

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Nevada Division of Water Resources

LCB File No. R012-26

The Nevada Division of Water Resources (Division) will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 534 of the Nevada Administrative Code.

Date: May 19, 2026

Time: 10:00am

Location: Nevada Division of Resources
Bryan Building, Tahoe Conference Room
901 S. Stewart St., 2nd floor
Carson City, NV 89701

Virtual: Click or type the shortcode to access the meeting:

Link:

<https://teams.microsoft.com/meet/265973723532618?p=ntoRaJ6XYw9WfLFMk1>

Meeting ID: 265 973 723 532 618

Passcode: zJ7rg3iN

Or call in (audio only): (775) 321-6111

Phone Conference ID: 158 224 081#

The following information is provided pursuant to the requirements of NRS 233B.0603:

- 1. The need for and the purpose of the proposed regulation or amendment:** The Division is proposing to amend portions of NAC 533.390 through 533.500. Under NAC 533.500, the Division is required to review these regulations at least once every three years. The proposed amendments are intended to carry out the provisions of Assembly Bill 62 (2019), which directed the State Engineer to adopt regulations necessary to implement NRS 533.380. The Division's efforts on the regulatory update are centered on establishing regulations that apply broadly across all manners of use that also make the extension of time process and forms easier to navigate for the public. Additionally, the Division has made a major effort to streamline forms and reduce the burden on the public by reducing the number of forms and questions required to be answered in each form. However, some of these form changes require a regulatory update to remove some of the form requirements established in the current regulations.

2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

The proposed regulation is not temporary.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

a. Both adverse and beneficial effects; and

- **On business:** There are no adverse or beneficial economic effects of the regulation on the business that it regulates.
- **On the public:** There are no adverse or beneficial economic effects of the regulation on the public.

b. Both immediate and long-term effects.

- **On business:** The regulations do not require as much information already in the record to be submitted to the agency, which in turn will provide for quicker review on extension requests.
- **On the public:** The regulations allow for the extension of time forms to be shortened which puts less burden on the public.

4. The methods used by the agency in determining the impact on a small business.

A Small Business Impact Survey was distributed through the Division's regulation listserv on September 23, 2025. A link to a Microsoft Forms survey was provided, with responses requested by October 9, 2025. The listserv includes 106 individuals, and the Division received seven responses. Four respondents indicated that they met the definition of a small business; three did not.

Of the four small business respondents, two reported that the proposed regulation would have an impact and two reported no impact. After reviewing the comments submitted by those indicating an impact, the Division determined that the concerns raised were not related to the provisions addressed in the proposed regulation. Two respondents also noted potential benefits, stating that the proposed changes would enable their businesses to operate more efficiently and reduce the time required to comply.

The Division carefully considered all comments received. Based on the feedback, and given that the comments citing impacts were unrelated to the regulation's content, the Division concluded that the proposed regulation is not expected to negatively affect small businesses. Instead, the overall input suggests that the regulation will streamline processes and support greater efficiency for businesses.

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

The Division does not anticipate incurring any additional cost resulting from the regulation.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement

explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The regulation does not overlap or duplicate any existing regulation.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required by federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation is not more stringent than federal regulation.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation does not create any new fees or increase an existing fee.

10. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.

The regulation is not temporary.

Persons wishing to comment upon the proposed action of Nevada Division of Water Resources may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, by emailing ndwr-regscomment@water.nv.gov or by mailing to the following address: Nevada Division of Water Resources, 901 S. Stewart Street Ste. 2002, Carson City, NV 89701. **Written submissions must be received by the Nevada Division of Water Resources on or before May 18, 2026.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the regulation will be available at each Division office location detailed in the notice below and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Division, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Division of Water Resources website

<https://water.nv.gov/index.php/bulletinboard/regulations/well-driller-regulations/>

Nevada State Legislature website www.leg.state.nv.us/App/Notice/A/

Nevada Public Notice website <http://notice.nv.gov>

State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119

Nevada State Legislature, 401 S. Carson St., Carson City, NV 89701

Nevada State Library and Archives, 100 N. Stewart St, Carson City, NV 89701

NDWR Headquarters, 901 S. Stewart Street, Carson City, NV 89701

NDWR Elko Office, 1250 Lamoille Hwy, Suite 1047, Elko, NV, 89801

NDWR Winnemucca, 705 E. 4th Street, Suite C, Winnemucca, NV 89445

NDWR Southern Nevada Branch Office, 400 Shadow Lane, Suite 201, Las Vegas, NV 89106

