

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, Governor
James A. Settelmeyer, Director
Adam Sullivan, P.E., State Engineer

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS
ON PROPOSED PERMANENT REGULATIONS**

The Nevada Division of Water Resources is proposing permanent regulations pertaining to relating to applications for extensions of time to file a proof of construction of works and proof of beneficial use pursuant to Chapter 533 of Nevada Administrative Code (NAC). A workshop has been set for:

Thursday, November 6, 2025, 10:00am

The public workshop will be conducted at:

Division of Water Resources
Bonnie Conference Room
901 S. Stewart Street
Carson City, Nevada

You may also participate via Teams or telephone at

[Meeting Link](#)

Meeting ID: 236 235 081 295 8
Passcode: iG3NU7mh

**Call in by Phone (audio only): +1 775-321-6111
Phone Conference ID: 732 789 024#**

The purpose of the workshop is to solicit oral and/or written comments from interested persons regarding key topics that are intended to be addressed in the proposed regulatory amendments. Specifically, the Division seeks input on: (1) clarifying existing definitions to ensure consistent interpretation and application across all users; (2) reducing the amount of information required from the public when submitting extension of time requests, including simplifying the number and complexity of questions asked; and (3) evaluating and refining the list of factors used to determine good faith and reasonable diligence, ensuring that the criteria are comprehensive and applicable to all types of water use. The Division encourages stakeholders to provide feedback to help ensure the proposed regulations are clear, practical, and effective.

A copy of all materials relating to the proposal may be obtained from the Nevada Division of Water Resources website at <https://water.nv.gov/index.php/bulletinboard/regulations/>, by contacting the Division at 901 S. Stewart St, Ste 2002, Carson City, Nevada, 89701 or (775) 684-2800. A reasonable fee for copying may be charged.

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

Persons wishing to make oral comment on the proposed regulation of the Division are encouraged to participate in the scheduled workshop, either in person or via Microsoft Teams. Persons wishing to submit written testimony or documentary evidence may submit the material by November 7, 2025 by emailing to ndwr-regscomment@water.nv.gov or by mailing to the following address: Nevada Division of Water Resources at 901 S. Stewart St, Ste 2002, Carson City, Nevada, 89701.

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please contact the Division at 775-684-2800 or ndwr-regscomment@water.nv.gov prior to the meeting.

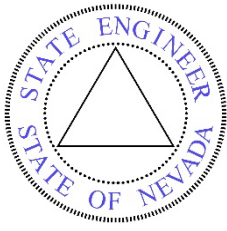
Notice of this meeting has been posted 9:00am, fifteen days before the workshop at the following locations:

- Division website at <https://water.nv.gov/posts>
- Nevada Public Notice website at <https://notice.nv.gov/>
- Nevada Legislature Administrative Notices at <https://www.leg.state.nv.us/App/Notice/A/>

As required by the provisions of Chapter 233B and 241 of Nevada Revised Statutes, the workshop notice, and agenda were posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada
Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119
Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada
NDWR Elko Office, 1250 Lamoille Hwy, Suite 104, Elko, NV
NDWR Southern Nevada Branch Office, 400 Shadow Lane, Suite 201, Las Vegas, NV

Posted on: October 14, 2025



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WORKSHOP AGENDA

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Division of Water Resources
Bonnie Conference Room
901 S. Stewart Street, Ste. 2002
Carson City, Nevada

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1. CALL TO ORDER

2. PUBLIC COMMENT

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

3. PRESENTATION ON PROPOSED REVISIONS TO NAC 533 (FOR DISCUSSION)

A proposal seeking to improve the extension of time process by clarifying definitions, streamlining submission requirements, and refining the criteria for evaluating good faith and reasonable diligence.

4. PUBLIC COMMENT

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

5. ADJOURNMENT

Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

This Notice of Workshop has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada
Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119
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We are pleased to provide reasonable accommodation for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by writing to the Division at 901 S. Stewart St, Ste 2002, Carson City, Nevada, 89701; or by calling 775-684-2800 no later than five (5) working days prior to the scheduled meeting. You can also email ndwr-regscomment@water.nv.gov.

To obtain support material for the agenda please email ndwr-regscomment@water.nv.gov, call 775-684-2800 or write to Division at 901 S. Stewart St, Ste 2002, Carson City, Nevada, 89701. Materials will also be posted on <https://water.nv.gov/index.php/bulletinboard/regulations/>.

