



Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, Governor
Vinson Guthreau, Director
Joe Cacioppo, P.E., State Engineer

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066**

LCB File: R012-26

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 534

1. A clear and concise explanation of the need for the adopted regulation.

The amendments to NAC 533.390 through 533.500, which govern the Applications for Extension of Time to file Proof of Completion of Work or Proof of Application of Water to Beneficial Use, are necessary as the Division’s recent review of the regulations identified needed updates to improve clarity, reduce burdens, and modernize the extension-of-time process. As part of this review, the Division held a public meeting and accepted written comments, which helped identify areas where the current regulations could be strengthened. The current regulations include form and process requirements that are outdated, burdensome, or inconsistent with the Division’s efforts to streamline and simplify the extension-of-time process. The review also showed that improvements such as reducing the number of forms, simplifying questions, and promoting consistency across all manners of use which cannot be fully implemented without amending the regulatory language. These amendments are therefore needed to update outdated requirements, improve public accessibility, and ensure the regulations function efficiently and effectively.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

In October 2024, the Division held a regulations review meeting to invite public comments on the existing regulations and gather suggestions on any proposed regulatory changes. Following this meeting, the Division reviewed all the information received and began drafting updated extension of time application forms to address some of the issues raised by the public. In September 2025, the Division held a public meeting to present draft forms along with the initial concepts for regulatory updates. After this meeting, the Division initiated the Small Business Impact Survey through the Division’s listserv. Once the survey was concluded, the Division completed a small business impact statement and presented it along with agency draft regulation language at the regulation workshop on November 6, 2025, where additional public provided comment. On May 19, 2026, the Division held an adoption hearing where public comment was again also provided.

Public comment in summary, see full document at the end of this summary for the full Division response:

- Water resource plans are not in regulations.
- Municipalities and counties are not in control of the rate of development.

- Municipal and Quasi-municipal rights deserve preferential consideration.
- Concerns with language update in Section 5.1.
 - Initial Draft “Whether the delays to perfect the appropriation are incident to the efforts required to place the water to beneficial use.”
 - Update in response “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 water right for which the extension is being sought.”
- Section 4.1 clarification on “actual evidence.”
 - Based on numerous public comments, this language was identified as needing clarification. The purpose of this language is to require supporting documentation to any statement of the applicant’s intentions on how they will place the water to beneficial use. For example, if an applicant for an extension of time states, “we plan to use this water in the future,” then that statement must be supported by actual actions or documentation.
- Joint comments submitted by TMWA, SNWA, and NGM.
 - See response document.

The full report on the public comment and the Division’s response can be accessed on the Division’s website, through the [link](https://tools.water.nv.gov/Regulations/NAC_533_EOT/2025_Regulation_Update%20(R012-26)/11-6-2025%20Workshop/NDWR%20Response%20to%20EOT%20Public%20Comment.pdf) provided below, or contacting the Division at 775-684-2800. [https://tools.water.nv.gov/Regulations/NAC_533_EOT/2025_Regulation_Update%20\(R012-26\)/11-6-2025%20Workshop/NDWR%20Response%20to%20EOT%20Public%20Comment.pdf](https://tools.water.nv.gov/Regulations/NAC_533_EOT/2025_Regulation_Update%20(R012-26)/11-6-2025%20Workshop/NDWR%20Response%20to%20EOT%20Public%20Comment.pdf)

3. The number of persons from the public who:

a. Attended each hearing:

November 6, 2025 Workshop – 32 online, 5 in person.

May 19, 2026 Adoption Hearing – 16 online, 5 in person.

b. Testified at each hearing:

November 6, 2025 Workshop – 3 online, 2 in person.

May 19, 2026 Adoption Hearing – 4 online, 2 in person.

c. Submitted to the agency written comments:

