

DRAFT

BILL NO. 2010-21

NYE COUNTY ORDINANCE NO. \_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code Chapter 16.20, Division of Land, by amending section 16.20.190 E.2.a., Development Standards, by amending water rights requirements within all areas of Nye County with the exception of the Pahrump Regional Planning District, and other matter property related thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE CHAPTER 16.20, DIVISION OF LAND, BY AMENDING SECTION 16.20.190 E.2.A., DEVELOPMENT STANDARDS, BY AMENDING WATER RIGHTS REQUIREMENTS WITHIN ALL AREAS OF NYE COUNTY WITH THE EXCEPTION OF THE PAHRUMP REGIONAL PLANNING DISTRICT, AND OTHER MATTER PROPERTY RELATED THERETO.

WHEREAS, pursuant to NRS 278.020, for the purpose of promoting the health, safety, morals or the general welfare of the residents of Nye County, the Nye County Board of County Commissioners is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

WHEREAS, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

WHEREAS, pursuant to NRS 278.326, the Board of County Commissioners is required to enact ordinance(s) prescribing regulations which, in addition to--but not in conflict with--the provisions of NRS 278.010 to 278.630, inclusive, govern matters of improvements, mapping, accuracy, engineering and other subjects related to the division of land within Nye County;

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

NYE COUNTY CODE CHAPTER 16.20 is hereby amended as follows:

E. Water:

1. The water source shall be adequate to provide a continuous supply that is potable and in no way harmful or dangerous to health. Importation and storage of water is not considered an adequate water supply.

2. Water Rights Required. The following shall apply to properties that are being divided pursuant to these regulations and are located within the Amargosa Valley designated basin. (The classification of “designated basin” means that the Nevada State Engineer found there was sufficient reason for the basin to be administered in accordance with the provisions relating to designated areas).

a. Water Rights. Because of concerns pertaining to water in Nye County, certificated water rights in the amount of two (2) acre feet for each additional parcel created excluding the existing parcel (i.e., 5 acres divided into 4 parcels requires six (6) acre-feet, or 3 new lots x 2 acre-feet per lot) that is four and one half (4.5) acres gross or under in area shall be relinquished ~~through to~~ the Nevada State Water Engineer’s office, [Division of Water Resources](#). The costs associated with acquiring the water rights and relinquishments shall be borne by the applicant. This requirement shall be made a condition of approval of a parcel map.

Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Proposed by \_\_\_\_\_

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Vote:                   Ayes:                   Commissioners:

Nays:                   Commissioners:

Absent:                Commissioners:

BY: \_\_\_\_\_

Gary Hollis, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Sandra “Sam” Merlino  
Clerk and Ex-Officio  
Clerk of the Board