Carson City Library, 900 North Roop Street, Carson City, NV 89501

Churchill County Library, 553 South Maine Street, Fallon, NV 89406

Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89119

Douglas County Library, 1625 Library Lane, Minden, NV 89423

Elko County Library, 720 Court Street, Elko, NV 89801

Esmeralda County Library, Crook Avenue & 4th Street, Goldfield, NV 89013

Eureka County Library, 10190 Monroe Street, Eureka, NV 89316

Humboldt County Library, 85 Est 5th Street, Winnemucca, NV 89445

Lander County Library, 625 South Broad Steet, Battle Mountain, NV 89820

Lincoln County Library, 63 Main Street, Pioche, NV 89043

Lyon County Library, 20 Nevin Way, Yerington, NV 89447

Mineral County Library, 110 1st Street, PO Box 1390, Hawthorne, NV 89415

Nye County Library, 701 East Street, Pahrump, NV 89048

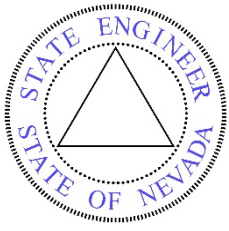
Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419

Storey County Library, 175 Carson Street, Virginia City, NV 89440

Washoe County Library, 301 S. Center Street, Reno, NV 89501

White Pine County Library, 950 Campton Street, Ely, NV 89301

Posted on: April 16, 2026



Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, Governor
Vinson Guthreau, Director
Joe Cacioppo, P.E., State Engineer

PUBLIC ADOPTION HEARING AGENDA

LCB File R012-26

May 19, 2026

Nevada Division of Water Resources
Bryan Building, Tahoe Conference Room
901 S. Stewart St., 2nd floor
Carson City, NV 89701

You may also participate via Teams or telephone at

Link: <https://teams.microsoft.com/meet/265973723532618?p=ntoRaJ6XYw9WfLFMk1>

Meeting ID: 265 973 723 532 618

Passcode: zJ7rg3iN

Call in by Phone (audio only): +1 775-321-6111

Phone Conference ID: 158 224 081#

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. REVIEW AND DISCUSSION OF LCB FILE R012-26

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

4. ADOPTION OF LCB File R012-26 (FOR POSSIBLE ACTION)

5. 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.

6. 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

Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

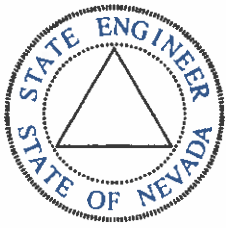
NDWR Elko Office, 1250 Lamoille Hwy, Suite 104, Elko, NV

NDWR Southern Nevada Branch Office, 400 Shadow Lane, Suite 201, Las Vegas, NV

Notice of this meeting has been posted to the Division's website at <https://water.nv.gov/posts>, Nevada Public Notice website at <https://notice.nv.gov/>, and Nevada Legislature Administrative Notices at <https://www.leg.state.nv.us/App/Notice/A/>

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/>.



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

**PROPOSED REGULATION
OF THE STATE ENGINEER**

LCB File No. R012-26

February 12, 2026

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

AUTHORITY: §§ 1-6, NRS 532.120 and 533.380.

A REGULATION relating to water; revising certain definitions relating to the appropriation of water; revising certain requirements relating to an application for an extension of time to file proof of completion or proof of beneficial use; revising certain factors that the State Engineer will consider when considering such an application; revising the timeframe in which the Division of Water Resources of the State Department of Conservation and Natural Resources must review certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Upon approving an application for a permit to appropriate water, existing law: (1) requires the State Engineer to set deadlines by which construction related to the appropriation of water must be completed and an application of water to a beneficial use must be made, respectively; and (2) authorizes the State Engineer, under certain circumstances, to extend those deadlines. Additionally, existing law requires the State Engineer to adopt regulations to carry out these provisions. (NRS 533.380)

Sections 1 and 2 of this regulation revise the definitions of certain terms relating to the measure of reasonable diligence by which an applicant to appropriate water is pursuing the perfection of the appropriation.

Existing regulations require an application for an extension of time to file proof of completion or proof of beneficial use to include certain information including: (1) a written summary of the work performed to perfect the appropriation; and (2) a detailed written explanation of the work expected to be performed if the extension is granted. (NAC 533.480)

Section 3 of this regulation instead requires the application to include: (1) for the first application submitted for an extension of time, a written summary of the work performed; and (2) a detailed written plan setting forth the work expected to be performed during each year of the requested extension. **Section 3** also eliminates the requirement that an applicant for an extension of time submit a written summary of any previous extension applications submitted since December 22, 2021.

