

ASSEMBLY BILL NO. 15—COMMITTEE ON NATURAL RESOURCES

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

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Revises the membership of the Colorado River Commission of Nevada. (BDR 48-341)

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; revising the membership of the Colorado River Commission of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Colorado River Commission of Nevada, which
2 represents and acts for the State of Nevada in various matters relating to the
3 Colorado River. (NRS 538.041-538.251) The Commission consists of four
4 members appointed to 3-year terms by the Governor and three members appointed
5 by the Board of Directors of the Southern Nevada Water Authority. (NRS
6 232A.020, 538.051) This bill reduces the number of members appointed by the
7 Governor to three and adds the State Engineer as an ex officio member of the
8 Commission.

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

1 **Section 1.** NRS 538.051 is hereby amended to read as follows:
2 538.051 ***1.*** The Colorado River Commission of Nevada ***[, consisting of seven members,]*** is hereby created. ***[Four] The Commission consists of the following seven members:***
3 ***(a) The State Engineer who serves as an ex officio member.***
4 ***(b) Three*** members ***[must be]*** appointed by the Governor.



1 (c) Three members ~~must be~~ appointed by the Board of
2 Directors of the Southern Nevada Water Authority.

3 2. The Governor shall designate one of his or her appointees to
4 serve as Chair of the Commission.

5 **Sec. 2.** NRS 538.061 is hereby amended to read as follows:

6 538.061 1. The members appointed by the Governor must be
7 residents of this state. The members appointed by the Southern
8 Nevada Water Authority must be persons who serve on the Board of
9 Directors of the Authority. When a person so appointed ceases to be
10 a member of the Board of Directors, the remaining members of the
11 Board of Directors shall fill the vacancy by appointment from
12 among its membership.

13 2. All *appointed* members must have a general knowledge of:

14 (a) The development of the Colorado River and its tributaries
15 within this state; and

16 (b) The rights of this state concerning the resources and benefits
17 of the Colorado River.

18 **Sec. 3.** NRS 538.171 is hereby amended to read as follows:

19 538.171 1. The Commission shall receive, protect and
20 safeguard and hold in trust for the State of Nevada all water and
21 water rights, and all other rights, interests or benefits in and to the
22 waters described in NRS 538.041 to 538.251, inclusive, and to the
23 power generated thereon, held by or which may accrue to the State
24 of Nevada under and by virtue of any Act of the Congress of the
25 United States or any agreements, compacts or treaties to which the
26 State of Nevada may become a party, or otherwise.

27 2. Except as otherwise provided in this subsection, applications
28 for the original appropriation of such waters, or to change the place
29 of diversion, manner of use or place of use of water covered by the
30 original appropriation, must be made to the Commission in
31 accordance with the regulations of the Commission. In considering
32 such an application, the Commission shall use the criteria set forth
33 in subsection 3 of NRS 533.370. The Commission's action on the
34 application constitutes the recommendation of the State of Nevada
35 to the United States for the purposes of any federal action on the
36 matter required by law. The provisions of this subsection do not
37 apply to supplemental water.

38 3. The Commission shall furnish to the *Office of the* State
39 Engineer a copy of all agreements entered into by the Commission
40 concerning the original appropriation and use of such waters. It shall
41 also furnish to the *Office of the* State Engineer any other
42 information it possesses relating to the use of water from the
43 Colorado River which the State Engineer deems necessary to allow
44 the State Engineer to act on applications for permits for the



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1 subsequent appropriation of these waters after they fall within the
2 State Engineer's jurisdiction.

3 4. Notwithstanding any provision of chapter 533 of NRS, any
4 original appropriation and use of the waters described in subsection
5 1 by the Commission or by any entity to whom or with whom the
6 Commission has contracted the water is not subject to regulation by
7 the State Engineer ~~is under his or her authority as the State~~
8 ***Engineer pursuant to chapter 532, 533 or 534 of NRS.***

9 5. Any use of water from the Muddy River or the Virgin River
10 for the creation of any developed shortage supply or intentionally
11 created surplus does not require the submission of an application to
12 the State Engineer to change the place of diversion, manner of use
13 or place of use. As used in this subsection:

14 (a) "Developed shortage supply" has the meaning ascribed to it
15 in NRS 533.030.

16 (b) "Intentionally created surplus" has the meaning ascribed to it
17 in NRS 533.030.

18 **Sec. 4.** 1. The terms of the members serving on the Colorado
19 River Commission of Nevada who were appointed by the Governor
20 pursuant to NRS 538.051, as that section exists on June 30, 2021,
21 expire on June 30, 2021. Any such member may be reappointed
22 pursuant to subsection 2.

23 2. On or before July 1, 2021, the Governor shall appoint the
24 three members required to be appointed by the Governor to the
25 Colorado River Commission of Nevada pursuant to NRS 538.051,
26 as amended by section 1 of this act, as follows:

27 (a) One member to an initial term commencing on July 1, 2021,
28 and ending on June 30, 2022;

29 (b) One member to an initial term commencing on July 1, 2021,
30 and ending on June 30, 2023; and

31 (c) One member to an initial term commencing on July 1, 2021,
32 and ending on June 30, 2024.

33 **Sec. 5.** 1. This section and section 4 of this act become
34 effective upon passage and approval.

35 2. Sections 1, 2 and 3 of this act become effective on
36 July 1, 2021.



