State of Nevada
Department of Conservation & Natural Resources
Division of Water Resources
Tracy Taylor, P. E. State Engineer

QA:N/A

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Nevada Water Law
Water Permits

The application process

To acquire a water permit, an application must be made on an approved form and filed with the State Engineer (NRS 533.325). Pursuant to Nevada water law, the application must be supported by a map prepared in a prescribed form by a water rights surveyor. The supporting map must show the point of diversion and place of use of the water within the proper legal subdivisions. No application shall be for the water of more than one source to be used for more than one purpose (NRS 533.330).

When the application and map are properly completed, a notice must be sent to a newspaper of general circulation in the area where the application was filed. This notice is published for approximately 30 days (NRS 533.360). Interested parties may file a formal protest up until 30 days after the last day of publication explaining their objections to the application and requesting denial of the application or other appropriate action by the State Engineer (NRS 533.365).

After the expiration of the protest period, the application is ready for action by the State Engineer. When considering an application for approval or denial, the State Engineer must consider the following:

- Is there unappropriated water at the source?
- Will the use of the water under the proposed application conflict with existing rights?
- Will the use of the water under the proposed application prove detrimental to the public interest?
- Will the use of the water under the proposed application adversely impact domestic wells?

In addition to these items, other criteria within NRS 533.370 deal with impacts within

irrigation districts, the good faith intent of the applicant to construct the works of diversion and put the water to beneficial use, and the financial ability and reasonable expectation to construct the works of diversion and put the water to beneficial use.

The State Engineer may require any additional information needed prior to approval or rejection of an application (NRS 533.375). The State Engineer also has the discretion to hold a hearing prior to any decision.

The State Engineer reviews any pertinent information and either approves or denies the application. When an application is denied, the State Engineer notifies the applicant of denial, retains the denied application for the record and will not pursue any further action under the application. The denial may be appealed in the appropriate court of jurisdiction within 30 days after the denial action (NRS 533.450). When a water permit is approved, the permit terms and limitations are specified as part of the permit. A fee is also required for any permit issued in accordance with NRS 533.435. Once a permit is issued, the applicant may initiate the work to divert and use the water established as the beneficial use.

Once granted, water rights in Nevada have the standing of both real and personal property - meaning they are conveyed as an appurtenance to real property unless they are specifically excluded in the deed of conveyance. When water rights are purchased or sold as personal property or treated as a separate appurtenance in a real-estate transaction, the water rights are conveyed specifically by a deed of conveyance. It is possible to buy or sell water rights and change the water's point of diversion, manner of use and place of use by filing the appropriate application with the State Engineer.