Existing law requires an application for an extension to be accompanied by proof and evidence of the good faith and reasonable diligence with which the applicant is pursuing the perfection of the application. (NRS 533.380) Existing regulations provide that in determining

whether the applicant has demonstrated good faith and reasonable diligence, the State Engineer will consider certain evidence of meaningful action taken towards perfecting the appropriation based on the manner of use of the water. (NAC 533.480) **Section 4** of this regulation instead provides that, in determining whether the applicant has demonstrated good faith and reasonable diligence, the State Engineer will consider: (1) certain evidence of affirmative and meaningful action taken by the applicant, regardless of the manner of use of the water, towards perfecting the appropriation in a reasonably expedient and efficient manner; and (2) a statement of intent to place the water to beneficial use in the future, if the State Engineer determines the statement is supported by actual evidence.

Existing regulations set forth certain factors the State Engineer will consider when evaluating whether to approve an application for extension. (NAC 533.490) **Section 5** of this regulation: (1) eliminates the requirement that the State Engineer consider the number of prior applications for an extension of time submitted by the applicant since December 22, 2021; and (2) provides that the State Engineer will also consider whether any delay in perfecting the appropriation is directly related to the efforts necessary to place the water to beneficial use in the manner intended by the permit for which the extension is sought.

Existing regulations provide that the Division of Water Resources of the State Department of Conservation and Natural Resources will review certain regulations at least once every 3 years to determine whether the regulation should be amended or repealed. (NAC 533.500) **Section 6** of this regulation instead provides the Division will review such regulations at least once every 5 years.

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

533.450 For the purposes of NRS 533.380 and 533.395:

1. “Integrated system” means a complex or unitary ~~whole~~ *system* 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.]~~ *to place water to beneficial use.*

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 is hereby amended to read as follows:

533.460 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 ~~[-pursued individually or~~

~~collaboratively to achieve a specific goal. The term includes, without limitation, a subdivision with multiple phases.],~~ *which may include, without limitation, multiple phases to fully place water to beneficial use.*

Sec. 3. NAC 533.470 is hereby amended to read as follows:

533.470 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) ~~[A]~~ *For the first application for an extension of time, a* written summary of the work performed to perfect the appropriation ~~[, beginning on the date the permit was issued;]~~ *since the State Engineer issued the permit to appropriate water;*

(c) If the application for an extension *of time* 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 ~~explanation of~~ *plan setting forth* the work expected to be performed ~~if the extension is granted;~~

~~(g)~~ *during each year of the requested extension period;*

(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 is hereby amended to read as follows:

533.480 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~~ :

(a) *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,~~ ; and

(b) *An applicant's statement of intent to place the water to beneficial use in the future if the State Engineer determines the statement is supported by actual evidence.*

2. *As used in this section, “affirmative and meaningful action” includes, without limitation:*

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

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

~~— (2) Efforts to physically construct, maintain or upgrade diversion works or systems for transporting, distributing and applying water to beneficial use;~~

(b) 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) suitable measuring devices as required by the terms of the permit to appropriate water;~~

(c) 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], especially where the use of the water increases over time;~~

(d) *Obtaining or actively pursuing permits, licenses or other approvals required by a 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}~~

(e) Obtaining or actively pursuing legal access to the place of diversion or place of use, such as 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 is hereby amended to read as follows:

533.490 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;~~

~~—2.1~~ 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 *affirmative and* meaningful ~~actions~~ *action* 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 any delay in perfecting the appropriation is directly related to the efforts necessary to place the water to beneficial use in the manner intended by the permit for which the extension is sought;

~~13.1~~ 2. The number of years for which the applicant is requesting an extension;

~~14.1~~ 3. Whether the applicant has demonstrated good faith and reasonable diligence in constructing works and placing water to beneficial use;

~~15.1~~ 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;

~~16.1~~ 5. Whether the application is subject to any order of the State Engineer;

~~17.1~~ 6. Any regulatory or economic conditions or natural disasters which make the applicant unable to construct the works and place water to beneficial use;

~~18.1~~ 7. Any actions taken by the applicant to comply with an order of the State Engineer;
and

~~19.1~~ 8. Any other information the State Engineer determines is relevant.

Sec. 6. NAC 533.500 is hereby amended to read as follows:

533.500 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 ~~13~~ 5 years to determine whether the provisions of NAC 533.390 to 533.500, inclusive, should be amended or repealed.