**PROPOSED PERMANENT REGULATION OF THE
NEVADA DIVISION OF WATER RESOURCES**

Nevada Administrative Code Chapter 533

Agency Draft

October 9, 2025

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

Section 1. NAC 533.450 is here by amended to read as follows:

For the purposes of NRS 533.380 and 533.395:

1. “Integrated system” means a complex or unitary *system consisting of separate, integrated and interrelated elements to place the water to beneficial use.* ~~[whole consisting of separate, integrated and interrelated elements. The term includes, without limitation, a ranch with multiple irrigated fields and the components of a water system.]~~

2. “Steady application of effort” means, under all the facts and circumstances and as demonstrated by evidence, affirmative and meaningful action taken by the holder of a permit to perfect an appropriation before the time set by the State Engineer pursuant to NRS 533.380, including, without limitation, any extension previously granted by the State Engineer.

Sec. 2. NAC 533.460 “Project” interpreted.

For the purposes of NRS 533.380 and 533.395 and NAC 533.390 to 533.500, inclusive, the term “project” means a planned enterprise or undertaking, *which may include multiple phases to fully place water to beneficial use.* ~~[pursued individually or collaboratively to achieve a specific goal. The term includes, without limitation, a subdivision with multiple phases.]~~

Sec. 3. NAC 533.470 Requirements for application for extension of time to file proof of completion or proof of beneficial use.

1. An application for an extension of time to file proof of completion or proof of beneficial use pursuant to NRS 533.380 must be made on the form prescribed by the Office of the State Engineer and, in addition to the requirements of subsection 3 of NRS 533.380, must include, without limitation:

(a) The number of years the applicant is requesting to extend the time in which to file proof of completion or proof of beneficial use and an explanation for the amount of time requested;

(b) *If this is the first extension request, a [A]* written summary of the work performed to perfect the *appropriation since the permit was issued* ~~[beginning on the date the permit was issued];~~

(c) If the application for an extension is for a municipal or quasi-municipal use, any information required to address the factors considered by the State Engineer pursuant to subsection 4 of NRS 533.380;

(d) ~~[A written summary of any previous applications for an extension of time that have been submitted by the applicant since December 22, 2021, which must include, without limitation, the number of years granted for each previous application filed;]~~

~~[(e)]~~ If any previous application for an extension of time has been granted, a detailed written summary of the work actually performed during the previous extension period and evidence documenting the work performed during the previous extension period, ~~[which may include, without limitation, receipts, photographs, construction plans or any other evidence of reasonable diligence in the construction of work or applying water to beneficial use];~~

~~[(f)]~~ (e) A detailed written *plan* ~~[explanation]~~ of the work expected to be performed *during each year within the extension period requested* ~~[the extension is granted];~~

~~[(g)]~~ (f) Any meaningful action taken by the applicant to perfect the appropriation as described in NAC 533.480;

~~[(h)]~~ (g) Any other information that the applicant believes demonstrates the need for the extension; and

~~[(i)]~~ (h) Any other information requested by the State Engineer.

2. The State Engineer will not consider any protest or objection to an application for an extension of time.

Sec. 4. NAC 533.480 Determination of good faith and reasonable diligence to perfect appropriation.

1. When considering whether an applicant has demonstrated good faith and reasonable diligence to perfect an appropriation as required by NRS 533.380, the State Engineer will consider evidence of the applicant's steady application of effort towards perfecting the appropriation and any other *affirmative and meaningful* action taken by the applicant towards perfecting the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances that are submitted by the applicant, ~~[including, without limitation:]~~ *and the State Engineer will consider any statement of intent to place the water to beneficial use in the future as demonstrating good faith only if such a statement is corroborated with actual evidence.*

2. *Affirmative and meaningful actions include, without limitation:*

(a) *Efforts to physically construct, maintain, or upgrade the works of diversion or system for transporting, distributing, and applying water.*

(b) *Installation of suitable measuring devices as required by the terms of the permit to appropriate water.*

(c) *Placement of the water to beneficial use in accordance with the terms of the permit to appropriate water, especially increases of use over time.*

(d) *Obtaining or actively pursuing permits, licenses, or other approvals required by any federal, state, or local agency.*

(e) *Obtaining or actively pursuing legal access to the place of diversion or place of use such as public lands.*

~~[(a)]~~ For all manners of use, as applicable:

