

SENATE BILL NO. 31—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 14, 2024

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the adjudication of vested water rights. (BDR 48-260)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to water; providing that a federal agency that is a claimant of a vested water right is not required to file proof of the claim on or before a certain date; revising requirements relating to a notice of pending adjudication of certain water rights; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing federal law, the Federal Government has waived its sovereign
2 immunity and consented to be joined as a defendant in any suit for the general
3 adjudication of water rights in a stream system. (43 U.S.C. § 666) Under existing
4 state law, a claimant of a vested water right must submit proof of the claim to the
5 State Engineer on or before December 31, 2027. If a claimant fails to submit such
6 proof, the claim is deemed to be abandoned. (NRS 533.087) Upon entering an order
7 to adjudicate the vested water rights of a stream system, existing state law requires
8 the State Engineer to provide notice of the pending adjudication to all claimants. As
9 all claimants other than federal agencies, which are not subject to state law but have
10 consented under federal law to a general adjudication of water rights in a stream
11 system, are required to submit proof of such claims on or before December 31,
12 2027, existing state law requires that, beginning on January 1, 2028, such a notice
13 of pending adjudication must state that federal agencies are required to make proof
14 of claims of a reserved water right. (NRS 533.095) **Section 1** of this bill clarifies
15 that a claimant that is a federal agency is not required to submit proof of a claim by
16 December 31, 2027. **Section 2** of this bill revises the information that must be
17 included in a notice of pending adjudication beginning on January 1, 2028, to also



18 require any federal agency claiming a vested water right to make proof of such a
19 claim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

2 533.087 1. *Except for a claimant that is a Federal agency:*

3 (a) A claimant of any vested water right must submit, on a form
4 prescribed by the State Engineer, proof of the claim to the State
5 Engineer on or before December 31, 2027.

6 (b) If a claimant fails to file such proof on or before
7 December 31, 2027, the claim shall be deemed to be abandoned.

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

10 (a) Published annually for 4 consecutive weeks in at least one
11 newspaper of general circulation within the boundaries of each
12 groundwater basin throughout the State.

13 (b) Posted on the Internet website maintained by the State
14 Engineer.

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

16 533.095 1. As soon as practicable after the State Engineer
17 enters an order granting the petition or selecting the streams upon
18 which the determination of rights is to begin, the State Engineer
19 shall prepare a notice setting forth the fact of the entry of the order
20 and of the pendency of the proceedings.

21 2. The notice shall set forth:

22 (a) That any federal agencies claiming reserved *or vested* rights
23 in the waters of the stream system are required, as prescribed by the
24 State Engineer, to make proof of their claims;

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

28 (c) The date by which all proofs of appropriation must be filed;
29 and

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

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

36 4. At or near the time of the first publication of the notice, the
37 State Engineer shall send by mail to each federal agency, or deliver
38 to each federal agency, in person, hereinafter designated as
39 claimant, claiming rights in or to the waters of the stream system,



1 insofar as such claimants can be reasonably ascertained, a notice
2 equivalent in terms to the published notice setting forth the date
3 when the State Engineer will commence the taking of proofs, and
4 the date prior to which proofs must be filed with the State Engineer.
5 The notice must be mailed at least 30 days prior to the date fixed for
6 the commencement of the taking of proofs. The date set prior to
7 which the proofs must be filed shall not be less than 60 days from
8 the date set for the commencement of taking proofs. The notice shall
9 be deemed to be an order of the State Engineer as to its contents.

10 **Sec. 3.** 1. This section and section 1 of this act become
11 effective upon passage and approval.

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



