” interpreted.**

For the purposes of NRS 533.380 and 533.395 and NAC 533.390 to 533.500, inclusive, the term “project” means a planned enterprise or undertaking, *which may include multiple phases to fully place water to beneficial use.* ~~[pursued individually or collaboratively to achieve a specific goal. The term includes, without limitation, a subdivision with multiple phases.]~~

**Sec. 3. NAC 533.470 Requirements for application for extension of time to file proof of completion or proof of beneficial use.**

1. An application for an extension of time to file proof of completion or proof of beneficial use pursuant to NRS 533.380 must be made on the form prescribed by the Office of the State Engineer and, in addition to the requirements of subsection 3 of NRS 533.380, must include, without limitation:

(a) The number of years the applicant is requesting to extend the time in which to file proof of completion or proof of beneficial use and an explanation for the amount of time requested;

(b) *If this is the first extension request, a* ~~[A]~~ written summary of the work performed to perfect the *appropriation since the permit was issued* ~~[beginning on the date the permit was issued];~~

(c) If the application for an extension is for a municipal or quasi-municipal use, any information required to address the factors considered by the State Engineer pursuant to subsection 4 of NRS 533.380;

(d) ~~[A written summary of any previous applications for an extension of time that have been submitted by the applicant since December 22, 2021, which must include, without limitation, the number of years granted for each previous application filed;]~~

**[{(e)}]** If any previous application for an extension of time has been granted, a detailed written summary of the work actually performed during the previous extension period and evidence documenting the work performed during the previous extension period, ~~[which may include, without limitation, receipts, photographs, construction plans or any other evidence of reasonable diligence in the construction of work or applying water to beneficial use]~~;

**[{(f)} (e)]** A detailed written *plan [explanation]* of the work expected to be performed *during each year within the extension period requested* ~~[the extension is granted]~~;

**~~[(g)] (f)~~** Any meaningful action taken by the applicant to perfect the appropriation as described in NAC 533.480;

**~~[(h)] (g)~~** Any other information that the applicant believes demonstrates the need for the extension; and

**~~[(i)] (h)~~** Any other information requested by the State Engineer.

2. The State Engineer will not consider any protest or objection to an application for an extension of time.

**Sec. 4.** NAC 533.480 Determination of good faith and reasonable diligence to perfect appropriation.

1. When considering whether an applicant has demonstrated good faith and reasonable diligence to perfect an appropriation as required by NRS 533.380, the State Engineer will consider evidence of the applicant's steady application of effort towards perfecting the appropriation and any other *affirmative and meaningful* action taken by the applicant towards perfecting the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances that are submitted by the applicant, ~~[including, without limitation:] and the State Engineer will consider any statement of intent to place the water to beneficial use in the future as demonstrating good faith only if such a statement is corroborated with actual evidence.~~

2. *Affirmative and meaningful actions include, without limitation:*

*(a) Efforts to physically construct, maintain, or upgrade the works of diversion or system for transporting, distributing, and applying water.*

*(b) Installation of suitable measuring devices as required by the terms of the permit to appropriate water.*

*(c) Placement of the water to beneficial use in accordance with the terms of the permit to appropriate water, especially increases of use over time.*

*(d) Obtaining or actively pursuing permits, licenses, or other approvals required by any federal, state, or local agency.*

*(e) Obtaining or actively pursuing legal access to the place of diversion or place of use such as public lands.*

~~[(a)] For all manners of use, as applicable:~~

~~(1) The drilling and equipping of a well at the point of diversion;~~

~~(2) The installation of a meter at the location of discharge of the well;~~

~~(3) The installation of pipes or ditches to convey water to the place of use;~~

~~(4) The installation of a headgate, weir, dam or other diversionary structure at the point of diversion;~~

~~(5) The improvement of a spring;~~

- \_\_\_\_ (6) The placement of a portion of the water to beneficial use in accordance with the terms of the permit to appropriate water;
- \_\_\_\_ (7) Actions undertaken to complete the permitting or licensing requirements of any federal, state or local agency; and
- \_\_\_\_ (8) Any other action considered by the State Engineer to constitute significant progress in the perfection of a water right;