~~— (1) The drilling and equipping of a well at the point of diversion;~~

~~— (2) The installation of a meter at the location of discharge of the well;~~

~~— (3) The installation of pipes or ditches to convey water to the place of use;~~

~~— (4) The installation of a headgate, weir, dam or other diversionary structure at the point of diversion;~~

~~— (5) The improvement of a spring;~~

~~—— (6) The placement of a portion of the water to beneficial use in accordance with the terms of the permit to appropriate water;~~
~~—— (7) Actions undertaken to complete the permitting or licensing requirements of any federal, state or local agency; and~~
~~—— (8) Any other action considered by the State Engineer to constitute significant progress in the perfection of a water right;~~
~~—— (b) For commercial use, the construction of infrastructure and facilities;~~
~~—— (c) For construction use:~~
~~—— (1) The number of trucks filled from a standpipe for dust control or compaction; and~~
~~—— (2) The progress of all projects where the water for which the permit has been issued is used;~~
~~—— (d) For domestic use, any activity performed in preparation for the construction of a single family residence or an accessory dwelling unit, including, without limitation, drafting construction plans, applying for permits to build or securing easements;~~
~~—— (e) For industrial, utility, mining, milling or dewatering use, the construction of facilities, including, without limitation, foundations, buildings, power plants, processing plants, piping and instrumentation;~~
~~—— (f) For irrigation use:~~
~~—— (1) The installation of sprinklers, wheel lines, pivots or other components of an irrigation system; and~~
~~—— (2) The construction of ditches, berms, check dams or any other structure used to deliver and control water on the field within the place of use;~~
~~—— (g) For supplemental irrigation use, the irrigation performed under the primary right to appropriate water;~~
~~—— (h) For municipal or quasi-municipal use:~~
~~—— (1) The number of completed units in the subdivision or water system;~~
~~—— (2) The dedication of a right to appropriate water to a subdivision, parcel or tract and the recording of the associated map within the place of use;~~
~~—— (3) Whether the application is consistent with the water resource plan required pursuant to NRS 278.0228; and~~
~~—— (4) The granting of any state or local approval, including, without limitation, approval from the Public Utilities Commission of Nevada;~~
~~—— (i) For recreational use, the construction of any infrastructure necessary for recreational purposes; and~~
~~—— (j) For stockwater or wildlife use:~~
~~—— (1) The construction of wind turbines, solar panels, diesel engines or any other power sources;~~
~~—— (2) The construction of pipes, float valves, troughs, spring boxes or any similar device;~~
~~—— (3) The placement of livestock on the land to which the livestock is appurtenant in accordance with the requirements of chapter 533 of NRS; and~~
~~—— (4) The securing of access to public lands through the appropriate agency.~~
~~—— 2. As used in this section, “supplemental irrigation use” means the use of an additional appropriation of water for irrigation purposes which does not exceed the total duty of the existing~~

~~appropriation of water to supplement the existing appropriation at the place of use of the existing appropriation during a period when the full amount of the existing appropriation is unavailable.]~~

Sec. 5. NAC 533.490 Review by State Engineer of application.

In reviewing an application for an extension of time to file proof of completion or proof of beneficial use submitted pursuant to NRS 533.380, the State Engineer will consider, without limitation:

1. ~~[The number of prior applications for an extension of time submitted by the applicant since December 22, 2021;]~~

~~[2.]~~ The consistent, measurable efforts of the applicant to perfect the appropriation, including, without limitation:

(a) Whether the applicant has consistently completed the actions to perfect the appropriation set forth by the applicant in previous applications for an extension;

(b) Any meaningful actions set forth in NAC 533.480 taken by the applicant to demonstrate his or her good faith and reasonable diligence to perfect the appropriation; ~~[and]~~

(c) Any explanation provided by the applicant for his or her failure to perfect the appropriation by the date set forth in his or her permit or previous application for an extension; *and*

(d) Whether the delays to perfect the appropriation are incident to the efforts required to place the water to beneficial use.