November 6, 2025 Workshop – 8

May 19, 2026 Adoption Hearing – 1

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

Person/Entity	Phone	Address	Email
Schroeder Law Offices	775-786-8800	10615 Double R Boulevard, STE 100, Reno, NV 89521	c.king@water-law.com; tau@water-law.com; c.skulan@water-law.com
TMWA	775-834-8080	P.O. Box 30013, Reno, NV 89520	EQuaglieri@tmwa.com; smorris@calnevawaterlaw.com; gdepaoli@woodburnandwedge.com; leodrozdooff@att.net
Bob Coache	702-525-1923	4280 North Tioga Way, Las Vegas, NV 89129	rcoache@aol.com
Land Development Associates, LLC	702-561-8319	7201 W. Lake Mead Boulevard, STE 245, Las Vegas, NV 89128	lisa@ldalv.com
Center for Biological Diversity	802-299-7495	P.O. Box 6205, Reno, NV 89513	stake@biologicaldiversity.org
Esmeralda County	775-485-3406	PO Box 517, Goldfield, NV 89013	jdunn@esmeraldacountynv.gov
Esmeralda Board of County Commissioners (Fred Perez)	775-485-3406	PO Box 517, Goldfield, NV 89013	fperez@esmeraldacountynv.gov
Central Nevada Regional Water Authority	-	155 North Taylor Street, Fallon, NV 89406	ccjfontaine@gmail.com
David Rigdon	775-882-9900	108 N. Minnesota St., Carson City, NV 89703	David@legalTNT.com
Chris Wagenseller	775-277-9512	PO Box 271, Goldfield, NV 89013	-
Debbie Leonard	-	955 S. Virginia St., Ste. 220, Reno, NV 89502	debbie@leonardlawpc.com
Stefanie Morris	-	-	smorris@calnevawaterlaw.com
Chris Mahannah	-	PO Box 2494, Reno, NV 89505	Chris@mah2o.com
Gordon Depaoli	-	-	gdepaoli@woodburnandwedge.com
Chris Facque	775-225-1337	P.O. Box 677, Fernley, NV 89408	chris@facqueconsulting.com
Thomas Driggs	702-480-3400	300 S. Fourth Street, Suite 1600, Las Vegas, NV 89101	tdriggs@spencerfane.com

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

A Small Business Impact Survey was distributed on September 23, 2025, to municipal chambers of commerce, trade organizations and individuals subscribed to the Division's regulation listserv. A link to the survey was also posted on the Division's website.

The Division received seven responses; however, three respondents reported having more than 150 employees and therefore did not qualify as a small business. The four responses that qualified as a small business were prompted the following questions:

1. If enacted, will the proposed changes to NAC 533 have a direct adverse economic effect upon your business?
2. Will the proposed regulation have any direct beneficial effect upon your business?
3. Do you anticipate any indirect adverse effects upon your business as a result of this proposed regulation?
4. Do you anticipate any indirect beneficial effects upon your business as a result of this proposed regulation?

The table below summarizes the responses from the four qualifying small businesses:

The table below summarizes the responses from the four qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	2	2	0
No	2	2	2	4

Additional analysis was provided in the Small Business Impact Statement which was posted on the website and reviewed during the Public Workshop and Adoption Hearing. The full report can be accessed on the Division's website.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

During the adoption hearing, several comments were raised regarding municipal water purveyors. In response, the State Engineer stated that he would proceed with adopting the regulation as drafted. He noted, however, that the Division is developing a guidance document to assist the public in addressing the issues raised during the hearing.

A draft of this guidance document has been posted on the Division's website. The document is intended to be updated periodically to address new matters as they arise, particularly those related to specific manners of use. With this guidance framework in place to provide additional clarity and flexibility, the State Engineer concluded that the regulations were appropriate to move forward for approval.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:

a. Both adverse and beneficial effects; and

- **On business:** There are no adverse economic effects of the regulation on the business that it regulates. The regulation updates provide beneficial effects by allowing more flexibility in the information that may be submitted and by simplifying forms, making them easier and less time consuming to fill out.
- **On the public:** There are no adverse economic effects of the regulation on the business that it regulates. The regulation updates provide beneficial effects by streamlining the extension of time forms, increasing clarity, and reducing the effort required to complete applications.

b. Both immediate and long-term effects.

- **On business:** Immediately, businesses will spend less time and effort preparing extension requests because previously submitted information will not need to be resubmitted. Over the long term, the streamlined process will reduce administrative costs and improve regulatory efficiency.
- **On the public:** Immediately, applicants will benefit from shorter, simpler forms and a more straightforward extension process. Over the long term, reduced administrative burden will support more efficient agency operations and service delivery.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The Division does not anticipate incurring any additional cost resulting from the regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any existing regulation.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than federal regulation.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not create any new fee or increase an existing fee.