NAC Chapter 533 Hearing Regulations

• Update Regulations to Reflect Current Scopes of NDWR Administrative Hearings
  • Update regulations based upon expansion of NDWR administrative hearings.
  • Remove focus from “protested application” hearings.
  • Allow for development of electronic filing.
  • Define types of hearings (i.e. evidentiary hearing; public hearing; etc.).
  • Address pre-hearing matters, such as acceptance of pre-hearing motions, etc.
Legislative Directive:

The State Engineer shall:

(a) Adopt any regulation necessary to carry out the provisions of this section; and
(b) Provide a copy of such regulations to any person upon request.
Assembly Bill 62 Concepts

Definitions

“Quasi-Municipal”  “Perfection”
“Good Faith”  “Municipal”
“Reasonable Diligence”  “Good Cause”

Criteria for NDWR Review

“Work Anticipated to Be Completed w/ Time-Frame”
“Number of Prior Applications”
“Detailed Explanations”
“Work Actually Completed in Prior Time Period”

“Number of Prior Applications”  “Track Record of Moving Project Along”
“Clear Demonstration of Good Faith & Reasonable Diligence”
“Active Management in Basin or CMA”  “Size & Complexity of Project”

Contents of Application
State Water Right Surveyor Regulations

• Establish Administrative Regulations Governing the Licensing of State Water Right Surveyors
  • Mirror, as appropriate, regulations governing licensing of well drillers.
  • Define license application criteria and renewal procedures.
  • Establish criteria for examination.
  • Establish “good cause” criteria for revocation or denial of license.
  • Establish requirement for Continuing Education Units.
  • Establish criteria for reinstatement or reapplication for license.
  • Define duties of State Water Right Surveyors.
  • Establish system for demerits.
Questions?

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