~~[3.]~~ (2) The number of years for which the applicant is requesting an extension;

~~[4.]~~ (3) Whether the applicant has demonstrated good faith and reasonable diligence in constructing works and placing water to beneficial use;

~~[5.]~~ (4) Whether the hydrographic basin in which the permit to appropriate water has been issued has been designated a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110 or whether there is a groundwater management plan for the basin approved by the State Engineer pursuant to NRS 534.037;

~~[6.]~~ (5) Whether the application is subject to any order of the State Engineer;

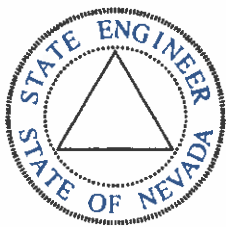
~~[7.]~~ (6) Any regulatory or economic conditions or natural disasters which make the applicant unable to construct the works and place water to beneficial use;

~~[8.]~~ (7) Any actions taken by the applicant to comply with an order of the State Engineer; and

~~[9.]~~ (8) Any other information the State Engineer determines is relevant.

Sec. 6. NAC 533.500 Review of regulations by Division of Water Resources.

The Division of Water Resources of the State Department of Conservation and Natural Resources will review the provisions of NAC 533.390 to 533.500, inclusive, at least once every ~~[3]~~ 5 years to determine whether the provisions of NAC 533.390 to 533.500, inclusive, should be amended or repealed.



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SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

October 15, 2025

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

A Small Business Impact Survey was distributed on September 23, 2025, to municipal chambers of commerce, trade organizations, and individuals subscribed to the Division's regulation listserv. A link to the survey along with a copy of the small business impact statement survey was also posted on the Division's website.

The survey included a summary of the proposed regulation changes and began asking whether respondent's business met the definition of a small business. If the respondent qualified, they were prompted to answer the following questions.

1. If enacted, will the proposed changes to NAC 533 have a direct adverse economic effect upon your business?
2. Will the proposed regulation have any direct beneficial effect upon your business?
3. Do you anticipate any indirect adverse effects upon your business as a result of this proposed regulation?
4. Do you anticipate any indirect beneficial effects upon your business as a result of this proposed regulation?

Depending on their responses, respondents were asked to provide additional information, including estimated monetary impacts, if applicable.

The Division received seven responses to the questionnaire; however, three respondents reported having more than 150 employees and therefore did not qualify as a small business for the purpose of the survey. The table below summarizes the responses from the four qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	2	2	0
No	2	2	2	4

The survey results were mixed results; however, the follow-up responses provided additional insight.

Question 1 – Direct Adverse Economic Effect

Respondents who answered "Yes" cited the following concerns:

1. The complexity of the regulation has added substantial costs.
2. The cancellation of permits will have a negative impact to their business.

Question 2 – Direct Beneficial Effect

Respondents who answered "Yes" noted:

1. The proposed changes would allow for their small business to operate more efficiently.
2. The new Extension of Time forms would be less time-consuming. The current form has 29 questions which takes a significant amount of time to complete.

Question 3 – Indirect Adverse Effects

The responses were exactly the same as the responses in question 1.

Question 4 – Indirect Beneficial Effects

No respondents identified indirect benefits.

Based on the responses received, it appears that one respondent was commenting on the current extension of time regulations and forms. The Division's proposal removes certain regulations which in turn will reduce the amount of time required to provide the information required by the existing regulations.

Another respondent expressed concern about the cancellation of rights. This regulation pertains to requirements for submitting an extension of time. The cancellation process is governed by NRS 533.390, 533.395 and 533.410, and is not addressed in this regulation.

The remaining two responses acknowledged that the proposed regulations and updates forms would reduce costs and administrative burden and they expressed support for the proposed updates.

2. **The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

The Division estimates that the proposed amendments to existing regulations do not pose a significant direct or indirect economic burden on small businesses because the proposed amendments reduce the information required to be submitted to request an extension of time.

3. **Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Division will hold a public workshop to accept public comments as described above. Comments received to both the Small Business Impact Survey and any that are received

during the workshop will be considered with the proposed regulations to account for and minimize impacts on businesses.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There are no anticipated costs for the Division.

5. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulation does not create a new fee or increase an existing fee.

6. An explanation of why any duplicative or more stringent provisions other than federal, state or local standards regulating the same activity are necessary.

Not applicable.

7. Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

The Division concluded that the proposed amendments to NAC 533 are not expected to have a significant adverse impact on small businesses. The changes aim to clarify and streamline the process for requesting an extension of time to perfect a water right, reducing administrative burden and improving efficiency. Feedback from a Small Business Impact Survey was mixed; however, concerns raised were either unrelated to the proposed changes or based on misunderstandings. Two respondents noted potential benefits, including simplified forms and reduced time to complete requests. Overall, the amendments are expected to support small businesses by making regulatory compliance more straightforward and less burdensome.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,



Adam Sullivan
State Engineer

