

Assembly Bill No. 415—Committee on Natural
Resources, Agriculture, and Mining

CHAPTER.....

AN ACT relating to water; revising provisions relating to the use of water on certain lands in a federal reclamation project; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a water right is generally considered to be appurtenant to, or belong to, the land where it is used. Existing law provides that a surface water right acquired by a water user in a federal reclamation project is considered under certain circumstances to be appurtenant to an entire farm rather than particular land within the farm. In this context, a “farm” is defined to be a tract of land that is under the same ownership and primarily used for agricultural purposes. (NRS 533.040) This bill revises the definition to include two or more tracts of land that are owned or leased by the same person and are primarily used for agricultural purposes, regardless of whether the tracts are contiguous to one another.

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

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

- Section 1.** NRS 533.040 is hereby amended to read as follows:
- 533.040 1. Except as otherwise provided in this section, any water used in this State for beneficial purposes shall be deemed to remain appurtenant to the place of use.
2. If at any time it is impracticable to use water beneficially or economically at the place to which it is appurtenant, the right may be severed from the place of use and be simultaneously transferred and become appurtenant to another place of use, in the manner provided in this chapter, without losing priority of right.
3. The provisions of this section do not apply to a ditch or canal company that appropriates water for diversion and transmission to the lands of private persons for an annual charge.
4. For the purposes of this section, a surface water right acquired by a water user in a federal reclamation project may be considered appurtenant to an entire farm, instead of specifically identifiable land within that farm, upon the granting of a permit for the change of place of use by the State Engineer which designates the place of use as the entire farm. The quantity of water available for use on that farm must not exceed the total amount determined by applicable decrees as designated in the permit granted by the State Engineer.



5. For the purposes of this section, a water right acquired for watering livestock by a person who owns, leases or otherwise possesses a legal or proprietary interest in the livestock being watered is appurtenant to:

(a) The land on which the livestock is watered if the land is owned by the person who possesses a legal or proprietary interest in the livestock; or

(b) Other land which is located in this State, is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation of the person who owns the land if that land is owned by the person who possesses the legal or proprietary interest in the livestock being watered.

6. The provisions of subsection 5 must not be construed:

(a) To impair a vested right or other existing water right established before June 12, 2003, of a person to the use of water for the purpose of watering livestock; or

(b) To prevent any transfer of ownership of a water right for the purpose of watering livestock.

7. As used in this section, "farm" means a tract of land ~~funder the same ownership~~ that is *owned or leased by the same person and is primarily used for agricultural purposes. The term includes two or more such tracts of land, regardless of whether the tracts are contiguous to one another.*