- \_\_\_\_ (b) For commercial use, the construction of infrastructure and facilities;
- \_\_\_\_ (c) For construction use:
  - \_\_\_\_ (1) The number of trucks filled from a standpipe for dust control or compaction; and
  - \_\_\_\_ (2) The progress of all projects where the water for which the permit has been issued is used;
- \_\_\_\_ (d) For domestic use, any activity performed in preparation for the construction of a single family residence or an accessory dwelling unit, including, without limitation, drafting construction plans, applying for permits to build or securing easements;
- \_\_\_\_ (e) For industrial, utility, mining, milling or dewatering use, the construction of facilities, including, without limitation, foundations, buildings, power plants, processing plants, piping and instrumentation;
- \_\_\_\_ (f) For irrigation use:
  - \_\_\_\_ (1) The installation of sprinklers, wheel lines, pivots or other components of an irrigation system; and
  - \_\_\_\_ (2) The construction of ditches, berms, check dams or any other structure used to deliver and control water on the field within the place of use;
- \_\_\_\_ (g) For supplemental irrigation use, the irrigation performed under the primary right to appropriate water;
- \_\_\_\_ (h) For municipal or quasi municipal use:
  - \_\_\_\_ (1) The number of completed units in the subdivision or water system;
  - \_\_\_\_ (2) The dedication of a right to appropriate water to a subdivision, parcel or tract and the recording of the associated map within the place of use;
  - \_\_\_\_ (3) Whether the application is consistent with the water resource plan required pursuant to NRS 278.0228; and
  - \_\_\_\_ (4) The granting of any state or local approval, including, without limitation, approval from the Public Utilities Commission of Nevada;
- \_\_\_\_ (i) For recreational use, the construction of any infrastructure necessary for recreational purposes; and
- \_\_\_\_ (j) For stockwater or wildlife use:
  - \_\_\_\_ (1) The construction of wind turbines, solar panels, diesel engines or any other power sources;
  - \_\_\_\_ (2) The construction of pipes, float valves, troughs, spring boxes or any similar device;
  - \_\_\_\_ (3) The placement of livestock on the land to which the livestock is appurtenant in accordance with the requirements of chapter 533 of NRS; and
  - \_\_\_\_ (4) The securing of access to public lands through the appropriate agency.

2. As used in this section, "supplemental irrigation use" means the use of an additional appropriation of water for irrigation purposes which does not exceed the total duty of the existing

~~appropriation of water to supplement the existing appropriation at the place of use of the existing appropriation during a period when the full amount of the existing appropriation is unavailable.]~~

**Sec. 5.** NAC 533.490 Review by State Engineer of application.

In reviewing an application for an extension of time to file proof of completion or proof of beneficial use submitted pursuant to NRS 533.380, the State Engineer will consider, without limitation:

1. ~~[The number of prior applications for an extension of time submitted by the applicant since December 22, 2021;]~~

~~[2.]~~ The consistent, measurable efforts of the applicant to perfect the appropriation, including, without limitation:

(a) Whether the applicant has consistently completed the actions to perfect the appropriation set forth by the applicant in previous applications for an extension;

(b) Any meaningful actions set forth in NAC 533.480 taken by the applicant to demonstrate his or her good faith and reasonable diligence to perfect the appropriation; ~~[and]~~

(c) Any explanation provided by the applicant for his or her failure to perfect the appropriation by the date set forth in his or her permit or previous application for an extension; *and*

*(d) Whether the delays in perfecting the appropriation are directly related to the efforts necessary to place the water to beneficial use in the manner intended under the permit for which the extension is being sought.*

~~[3.]~~ (2) The number of years for which the applicant is requesting an extension;

~~[4.]~~ (3) Whether the applicant has demonstrated good faith and reasonable diligence in constructing works and placing water to beneficial use;

~~[5.]~~ (4) Whether the hydrographic basin in which the permit to appropriate water has been issued has been designated a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110 or whether there is a groundwater management plan for the basin approved by the State Engineer pursuant to NRS 534.037;

~~[6.]~~ (5) Whether the application is subject to any order of the State Engineer;

~~[7.]~~ (6) Any regulatory or economic conditions or natural disasters which make the applicant unable to construct the works and place water to beneficial use;

~~[8.]~~ (7) Any actions taken by the applicant to comply with an order of the State Engineer; and

~~[9.]~~ (8) Any other information the State Engineer determines is relevant.

**Sec. 6.** NAC 533.500 Review of regulations by Division of Water Resources.

The Division of Water Resources of the State Department of Conservation and Natural Resources will review the provisions of NAC 533.390 to 533.500, inclusive, at least once every ~~[3]~~ 5 years to determine whether the provisions of NAC 533.390 to 533.500, inclusive, should be amended or repealed.